

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 2 on Tuesday 9th
August, 2016 at 5.45p.m.**

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

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

1st August, 2016

Item 3

Development Control (South Sunderland) Sub-Committee

9th August 2016

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 16/00509/FUL
Adjacent Site Of Former Public House Portsmouth Road Sunderland SR4 9AS
2. 16/00715/FUL
30 Rachel Close Sunderland SR2 0AF
3. 16/00789/FUL
Land At Scotia Quay/North Of Low Street Sunderland
4. 16/00958/LB4
Barnes Infant School Mount Road Sunderland SR4 7QF
5. 16/01210/LAP
Grindon Mews Nookside Sunderland SR4 8PQ
6. 16/00388/HY4
Chapelgarth, South of Weymouth Road, Sunderland

COMMITTEE ROLE

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

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Alison Fellows

Executive Director of Commercial Development

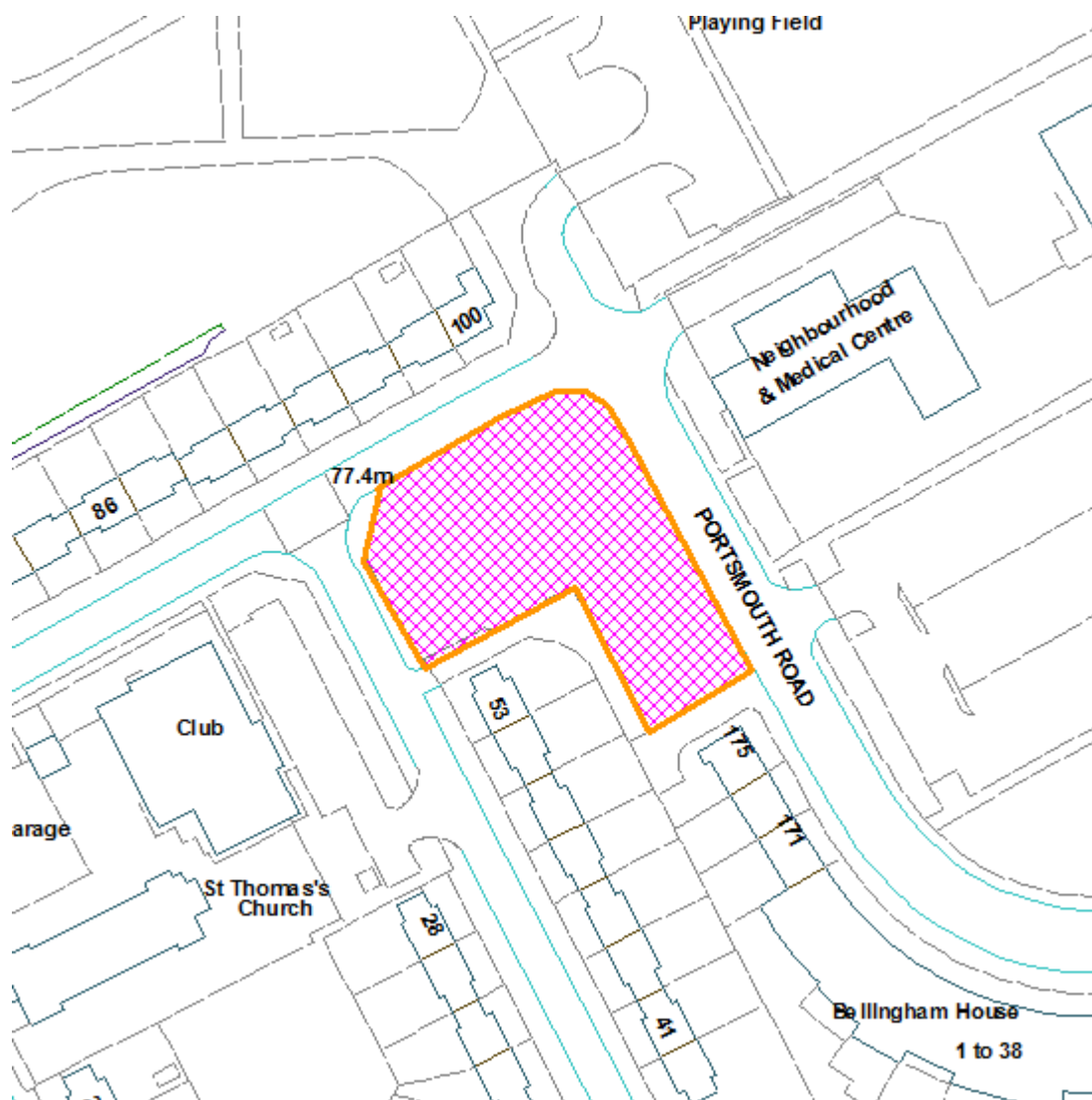
Reference No.: 16/00509/FUL Full Application

Proposal: **Erection of 9no dwellings with associated parking and stopping up of highway. (Amended description)**

Location: Adjacent Site of Former Public House Portsmouth Road Sunderland SR4 9AS

Ward: St Annes
Applicant: Mr D Carter
Date Valid: 19 April 2016
Target Date: 19 July 2016

Location Plan



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PROPOSAL:

The application seeks approval for the erection of 9 dwellings with associated parking and stopping up of the highway. It should be noted that the description has been amended to reflect a reduction of 1 dwelling due to concerns expressed over the density and layout of the development.

The roughly rectangular site equates to approximately 1,500m² and occupies a position on the corner of Portsmouth Road and Parkhurst Road in Pennywell. The vacant parcel of land, which falls on a south to north axis in line with the gradient of Portsmouth Road, currently comprises a mixture of grass and hard standing and was formerly home to the Eagle Public House.

The surrounding area is predominantly residential in character although Pennywell shopping precinct and the Academy 360 School sit within close proximity to the east and north respectively.

In 2008 planning permission was granted for the erection 4 apartments and 9 terraced houses (Planning ref: 07/04795/FUL) whilst a further application was approved in 2009 for the erection of 16 Residential Units (08/03827/FUL).

The proposed layout comprises three blocks of two storey dwellings. Blocks 1 and 2 would be positioned to the north of the site fronting onto Parkhurst Road whilst block 3 would be positioned to the east of the site fronting onto Portsmouth Road. Each property would be afforded front and rear gardens and an off-street parking space whilst a further three visitor parking bays are shown to be accessed from Petersfield Road to the west.

The properties are proposed to be constructed out of a combination of red facing brickwork and white through coloured render with grey roof tiles.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Gentoo Group Ltd.
St Annes - Ward Councillor Consultation
Network Management
Flood and Coastal Group Engineer
Director of Children's Services
Environmental Health
Northumbrian Water
Southern Area Command - Police

Final Date for Receipt of Representations: **27.05.2016**

REPRESENTATIONS:

Neighbour representations -

No representations have been received as a result of the neighbour consultation letters issued, the site notice posted, or the press notice published.

Network Management -

The proposed parking bays should be positioned more evenly throughout the site to avoid conflict with the mini-roundabout on the corner of Portsmouth Road and Parkhurst Road. Areas of wide footway surrounding the site will require Stopping Up under Section 247 of The Town & Country Planning Act 1990 and further upgrade works will need to be carried out to the adopted highway under Section 278.

Environmental Health -

Comments have been received regarding the submitted desk top study. It has been advised that conditions in respect of a Phase 2 Ground Investigation and development of a Remedial Strategy and Verification Plan/Report (if required) as well as a condition for unexpected contamination, be attached to any consent granted.

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and to ensure impacts on the amenity of residents are minimised, it is recommended that a condition be attached to any consent granted which requires the provision of a Construction Environmental Management Plan.

Northumbrian Water -

It has been requested that greater clarification be provided as to the management of surface and foul water from the development. In this respect it has been requested that a condition requesting such details should be submitted if the application is to be approved.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

H_1_Provision for new housing

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

Policy Implications

In order to assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Residential Design Guide Supplementary Planning Document (SPD), both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

The main issues to consider in the determination of this application are as follows:

1. Principle of development
2. Scale, massing and layout
3. Highway Implications

1. The principle of development

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is further set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The land is not allocated for a particular use in the UDP and therefore policy EN10 is applicable. This states 'all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood'.

In addition Policy H1 (New Housing Provision) of the UDP, seeks to ensure that sufficient new housing is provided which will maximise locational choice, caters for reduced out migration and increasing household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land.

Policy R2 of the UDP, Resource Utilisation, states that in considering proposals for new development the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure minimises the need for travel and makes use of vacant and derelict land.

In respect of the above it is clear that the site has been considered to be appropriate for residential development in previous years and would facilitate the re-use of vacant brownfield land within a sustainable location characterised by residential dwellings. The use of the land for residential development is therefore considered to be acceptable in principle and in accordance with the provisions of policies EN10, H1 and R2 of the UDP.

2) Scale, massing, layout and design

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

As has been noted at the beginning of this report, it was considered that the original layout of the proposal was overly intensive with the proposed dwelling positioned on the corner of Portsmouth Road and Petersfield Road being of particular concern. Spacious corner plots are a characteristic of the general area and the aforementioned property was shown to extend close to the pedestrian footpath and project notably beyond the established front building line of the properties on Petersfield Road. In light of the above concerns the agent has reduced the quantum of development to 9 dwellings and a revised layout has been submitted.

The proposed dwellings are all two storey in scale and are laid out in three separate blocks. Blocks 1 and 2 would front on to Parkhurst Road and would be afforded front and rear gardens and in-curtilage driveways whilst the end properties siding onto Portsmouth Road and Petersfield Road would benefit from spacious corner garden areas. Block 3 would front on to Portsmouth Road with front and rear garden areas provided. Dedicated parking for these properties would be located off the north western gable accessed from Portsmouth Road.

The overall scale and massing of the proposed dwellings is considered to be commensurate with the surrounding properties and appropriate to the location whilst the use of render and staggered ridgelines on blocks 1 and 2 would serve to break up the built form and add architectural interest to the development. The ridgelines and floor levels of block 3 would drop in line with the gradient of Portsmouth Road.

In terms of boundary treatment the plans indicate that a lowered 900mm close board fence would delineate the garden areas to the front whilst a greater degree of privacy would be afforded for the rear gardens through the erection of 1.8m high close board fencing.

Notwithstanding, specific details of all materials and proposed boundary treatments would be required to be submitted for approval via condition should the application be approved.

In terms of the developments impact on the amenity of surrounding properties the main constraints are presented by the opposing semi-detached dwellings on Parkhurst Road to the north and the semi-detached properties fronting Petersfield Road to the west. Based on the submitted plans, spacing of just over 22.5m would be retained between the front elevation of No.98 and the principal elevation of block 1, whilst just over 21.5m spacing would be retained between the rear elevation of block 3 and the rear elevations of No's 51 and 53 Petersfield Road. These distances are in accordance with the spacing standards laid out within the City Council's Residential Design Guide and are deemed to be sufficient to mitigate any undue harm to the living conditions of existing and proposed occupants in terms of reduced sun/daylight, overshadowing, visual intrusion or a loss of privacy.

On the basis of the above, it is considered that the scale, massing and layout of the proposed development is appropriate within the context of the setting and would not demonstrably harm the amenity of neighbouring occupiers, in accordance with UDP policies B2 and paragraphs 17, 56 and 57 of the NPPF.

3. Highway implications

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided

Sufficient parking would be provided within the confines of the site with one space per dwelling and three visitor bays proposed. The reconfigured layout plan has allowed the parking to be distributed more evenly throughout the site with the visitor parking bays relocated on Petersfield Road. No objections have been received by the Network Management Section on this basis.

Section 278 works will be required within the adopted highway to up-grade the footways around the perimeter of the site and for the construction of footway crossings to the properties. All redundant access points around the perimeter of the site will need to be re-instated to public footway whilst the rear lane will be required to be up-graded to an adoptable standard and light. These works

On the basis of the above, the development is considered to accord with the provisions of policies T14 and T22.

Conclusion

The development would involve the re-use of vacant brownfield land within a sustainable and predominantly residential location whilst contributing towards the City's housing land supply. Further, the proposed scale, massing layout and design is considered to be appropriate within the

context of the area without impinging on the living conditions of existing nearby residential occupiers.

As such, Members are recommended approve the application subject to the provision of the conditions outlined 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:

Members are recommended approve the application subject to the provision of the conditions outlined 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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The floor plans, roof plans and elevations received 30.03.2016 (Plan ref's; AL (00) 0120, AL (00) 0121, AL (00) 0122, AL (00) 0123, AL (00) 0130, AL (00) 0131, AL (00) 0132, AL (00) 0133.

The amended floor plans, roof plans, elevations received 29.06.2016 and the amended site plan received 20.07.2016 (Plan ref's; AL (00) 0110, AL (00) 0111, AL (00) 0112, AL (00) 0113 and AL (00) 0101.

The location plan received 30.03.2016 (Plan ref AL (00) 1000)

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 Notwithstanding any specifications on the submitted plans full details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

5 No development shall commence until a site plan detailing the existing and proposed ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details. In light of the sloping nature of the site and in order to protect the amenity of the area in accordance with policy B2 of the Unitary Development Plan.

6 The development shall not commence until details of all hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include planting plans and specifications/schedules of all hard surface treatment including driveways, parking bays and access roads.

The approved soft landscape works shall be completed no later than the end of the first planting season following the first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established. In the interests of protecting the amenity of the area and to comply with policy B2 of the adopted Unitary Development Plan.

7 The construction works required for the development and any deliveries made to the site shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN10 and T14 of the Unitary Development Plan.

9 The development shall not be brought into use until the car parking indicated on the approved site plan, including the visitor spaces contained therein, has been hard surfaced, sealed and marked out in accordance with the approved details. Thereafter, the car parking shall be retained as such and shall not be used for any purpose other than for the parking of vehicles associated with the development. In the interests of highway safety and to accord with policy T22 of the Unitary Development Plan.

10 The development shall not commence until a detailed scheme for the disposal of surface and/or foul water from the development hereby approved has been submitted to and approved by the Local Planning Authority. Thereafter development shall not be brought into use until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

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

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

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

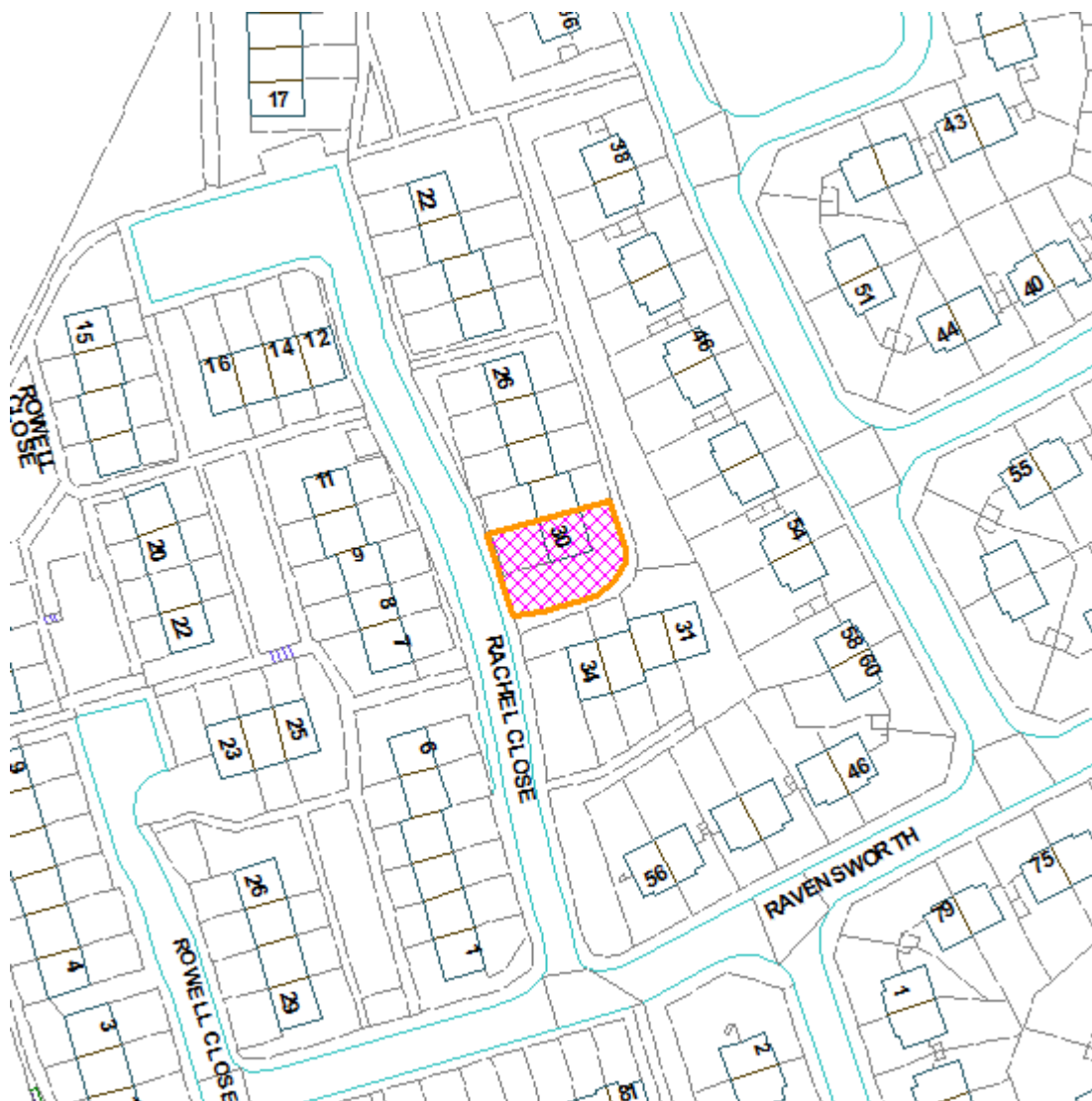
4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.

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

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

Reference No.: 16/00715/FUL Full Application**Proposal:** **Erection of a single storey extension to side and rear.****Location:** 30 Rachel Close Sunderland SR2 0AF**Ward:** Doxford
Applicant: Mr Stephen Mould
Date Valid: 27 May 2016
Target Date: 22 July 2016

Location Plan

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PROPOSAL:

The property to which the application relates is a two-storey dwelling which forms the southern end of a residential terrace in an estate comprising terraced and semi-detached properties. The host dwelling has a gabled and a lean-to front porch and is finished with facing brickwork. The front garden is open-plan, as per all but one of the properties in the terrace, and the side/rear garden is enclosed by high close-boarded timber fencing and planting. The site inclines from front to rear and this section of Rachel Close slopes upward from north to south. A two-storey terrace exists to the south which fronts onto the application site and those in this terrace which face directly onto the site, nos. 33 and 34 Rachel Close, are situated some 14.8m away from, and slightly higher than, the host dwelling. Vehicular highway runs along the rear (west) of the site and a public footway runs along the front and side.

Planning permission is sought to erect a single-storey extension to the side and rear of the host property to provide an additional bedroom with en-suite and an open-plan kitchen / breakfast room.

The proposed extension is set flush with the front and projects 3m beyond the rear building line of the host dwelling, effectively wrapping around the corner of the building. The extension would have a width of 4m, measured along its front, and would be situated approximately 650mm from the south side, 3.6m from the north side and 5.4m from the rear boundary of the site. A hipped roof would be provided with an eaves height of 2.4m and a maximum ridge height of 3.6m, incorporating a gable end to its northern section. A single window would be provided in each the front and rear elevations, a set of glazed doors would be provided in the rear and no openings would be provided in either side of the extension.

It is noted that applications of this nature are normally determined under the powers delegated to the Executive Director of Commercial Development, however this application has been referred for determination by the Development Control Sub-Committee at the request of Councillor Colin English. The reasons given by Councillor English for this request relate to concerns raised by an objector to this application (see below) that their representations have not been fully investigated and a claim that the objector was informed by an officer in the Council's Development Control section that the application would be determined by the Sub-Committee.

An application for planning permission was submitted in January 2016 (ref. 16/00076/FUL) to erect a two-storey extension to the side of the host property and was subsequently withdrawn following concerns raised by the Council, as Local Planning Authority, that such a form of development would be detrimental to the amenity of nos. 33 and 34 Rachel Close.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management

Final Date for Receipt of Representations: **28.06.2016**

REPRESENTATIONS:

One representation has been received, submitted by a resident of no. 33 Rachel Close in objection to the application, wherein the following concerns are raised:

1. The proposal would contravene Protocol 1 Article 1 of the European Convention on Human Rights 1998, which relates to the entitlement to the peaceful enjoyment of one's possessions, for the reasons set out below.
2. The proposal would restrict the amount of light afforded to the living room and both bedrooms of no. 33 Rachel Close.
3. The proposed extension would compromise the privacy afforded to no. 33 and would be situated only 9.5m from this neighbouring dwelling.
4. The submitted plans are inaccurate in that they indicate the maximum width of the public footway dividing nos. 30 and 33 Rachel Close as 2m, whereas its maximum width is actually 1.7m.
5. The window to be provided in the front of the proposed extension would compromise the privacy afforded to no. 33 and the proposal would pose a view of excessive brickwork from the curtilage of this neighbouring property.
6. The proposal would pose significant overshadowing of no. 33.
7. The layout, density, design, appearance and character of the proposed extension is not in-keeping with those of the local area.
8. Planning permission has previously been refused to erect a fence on the current application site, which creates the possibility of the existence of a restrictive covenant.
9. The proposal would pose additional noise disturbance on no. 33 by virtue of being situated closer to this neighbouring property.

In response to these points, Members are advised as follows:

1. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, as set out by section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 and acknowledged by paragraph 2 of the National Planning Policy Framework. The Council's adopted Unitary Development Plan (the "UDP") includes policies aimed at protecting the amenity of residents, so is not considered to conflict with this or any other European directive or legislation.
2. This issue will be addressed subsequently in this report.
3. Whilst the impact of the proposal on the privacy afforded to no. 33 will be considered and addressed below, it is noted that a distance of approximately 14.8m exists between no. 33 and the host dwelling, as was measured on site in the presence of the objector. Therefore, the proposed extension, with a sideward projection of 4m, would be situated 10.8m from no. 33.
4. This measurement is not considered to be crucial to the determination of the application, however it has been noted that the originally submitted plans contained some inaccuracies, which

have subsequently been addressed; given that these did not fundamentally alter the proposed development it was not considered necessary to notify neighbouring residents of such amendments.

5-7. These issues will be addressed subsequently in this report.

8. No such application for planning permission has been submitted and any potential restrictive covenant is not considered to be material to the planning merits of this application.

9. Given that the proposal constitutes a residential extension it is not considered likely to pose any significant levels of noise and no evidence has been provided to the contrary.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

The main issue to consider in assessing this application is the impact of the proposal on the visual amenity of the street scene and the amenity of neighbouring residents.

Visual Amenity

Policy B2 of the UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy'.

Following from policy B2, section 7.3 of the adopted Household Alterations and Extensions Supplementary Planning Document (the "SPD") states that side extensions should have minimal impact on the residential amenity of neighbouring properties, should have a width which is no more than 50% of the overall width of the original dwellinghouse and should incorporate a roof slope and shape that matches the existing property.

The proposed extension, measured along its front, has a width of 4m, which equates to some 57% of the width of the original dwelling (approximately 7m), and would incorporate a hipped roof which does not match the gabled main roof of the host dwelling. The extension would be clearly visible from the footway which runs along the front and side as well as the highway which runs along the rear and it is noted that there are no other rear extensions within the terrace.

However, the proposed extension only exceeds the recommended width as set out by the SPD by some 500mm, which is not considered to be excessive relative to the width of the host dwelling and its curtilage. In addition, whilst not in-keeping with the design of that of the host dwelling, the provision of a predominantly hipped roof limits the maximum height and massing of the roof of the extension, so is considered to be an appropriate arrangement in this instance. Furthermore, the existing high close-boarded timber fencing and planting effectively screens the majority of the proposed extension from any area of public highway.

Therefore, provided that the external materials to be used match those of the host dwelling, it is not considered that the proposed extension would be detrimental to the visual amenity of the street scene.

Residential Amenity

Section 7.3 of Household Alterations and Extensions SPD goes on to advise that side extensions have a minimal impact on the residential amenity afforded to neighbouring properties whilst section 7.4 of this document states that, on terraced dwellings 'rear extensions along the common boundary will normally be limited to a maximum projection of 3m. In some circumstances it may be possible to increase with an additional 0.1m permitted for every 0.1m the extension is positioned off the boundary'. Section 7.4 also cites the '45-degree rule', which reads, 'Extensions should be designed so as not to project beyond a 45-degree line (on plan) that extends from an adjoining neighbour's nearest ground floor habitable room window, which is perpendicular to the proposed extension. The reference point is the centre of the neighbour's window to the extension'.

In addition, appendix 1 of this SPD recommends the retention of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables.

The proposed extension has rearward projections of 3m, would be set 3.6m away from the north side boundary and satisfies the '45-degree rule' when applied to the rear-facing windows of the adjoining terraced property, no. 29 Rachel Close, so accords with the SPD criteria set out above and it is therefore not considered that the proposal would compromise the outlook afforded to this neighbour. It is noted that the extension would be situated some 10.8m from nos. 33 and 34 to the south, which contain front windows serving primary habitable rooms. However, given the limited height and hipped roof design of the proposed extension together with the existence of high close-boarded fencing and planting, whilst part of the extension may be visible from the windows of these neighbouring properties, it is not considered that the outlook afforded to these windows would be significantly affected, nor would the proposed extension appear oppressive from any neighbouring property.

In respect of daylight and sunlight, it is noted that no. 29 is situated immediately to the north, however given the limited height of the proposed extension together with its distance from the common boundary it is not considered that it would pose any significant overshadowing of no. 29, nor would it appear oppressive to this neighbour. Whilst concerns of overshadowing and loss of light have been raised by the occupants of no. 33, given that this property is situated to the south together with the limited height of the extension and its distance from this neighbouring property, it is not considered that the proposal would pose any such impact on this neighbour.

Having regard to privacy, all windows would be provided in the front and rear elevations of the proposed extension and accord with the SPD spacing standards set out above and the existing high rear boundary treatment further protects the privacy afforded to neighbouring dwelling. Despite the concerns raised by the resident of no. 33, given the particularly acute angle of this property from the proposed front window it is not considered that the privacy afforded to this neighbour would be affected.

Conclusion

For such reasons, it is not considered that the proposal would compromise the amenity afforded to neighbouring residents or the visual amenity of the street scene, so accords with policy B2 of

the adopted UDP. It is therefore recommended that Members approve the application, subject to the conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

It is recommended that Members approve the application, subject to the conditions set out 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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan received 26.04.2016

Site plan received 22.07.2016

Existing and proposed floor plans received 22.07.2016

Existing and proposed elevations received 22.07.2016

Existing and proposed side elevations received 22.07.2016

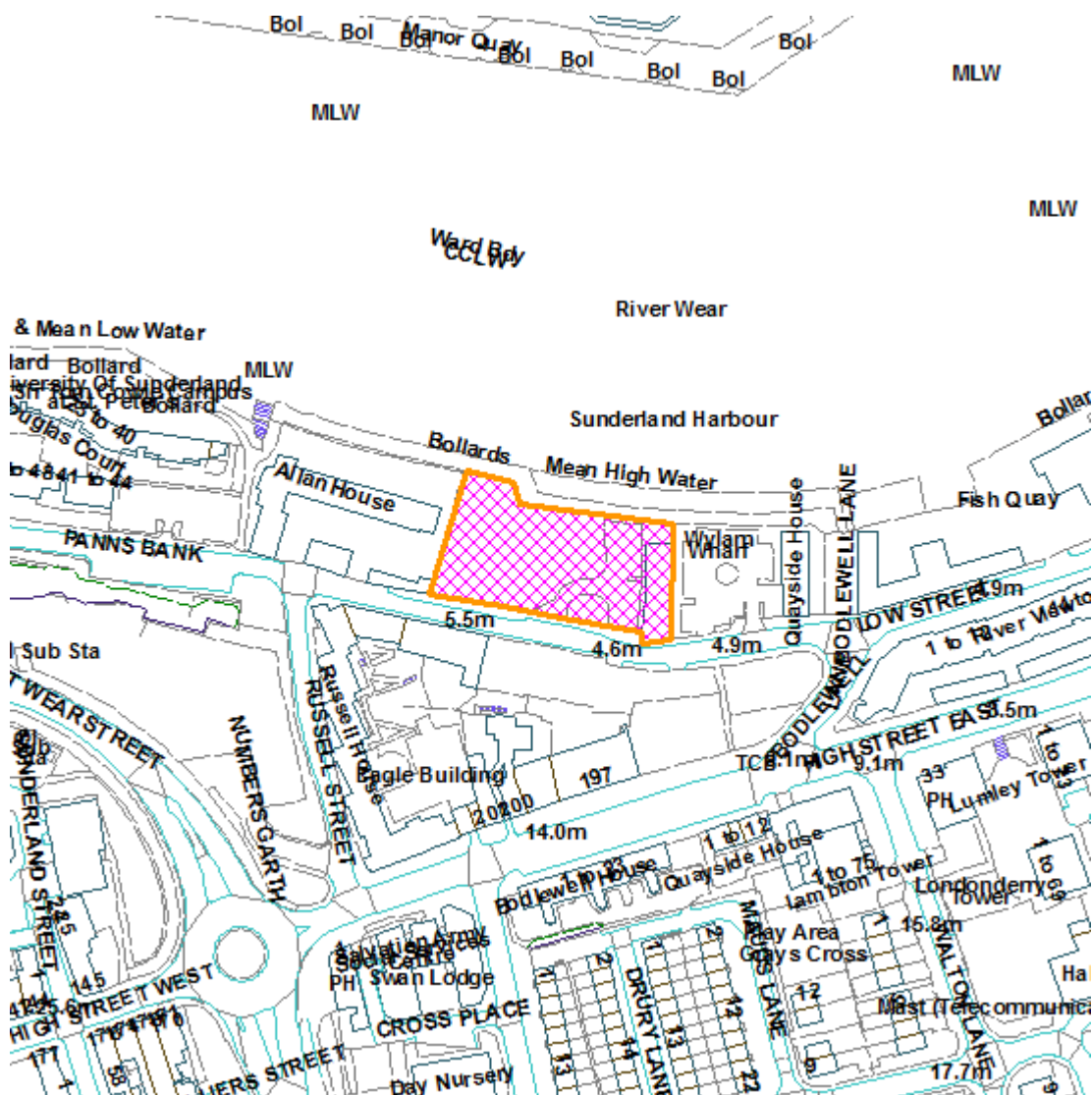
Section through site received 22.07.2016

In order to ensure that the completed development accords with the scheme approved.

3 Notwithstanding any indication of materials which may have been given in the application, 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, in the interest of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

3.	City Centre
Reference No.:	16/00789/FUL Full Application
Proposal:	Erection of office HQ building for Tombola Ltd with associated works including landscaping.
Location:	Land At Scotia Quay/North Of Low Street Sunderland
Ward:	Hendon
Applicant:	Tombola Ltd
Date Valid:	18 May 2016
Target Date:	17 August 2016

Location Plan



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PROPOSAL:

The proposal relates to the provision of a new HQ building for Tombola Ltd on land on the north side of Low Street, St Peters Riverside, Sunderland on a site which is currently vacant. Proposed is the erection of a new three storey office accommodation and associated landscaping with ancillary café and gym for employee use only.

The new headquarter building for Tombola Ltd would form a riverfront campus by integrating their current base, the Rose Line building. The new build will provide a contrasting and much needed change to their current working environment, akin to the open plan, flexible and socially enriching environments offered by large IT firms across the UK, most notably Facebook and Google. Tombola acknowledge the need to take inspiration from innovative office design to attract and retain staff within the northeast, particularly Sunderland.

The development would have floor to floor heights that comply with modern office standards. The building would be three storeys to maintain a massing sensitive of the current adjacent buildings and historic warehouses that have since been demolished within its context.

The application proposes a rectangular footprint positioned close to the western boundary to provide a central external landscaped area serving the current Rose Line building and Tombola's new HQ. The proposal would provide sufficient semi private space to host both business and community related events.

Shared social accommodation on the ground floor of the new development encourages movement and connections across the site, promoting the campus concept. A large café will front the River Wear, activating the northern edge and maximising views to the port. The main entrance to the proposed office would be just off Low Street within the landscaped campus. The proposal would also incorporate enhancement to the river frontage, with a ramped connection onto the Riverside Walk adjacent to the River Wear.

Application Site

The application site is situated in Wylam Wharf on Low Street which is located approximately half a mile north east of Sunderland City Centre, on the banks of the River Wear.

The application site is located in a prominent and sensitive location on the waterfront in the Old Sunderland Riverside Conservation Area. It has a number of listed buildings in the vicinity, those of landmark qualities include the adjacent Rose Line building and the Exchange Building on a higher level, on High Street.

The Rose Line building, (the current UK office for Tombola Ltd) is bound to the north by the River Wear, to the east by a surface car park and Quayside House, to the south by Low Street, and to the west by car parking and a vacant site, and University of Sunderland halls of residence further west.

The site, also known as Scotia Quay, which is approximately 2,685sqm is bound to the north and east by the River Wear and the Grade II listed Rose Line building respectively.

The cobbled road of Low Street lies to the south, lined with a bonded warehouse and a sparsely used private car park. The aspect is poor to the west whereby a 3m high boundary wall screens student accommodation serving Sunderland University.

The site, which lies in a conservation area, is undeveloped and has remained so for over twenty years, until recently vegetation dominated its once hardscaped appearance having previously been used as a service yard serving several warehouses lining Low Street. Prior to which it was a ship building yard during the height of the industry along the River Wear.

The planning application is also supported by the following documents which are referred to where necessary throughout this statement:

- Application forms and completed certificate of ownership
- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Ecology Report (Phase 1 habitat survey and arboriculture)
- Planning Statement
- Landscape Strategy
- Sustainability Statement
- Site Investigation Report
- Flood Risk and Drainage Assessment
- Framework Travel Plan

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Business Investment
Port Manager
English Heritage
Nexus
Fire Prevention Officer
NE Ambulance Service NHS Trust
Northumbrian Water
Southern Area Command - Police
Environment Agency
Marine Management Organisation
Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **07.08.2016**

REPRESENTATIONS:

Neighbour Representation

No representations have been received to the proposal following publicity of the application.

Consultee Responses

Environmental Health - No objections to the principle of development. However, if members are minded to grant consent conditions should be imposed in respect of Gas Risk Assessment, Foundation Options Risk Assessment, Land Contamination and Japanese Knotweed. It is also recommend that the Environment Agency should be consulted in respect of the Land Contamination.

County Archaeologist

The site lies within the medieval settlement (borough) of Sunderland.

It was the site of Ambrose Crowley's iron works in 1682, Reay's block-makers yard in circa 1790, Potts Shipbuilding Yard from the mid-19th century until 1917, and then Scotia Engine Works.

An archaeological desk based assessment was produced in 1993. A further assessment was produced in 2008.

An archaeological evaluation trench was excavated on the site in 1994. A series of structures dating from the 17th to 19th centuries were recorded, built into ballast that had been used to reclaim land from the river. The sand and gravel ballast was 3m deep. At the north end of the trench were the fragmentary remains of a stone wall running parallel with the river. The base of the wall sat below river level so it could have been an early quayside wall.

I therefore asked for two additional trenches to be excavated in advance of the submission of a planning application.

I have read the submitted archaeological evaluation report.

Two archaeological trenches were excavated. Both trenches recorded a considerable depth of overburden which comprised industrial rubble mixed with riverine silts.

Sand was found in trench 2 on the east part of the site. This appears to be a natural former shoreline.

The only finds were some shards of late 17th or 18th century pottery.

The substantial concrete foundations of the early 20th century Scotia Works have caused significant disturbance to the original ground profile and to archaeological deposits.

The archaeology report concludes that the east part of the site retains a moderate level of archaeological potential since archaeological remains were found here in 1994.

The central and east parts of the site closest to the riverside have some potential because an east-west wall was found here in 1994.

Network Management

Both a Transport Statement and Framework Travel Plan have been submitted in support of this application.

Access and Parking

Initial queries were raised in relation to the availability of parking provision for the proposed three storey office accommodation with ancillary café and gym for staff use. This proposal includes for the relocation of some staff from the local area with a number already employed within the adjacent premises so no significant intensification in traffic is anticipated. Existing parking provision in Wylam Wharf is to be retained.

There are no parking restrictions currently in force on Low Street.

The applicant is to provide six dedicated parking spaces on site for visitors with a minimum one for required disabled parking provision. Off-street parking is available along Panns Bank and also in nearby City Centre car parks. City Centre Parking permits are available and further information can be obtained by contacting the Parking Services team.

In addition to this the applicant has entered into an agreement with The Quayside Exchange to access and use the car park adjacent the proposed development on weekdays (6am to 6pm). The parking is to be available for use by staff and the need for parking monitored through the Travel Plan.

Public Transport

The site is located within close proximity to the City Centre with alternative public transport options available. This is to be supported through a Travel Plan with measurable objectives and targets.

Nexus have been consulted and have offered no comments.

Framework Travel Plan

Cycle parking is proposed within the site along with improvements to the public realm for pedestrians. The applicant offers sustainable travel incentives such as Cycle to work and Metro passes to staff. This is supported and can be monitored through a suitably worded Travel Planning condition.

Servicing and Deliveries

Refuse collection is proposed take place from Low Street with bins located in an external store next to the west elevation of the building.

Deliveries are proposed take place via a dedicated and secure area located off public highway. Numbers of deliveries are likely to be low and made by standard goods vehicles which can be accommodated within the site boundary.

Section 278 Agreement

A new vehicle access is proposed which will require alterations to public highway including the reinstatement of an existing access. The applicant will need to enter into an agreement with the Council to undertake the highway works with all costs met by the applicant.

Highway Materials

Low Street lies within a conservation area. Highway materials to be used for the new access and footway reinstatement will need to match existing and be agreed with the Council.

Construction Traffic

A suitably worded condition is recommended to control construction traffic and contractor parking through a Construction Management Plan / Scheme of Work.

Summary

Based on the above confirmation of parking provision and availability of sustainable transport options, there are no objections to the proposal on highway grounds. Two conditions are recommended to cover a Travel Plan and a Scheme of Work.

Nexus - No comment on the submitted scheme

Planning Implementation and Urban Design - No objections in principle to the development, subject to conditions in respect of materials and landscaping details should members be minded to grant consent.

Tyne and Wear Fire Authority - No objections to the proposal.

Historic England - No objections to the principle of development and supports the application on heritage grounds.

Northumbrian Water - No objections to the principle of development subject to a condition being imposed in respect of surface water drainage of members are minded to grant consent.

POLICIES:

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

R_1_Working towards environmentally sustainable development

EC_5_Sites for mixed uses

EN_5_Protecting sensitive areas from new noise/vibration generating developments

CN_18_Promotion of nature conservation (general)

B_6_Measures to preserve and enhance conservation areas

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_10_Development affecting the setting of listed buildings

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

1 The Principle of Development

2 Scale, Massing and Layout

3 Flood Risk and Drainage

4 Ecology

5 Highways

6 Land Contamination and Ground works

Summary of the Application Site

The application site is located in a prominent and sensitive location on the waterfront in the Old Sunderland Riverside Conservation Area. It has a number of listed buildings in the vicinity, those of landmark qualities include the adjacent Rose Line building and the Exchange Building on a higher level, on High Street.

The Rose Line building, (the current UK office for Tombola Ltd) is bound to the north by the River Wear, to the east by a surface car park and Quayside House, to the south by Low Street, and to the west by car parking and a vacant site, and University of Sunderland halls of residence further west.

The site, also known as Scotia Quay, which is approximately 2,685sqm is bound to the north and east by the River Wear and the Grade II listed Rose Line building respectively.

The cobbled road of Low Street lies to the south, lined with a bonded warehouse and a sparsely used private car park. The aspect is poor to the west whereby a 3m high boundary wall screens student accommodation serving Sunderland University.

The site, which lies in a conservation area, is undeveloped and has remained so for over twenty years, until recently vegetation dominated its once hardscaped appearance having previously been used as a service yard serving several warehouses lining Low Street. Prior to which it was a ship building yard during the height of the industry along the River Wear.

1 The Principle of Development

The proposal relates to the provision of a new HQ building for Tombola Ltd on land on the north side of Low Street, St Peters Riverside, Sunderland on a site which is currently vacant. Proposed is the erection of a new three storey office accommodation and associated landscaping with ancillary café and gym for employee use only.

The new headquarter building for Tombola Ltd would form a riverfront campus by integrating their current base, the Rose Line building. The new build will provide a contrasting and much needed change to their current working environment, akin to the open plan, flexible and socially enriching environments offered by large IT firms across the UK, most notably Facebook and Google. Tombola acknowledges the need to take inspiration from innovative office design to attract and retain staff within the northeast, particularly Sunderland.

The development would have floor to floor heights that comply with modern office standards. The building would be three storeys to maintain a massing sensitive of the current adjacent buildings and historic warehouses that have since been demolished within its context.

The application proposes a rectangular footprint positioned close to the western boundary to provide a central external landscaped area serving the current Rose Line building and Tombola's new HQ. The proposal would provide sufficient semi private space to host both business and community related events.

Shared social accommodation on the ground floor of the new development encourages movement and connections across the site, promoting the campus concept. A large café will front the River Wear, activating the northern edge and maximising views to the port. The main entrance to the proposed office would be just off Low Street within the landscaped campus. The proposal would also incorporate enhancement to the river frontage, with a ramped connection onto the Riverside Walk adjacent to the River Wear.

Planning Policy Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As the determination of this planning application is a determination to be made under the Planning Acts the starting point must be the Development Plan and then other material considerations must be considered.

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was formally adopted on 27 March 2012 and replaces the now old PPGs and PPSs.

The NPPF sets out the government's economic, environmental and social planning policies for England. Taken together, these policies articulate the government's vision of achieving sustainable development and for facilitating economic growth, which should be interpreted and applied locally to meet local aspirations.

The NPPF is a material consideration in the determination of planning applications and advises that development that accords with an up-to date Local Plan should be approved, alternatively development that conflicts should be refused unless other material considerations indicate otherwise.

Section 2: Ensuring the vitality of town centres of the NPPF recognises town centres as the heart of their communities and aims to support their viability and vitality

The following NPPF guidance is relevant to this application:
Paragraph 131, 137 and 118

Paragraph 131

In determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- o the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 137

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 118 states

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles (set out within this paragraph of the NPPF).

Planning Policy

The current plan is the Unitary Development Plan (UDP) which was adopted in 1998. The council is now bringing forward a new Local Plan that will guide development over the next 20 years, the

Core Strategy and this will ultimately replace the UDP. The Core Strategy is not currently saved by the city council and therefore draft policies currently carry limited weight.

The Unitary Development Plan currently has the site allocated as existing employment and mixed use sites, The Rose Line building is within a site for mixed use, and is also within a flood risk area. It is within the Old Sunderland Riverside conservation area, and a multi user route runs along its northern boundary, adjacent to the River Wear.

The application site is a brownfield site currently fenced and vacant.

The area was considered for World Heritage site designation in association with the Wearmouth Jarrow cWHS, the designation was not awarded.

The following Unitary Development Plan and Alteration Number 2 policies are relevant

- B2 Scale, massing, layout and setting of new developments
- B4 Development within conservation areas
- B6 Measures to preserve and enhance conservation areas
- B10 Development affecting the setting of listed buildings
- B11 Measures to protect the archaeological heritage of Sunderland (general)
- T14 Accessibility of new developments, need to avoid congestion and safety problems
- T22 Parking standards in new developments
- EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
- CN18 Promotion of nature conservation (general)
- EC5 Mixed Use Sites (mixed use sites)
- R1 Sustainable Development

Also of importance are two Supplementary Planning Documents (SPDs): The Wearmouth Masterplan and Design Code (2012), and the St Peter's Riverside and Bonnersfield Planning Framework (2010) which refers specifically to Wylam Wharf and sets the context and principles for the area.

Character Appraisals and Management Strategies (CAMS) have also been adopted as formal Planning Guidance for 12 of the city's 14 Conservation Areas. These documents are material considerations in the decision-making process. A draft CAMS has been prepared to cover the remaining two conservation areas - Old Sunderland and Old Sunderland Riverside.

The remaining warehouse at Wylam Wharf has been a Grade II Listed Building since 1978. The four storey building dates from the 18th century and is constructed of rubble stones, brick and Welsh slate is one of the only two warehouses that remain in this former densely occupied commercial quayside area.

The application site is identified in the Wearmouth Masterplan and Design Code SPD as a key development site for commercial led mixed-use development.

Conclusion on the Principle of Development

In considering the application and its acceptability for planning permission consideration should be given to establishing the principle of development. Section 38 (6) of the Planning and Compulsory Purchase Act (2004). This requires that the adopted plan be regarded as the primary consideration in determining a proposal unless material considerations indicate otherwise.

The NPPF is a material consideration in the determination of planning applications. It advises that development which accords with an up to date local plan should be approved. Given that the

application site lies within Sunderland City Centre, it is within the area to which the Unitary Development Plan (UDP) Alteration No.2 (Central Sunderland) is applicable. Therein, policy EC10A states that the City Council will support the regeneration of central Sunderland and will seek to maximise investment in other sectors including employment. Policy SA.5 is derived from the Citywide Policy EC5 which states that offices are considered acceptable (mixed use development).

Taking into account the UDP, Alteration Number 2 along with the National Planning Policy Framework, the proposed development is considered to comply with the both National and Local Planning Policy and is supporting the continued regeneration of Sunderland. Therefore, to conclude the principle of development on this site is considered acceptable.

2 Scale, Massing and Layout of the Development with the Conservation Area and impact on surrounding Listed Buildings.

The proposal provides the opportunity to optimise the potential of the site to accommodate development, whilst responding to local character and history and creating a safe and accessible environment and ultimately providing a visually attractive development.

The NPPF attaches great importance to the design of the built environment, with emphasis placed upon ensuring that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, whilst responding to local character and history and creating safe and accessible environments and ultimately providing visually attractive developments.

Policy B2A of the UDP Alteration No.2 relates to sustainable urban design and states that the city council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

Policy B8 seeks to ensure listed buildings are retained unless the benefits for the community would decisively outweigh the loss resulting from demolition, whilst policy B10 aims to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The proposed office building as set out earlier would be located adjacent to a listed building, Rose Line building.

The three storey scale of the proposed office building has been designed to respect the Grade II listed building and other heritage assets in the vicinity.

The architectural language and materiality expresses various sentiments that reference the areas industrial heritage. The proposed materials palette would be simple to minimise interfaces, maximise buildability and create a striking building to an architecturally high standard. A high spec linear format brick allows a return to handmade craftsmanship with a huge mix reflective of the colour palette derived from the 1960s. Further details are set out in the accompanying Design and Access Statement.

The fenestration to the north and south has been designed to complement the vertical order identified from the surrounding historic buildings. The proposed fully glazed east elevation provides strong visual connections to and from the external environment, Rose Line building as well as from various key approaches.

The visual impact of the proposal has been carefully considered from down the River Wear, and upon approach from Low Street, which reflects the full west elevation of the Rose Line building.

The proposed building will maximise north light and views of the surrounding context.

The application site has a city centre location, adjacent to a listed building and within the Old Sunderland Riverside Conservation Area, the quality and visual appearance of the material proposed have been given careful consideration and as such complies with Policy B2A of the adopted Unitary Development Plan.

The accompanying Design and Access Statement and the supporting Heritage Statement have carefully assessed the impact of the office development building on the setting of the listed building and the Old Sunderland Riverside Conservation Area in terms of form, height, massing and contemporary design approach.

It is considered that the contemporary design approach, detailing and proposed palette of materials all respond sensitively to the character and architectural qualities of the listed building and Old Sunderland Riverside Conservation Area and as such complies with both National and Local Planning Policies.

The design and layout of the proposal have been subject to pre-application discussion with relevant council officers, in particular planning officers through which the general principles and much of the detail of the proposal were established and agreed in principle. The contemporary design of the proposed building with its waterfront setting provides an excellent design solution within the historic setting

Conclusion on Scale, Layout and Massing

Design Quality

The prominence and sensitivity of the site demands a high quality design solution for any development of it, and provides a real opportunity to provide a well-crafted contemporary building that compliments its historic setting but also makes a striking design statement in its own right on the waterfront.

It is considered that the proposed design has achieved this. The proposed building presents a vision of a contemporary interpretation of an historic warehouse, the design clearly influenced by the industrial heritage of the area but in a vibrant, airy, well-articulated and innovative manner. The proposed design is considered acceptable in principle and as such complies with policy B2A of adopted Unitary Development Plan and complies with the NPPF in achieving high design standards.

Heights & Massing

The massing and scale of the building, whilst extensive, sits well within its historic surroundings, its eaves and ridge height generally reflecting those of buildings in the vicinity. Whilst it is quite a bulky building, the use of extensive unbroken glazing floor to ridge height to the east elevation and along the ground floor north elevation, along with the large format windows and rooflights (albeit still reflecting traditional proportions and arrangements), reduces its overall massing and gives it a quite lightweight character and appearance. Historically there is also precedent for a building of a large footprint, the Scotia Engines works occupying part of the site during the area's shipbuilding heyday.

The proposed height and massing is considered acceptable in principle and as such complies with policy B2A of adopted Unitary Development Plan and complies with the NPPF in achieving high design standards

Connections

Connectivity between the two offices is provided in a discreet manner through the landscaping arrangement. It is noted however that a separate application for Listed Building Consent will be required to form a new opening in the west elevation of the Roseline Building to facilitate this. Careful consideration needs to be given to the siting and detail of this opening having regard to the existing pattern and proportions of fenestration of the listed building, to ensure its special interest, character and high aesthetic value is not compromised.

The Local Planning Authority welcomes the connectivity to the wider area and the access arrival points from Low Street and Quayside walk are considered appropriate. The development should open up access to the river and take advantage of the fine views that the location offers as well as drawing views towards the landmarks of the Wearmouth Bridge and St Peters Church. Access to the digital model is required to ensure the proposals are taking full advantage of these opportunities.

The site subject to this application has long been recognised as a potential development plot but is in a very prominent and sensitive location, directly on the waterfront in the Old Sunderland Riverside Conservation Area. It is largely surrounded by listed buildings, including those of landmark qualities such as the adjacent Roseline Warehouse and the Exchange Building perched above on the High Street.

The proposed scheme will introduce a high quality and visually striking contemporary building onto the waterfront, respecting and enhancing the conservation area and setting of surrounding listed buildings and making a key contribution to the regeneration and vibrancy of the area. The proposal accords with Policies B4, B6 and B10 of the UDP, and supports the requirements of NPPF paragraphs 131 and 137 for new development to make a positive contribution to local character and distinctiveness and to enhance the significance and settings of conservation areas and listed buildings. It is recommended that if members are minded to grant consent conditions in respect of material and landscaping are imposed to ensure a satisfactory form of development is achieved.

3 Flood Risk and Drainage

Flood Risk

A proportion of the mixed use development area along the bank of the River Wear has been identified as being at risk of flooding (flood zones 2 and 3). New development should be steered away from flood zones 2 and 3 by applying the sequential test principles, both in a strategic and local context to ensure development is located in the most appropriate locations in accordance with PPS25.

The application is supported by a Flood Risk and Drainage Assessment. The proposed layout drawing is contained in Appendix 1.3 and the Design and Access statement is included in the planning submission, which gives context to the positioning of the building in relation to massing, access, links, form, function and the exact type of facilities to be provided and why they are required.

The new facilities will include an office type building with multiple stories. The ground floor will be used for storage, changing, WC's and an on-site canteen type facility. No basements are proposed and no habitable, living space is proposed. The lifetime of the development due to its use is expected to be 60 years. The finished floor of the building will be set at an agreed level based on the surrounding finished ground levels, with a 150mm allowance to protect the building from overland flood risk.

In accordance with Table 3 in Section 1 of the submitted report it classifies, this type of development is classed as 'Less Vulnerable'.

In accordance with Table 4 in Section 1, within Flood Zone 1, 2 and 3, 'Less Vulnerable' development is appropriate in planning terms, and the Exception Test is not required.

In accordance with NPPF and as described in Table 5 in Section 1 of the submitted report, the impact of climate change should be included in the analysis. Due to the development lifetime being 60 years, a 20% increase to rainfall intensity due to climate change will be included for in the in the 1 in 100 year analysis.

In accordance with NPPF and the recommendations of the Environment Agency the drainage assessment of a FRDA should demonstrate that it should be possible to discharge foul and surface water from proposed development safely.

No specific design details will be provided at this stage, only an assessment based on a desk top study using the existing information; this is with the anticipation that planning permission is granted with suitably worded Conditions in relation to foul and surface water, which can be discharged at the appropriate time.

This assessment considers the following:

- o Existing site layout, 'Rights to Discharge' and consents
- o Proposed site layout and discharge arrangements
- o Climate change
- o Any mitigation needed

Proposed Surface Water Drainage

The development will be served by private separate surface water sewers that will be designed and constructed in accordance with the Building Regulations Part H.

Detailed design of the surface water sewers is being undertaken. At this stage therefore only an estimate on the discharge flow rate and any flood risk mitigation is possible.

The proposed surface water runoff rate can be estimated by using BS EN 752 Part 4: 1998 '11.3.2 Methods of Calculating Runoff from Small Development Schemes', which is an applicable method for sites up to 200ha in area.

Drainage Assessment

Using this method of analysis the peak 1 in 30 year runoff rate from the site, if it was all impermeable, could be up to 30l/s. The peak 1 in 100 year runoff rate from the site could be up to 44l/s. With the inclusion of climate change of 20% this could be in the order of 53l/s.

Due the site being adjacent to the tidally influenced River Wear, a free discharge of surface water into the River would be reasonable. A 225mm diameter pipe would be sufficient to manage the anticipated flow rates from the entire red-line boundary.

Pollution and Sustainable Drainage

As outlined previously, development is directed towards the use of sustainable drainage wherever possible to limit the impact of surface water discharges from a quantity and quality point of view. At this stage Table 7 shows the types of SuDS that will, may or may not be used within the site and the reasons for inclusion, exclusion or uncertainty. The site is small, and carries low risk of pollution. Due to space, proximity to the River Wear and practicality constraints the use of SuDS is limited.

Indicative SuDS List

1. SuDS
2. Implemented Reason
3. Water Butts Perhaps To act as source control and local water storage for small
4. scale on site use Green Roof Perhaps The use of a sedum roof is subject to further assessment Rainwater harvesting Perhaps To be agreed, but encouraged for use in irrigation, Oil / petrol interceptors Perhaps Subject to risk assessment, but for new high risk areas, if applicable
5. Trapped gullies Yes Efficient sediment collection and pollution control
6. Silt traps Perhaps Subject to detailed design
7. Filter Strips Perhaps Subject to detailed design
8. Filter Trenches Perhaps Filter drains could provide water quality and conveyance
9. benefits.
10. Swales Perhaps Subject to detailed design
11. Permeable Pavement Perhaps Subject to detailed design

In relation to Operation and Maintenance (O&M), the proposed drainage systems will be managed by the Developer, which will meet the requirements of the design standards.

In accordance with the NPPF flood risk must be assessed for all sources of flooding. The development of any site must also be carried out in such a way as to mitigate any potential flood risk, both on and off site. This section identifies the foreseeable sources of flooding and assesses the flood risk associated with each one.

Tidal and Fluvial Flooding

The site is adjacent to the tidally influenced River Wear. The site lies in Flood Zone 1, but is very close to Flood Zone 2 and 3. As shown in Section 3, the predicted river level, with the inclusion of climate change up to 2100 (past the lifetime of the development), for the 1 in 100 year event is 4.59mAOD. When taking the lifetime of the development into account of 60years, and therefore a climate change impact of 435mm rather than 925mm, the proposed flood level would be approximately 4.1mAOD.

The ground level on the quay wall next to the site varies from 4.6 to 5.3mAOD, and the site ground level where the building is planned is around 5.0mAOD.

The risk to the development from fluvial flooding is considered to be low and acceptable.

Pluvial Flooding

The evidence to date is that the existing informal drainage within the site is adequate, as no flooding has occurred from direct rainfall on the site.

Pluvial flooding will be managed on site by the construction of new, separate surface water sewers that will intercept/ direct rainfall, and the building's finished floor level will be set 150mm above the finished surrounding ground levels, thus affording protection from overland flows in the event of excess flows that make their way to the site from off site.

The risk to the development from pluvial flooding is considered to be low and acceptable.

Groundwater Flooding

There are no proposals to create basements and existing ground levels will be retained. There are no known artesian groundwater issues, and although groundwater could be relatively close to the surface due to the proximity of the River Wear, the river levels are lower than the site.

During the construction of the building foundations and sewerage systems, measures may have to be taken by the contractor to protect the works from groundwater ingress depending on the level of the groundwater at the time of the works. This is a usual and acceptable risk in civil engineering. The risk from groundwater flooding is therefore considered to be low and acceptable.

Flooding from Sewers and Water Mains

There are no known large diameter or high pressure public sewers or water mains that cross the development.

There are no known records of the site being affected by sewer or water main flooding. The risk of flooding from sewers and water mains is therefore considered to be low on site.

Flooding from Artificial Sources

There are no known reservoirs, canals or raised bodies of water within the site, or in the immediate vicinity of the site. The risk of flooding from artificial sources is therefore considered to be low and acceptable.

Flood Risk Assessment

Flood Risk from Proposed Sewers

Based on the information in Section 5 the foul and surface water sewers will be designed and constructed to meet the requirements of the Building Regulations Part H. Surface water will discharge freely into the River Wear and the pipe system sized to manage flows up to the 1 in 100 year, plus 20% allowance for the impact of climate change.

On this basis the flood risk associated with the construction of new sewers is considered to be low and acceptable.

Mitigation

As the development proposals are located in Flood Zone 1, the overall risk of flooding is low. However, flood risk mitigation will be built in to the development, such as raising the finished floor level 150mm above surrounding ground and sizing the surface water pipes to accommodate the 1 in 100 year, plus climate change, event.

In the unlikely chance that flooding does occur the building offers places of refuge at first floor level and should the occupier chose, they can subscribe to the Flood Warning system.

Conclusion on Flood Risk and Drainage

It is considered that on the above basis the proposed development is acceptable in terms of flood risk and is in accordance with the requirements of Policy EN12 of the adopted UDP. If members are minded to grant consent it is recommended that conditions be imposed in respect of surface water drainage, full drainage details and construct the development in accordance with the FRA and Drainage Report dated January 2016.

4 Ecology

The location and nature of the development in this instance does not require a Habitats Regulations Assessment, however this does not preclude an assessment of the development's impact upon protected and priority species especially due to its location close to the River which is identified as an important wildlife corridor within the City. An Extended Phase 1 Habitat Survey has been submitted with the application. The report concludes

The report has considered the potential impact upon the River Wear. The River Wear is adjacent the Northern boundary of the proposed development. The habitat has been identified in the UDP as a potential wildlife corridor. Based on the habitats present and the biological records, there is a potential for the river to be used as commuting corridor for Otters, Birds and Bats. Adjacent the Northern Boundary of the site is a public footpath along the river, then a sheer drop to the water surface. Due to this, as well as lack of habitats present on the site to support protected or notable species, it is unlikely that protected or notable species will use the river to access the site.

However, due to the proximity of the development to the river they may be indirect impacts on the behaviours of Otters, Birds and Bats using the river as a commuting corridor to and from suitable habitats. Impacts during the construction phase can be reduced to acceptable levels by adopting good standards of pollution prevention.

Once the development is complete, light pollution is the only impact likely to be significant. This can be reduced to an acceptable level by adopting a suitable lighting scheme. If members are minded to grant consent, it is recommended that a condition should be imposed in respect of any light to be erected on the building.

Ecological Value

No EBP species were recorded during the Phase 1 Habitat Survey. Site habitats are species low in the wider ecological landscape. The site being affected by the development therefore is considered low in its potential to support protected, EBP, Local BAP and red data species and sensitive development may improve the site from this perspective.

Impact Assessment

The proposed development will have a minor magnitude of impact upon the site and its ecological features.

Therefore a minor impact upon a site of negligible value constitutes an ecological impact neutral/slight magnitude.

Considering the size of the site and the nature of the habitats involved the proposed development is considered to pose a neutral on local biodiversity.

Conclusion on Ecology

The proposed development is considered acceptable in principle and is considered to have a neutral impact on the local biodiversity. The proposed development is considered to comply with both national and local planning policy. If members are minded to grant consent it is recommended that conditions be imposed to ensure the development is carried out in accordance with recommendation in ecology report and condition in respect of any lighting proposed on the new development.

5 Highways

Both a Transport Statement and Framework Travel Plan have been submitted in support of this application.

Access and Parking, initial queries were raised in relation to the availability of parking provision for the proposed three storey office accommodation with ancillary café and gym for staff use. This proposal includes for the relocation of some staff from the local area with a number already employed within the adjacent premises so no significant intensification in traffic is anticipated. Existing parking provision in Wylam Wharf is to be retained.

There are no parking restrictions currently in force on Low Street.

The applicant is to provide six dedicated parking spaces on site for visitors with a minimum one for required disabled parking provision. Off-street parking is available along Panns Bank and also in nearby City Centre car parks. City Centre Parking permits are available and further information can be obtained by contacting the Parking Services team.

In addition to this the applicant has entered into an agreement with The Quayside Exchange to access and use the car park adjacent the proposed development on weekdays (6am to 6pm). The parking is to be available for use by staff and the need for parking monitored through the Travel Plan.

Public Transport

The site is located within close proximity to the City Centre with alternative public transport options available. This is to be supported through a Travel Plan with measurable objectives and targets. Nexus have been consulted and have offered no comments.

Framework Travel Plan

Cycle parking is proposed within the site along with improvements to the public realm for pedestrians. The applicant offers sustainable travel incentives such as Cycle to work and Metro passes to staff. This is supported and can be monitored through a suitably worded Travel Planning condition.

Servicing and Deliveries

Refuse collection is proposed take place from Low Street with bins located in an external store next to the west elevation of the building. Deliveries are proposed take place via a dedicated and secure area located off public highway. Numbers of deliveries are likely to be low and made by standard goods vehicles which can be accommodated within the site boundary.

Section 278 Agreement

A new vehicle access is proposed which will require alterations to public highway including the reinstatement of an existing access. The applicant will need to enter into an agreement with the Council to undertake the highway works with all costs met by the applicant.

Highway Materials

Low Street lies within a conservation area. Highway materials to be used for the new access and footway reinstatement will need to match existing and be agreed with the Council.

Construction Traffic

A suitably worded condition is recommended to control construction traffic and contractor parking through a Construction Management Plan / Scheme of Work.

Conclusion on Highway Issues

Based on the above confirmation of parking provision and availability of sustainable transport options, there are no objections to the proposal on highway grounds and as such the proposed development is considered to comply with Policy T14 and T22 of the adopted Unitary Development Plan, Alteration number 2 and National Planning Policy Framework. If members are minded to grant consent it is recommended that, two conditions are imposed to cover a Travel Plan and a Scheme of Work

6 The impact of the development in respect of ground conditions

Policy EN14 is relevant to the consideration of this planning application.
Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- o Unstable or potentially unstable;
- o Contaminated or potentially at risk from migrating contamination;
- o Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site, where the degree of instability,

contamination, or gas migration would allow development subject to 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.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

Preliminary Risk Assessment Summary:-

When taking into consideration the history of the site, there could be a potential risk to human health from the presence of deep areas made ground on site although likely to be low risk due to the nature of the proposed end use (commercial offices). These issues should be investigated in more detail in order to determine the risks to human health more accurately, and these risks can be reassessed after the completion of any fieldworks.

Hazardous Ground Gases:-

In accordance with CIRIA 665 this development should be considered as low sensitivity, although it is felt the risk from deep areas of made ground associated with the historical activities are deemed to be low / moderate. Ground gas monitoring standpipes should to be installed on site and monitored frequently for the presence of hazardous ground gases (Methane and Carbon Dioxide) in accordance with CIRIA C665.

Controlled Waters:-

Following an assessment of the hydrological and hydrogeological conditions, the site is recorded to be underlain by a Principal Aquifer, although the adjacent River Wear is more likely to be at potential risk than the Principal Aquifer within the limestone. Based on the information reviewed it is felt that the site represents a potential low / moderate risk to Controlled Waters.

Recommendations for Phase 2 Intrusive Investigation Works

Taking into account the above, it is recommended that a Phase 2: Ground Investigation (intrusive investigation) is completed for this site to determine if any ground contamination is present on the site which could pose a risk towards the proposed end users and / or the environment. This investigation should be completed prior to commencing with any future development works and should include for the following or similar investigation work;

- o A series of windowless sampling boreholes, cable percussive boreholes and mechanically excavated trial pits, including inset geotechnical testing (SPT's, shear strength testing, etc.) and sampling to help aid with future foundation design and to collect samples from shallow depth for subsequent laboratory testing.
- o Installation of combined ground gas & groundwater monitoring wells accompanied by an appropriate number of monitoring visits (in accordance with CIRIA C665), in order to determine the ground gas regime below the site.
- o Laboratory geotechnical testing (i.e. liquid and plastic limit testing, pH & soluble sulphate testing, etc.).
- o Contamination screening on selected samples recovered from the investigation positions for typical contaminants as detailed in Section 5.3 of the submitted report. The samples of soil and any potential water collected will be forwarded to UKAS and MCERTS accredited laboratory to undertake the recommended testing.
- o Site supervision and production of factual and interpretive Phase 2: Ground Investigation Report, including a ground contamination risk assessment for Human Health and Controlled Waters.

Prior to site investigation works commencing on site, all existing utilities/services should be identified and recorded, such that any potential damage to services crossing this site can be prevented, as well as ensuring the health and safety of future site workers.

Conclusion on Land contamination and ground works

No objections to the principle of development as it is considered to comply with both National and Local Planning Policy. However, if members are minded to grant consent conditions should be imposed in respect of Gas Risk Assessment, Foundation Options Risk Assessment, Land Contamination and Japanese's Knotweed.

It is also recommend that the Environment Agency should be consulted in respect of the Land Contamination, a response is currently awaited this will be reported on a supplementary report, should any additional comments be received.

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.

CONCLUSION

The proposed development is considered to bring both physical development in the area and enhancements to the Conservation Area whilst not impacting on the adjoining listed building.

The proposed development is considered acceptable in principle and complies with both National and Local Planning Policy and as such Members are recommended to approve the application subject to no additional comments being received from the Environment Agency expire of consultation 07.08.2016.

RECOMMENDATION:

Members be minded to approve the application subject to no additional comments being received from the Environment Agency expire of consultation 07.08.2016.

Conditions:

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

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

- TOM-RYD-00-00-DR-A-2001-S2-P3_Proposed-GA-Site-Plan Received 7th July 2016
- TOM-RYD-00-00-DR-A-3001-S2-P4_GA Plans - Level 00 Received 7th July 2016
- TOM-RYD-00-00-DR-A-3002-S2-P3_GA Plans - Level 01 Received 7th July 2016
- TOM-RYD-00-00-DR-A-3003-S2-P3_GA Plans - Level 02 Received 7th July 2016
- TOM-RYD-00-R2-DR-A-3004-S2-P3_GA Plans - Roof Received 7th July 2016
- TOM-RYD-00-ZZ-DR-A-3601-S2-P3_GA Elevations - North and East Received 7th July 2016
- TOM-RYD-00-ZZ-DR-A-3602-S2-P3_GA Elevations - South and West Received 7th July 2016
- TOM-RYD-00-ZZ-DR-A-3801-S2-P3_GA Sections - AA and BB Received 7th July 2016
- TOM-RYD-00-ZZ-DR-A-3802-S2-P3_GA Sections - CC and DD Received 7th July 2016
- TOM-RYD-00-ZZ-DR-A-0001-P3 -Location Plan Received 6th May 2016

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 External Noise

No noise emitting fans, louvers, ducts or other external plant and machinery associated with the uses shall be installed until a noise assessment and scheme to reduce noise vibration has been submitted and approved by the Council. The approved scheme shall be completed prior to first occupation of the buildings and shall thereafter be retained.

Internal noise (B1 office use)

Prior to the commencement of any B1 office development, a scheme for the protection of the proposed office accommodation from external noise shall be submitted to and approved by the Council and this shall achieve internal noise levels less than 40dB9(A) LAeq. Any works forming part of this scheme shall be carried out in accordance with the approved scheme and prior to any part of the office development being occupied.

5 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy of the UDP.

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 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 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 () 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 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

8 The development hereby permitted shall not be commenced until such time as a suitable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the and to comply with policy EN5 of the adopted Unitary Development Plan.

9 The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the and to comply with policy EN5 of the adopted Unitary Development Plan.

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan

11 Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan

12 Submission of Remediation Scheme

Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

13 Implementation Remediation Scheme

The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report 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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan

14 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

15 Construction work or deliveries associated with the proposals shall only take place between the hours of 07:00 to 19:00 hours Monday to Friday and 07:30 to 14:00 Saturday, with no activity Sundays or Bank Holidays without any prior approval from the Local Planning Authority.

16 No development shall commence until a written detailed Gas Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The Gas Risk Assessment shall then be carried out in strict accordance with the approved details in the interest of achieving a satisfactory form of development on site and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

17 No development shall commence until a written detailed Foundation Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The Foundation Risk Assessment shall then be carried out in strict accordance with the approved details in the interest of achieving a satisfactory form of development on site and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

18 The biodiversity enhancement and mitigation measures set out in the Extended Phase 1 Report dated 16th February 2016 shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

19 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy CN17 of the UDP.

20 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.

21 Then measures set out in the Travel Plan/Framework Report JMP received 6th May 2016 shall be fully implemented in accordance with the measures set out in that report, in the interest of highway safety and to comply with the requirements of policies T14 and T22 of the adopted Unitary Development Plan.

Reference No.: 16/00958/LB4 Listed Building Consent (Reg 4)

Proposal: **Internal alterations comprising provision of additional door to servery area within kitchen and metal stud wall with plasterboard finish to kitchen**

Location: Barnes Infant School Mount Road Sunderland SR4 7QF

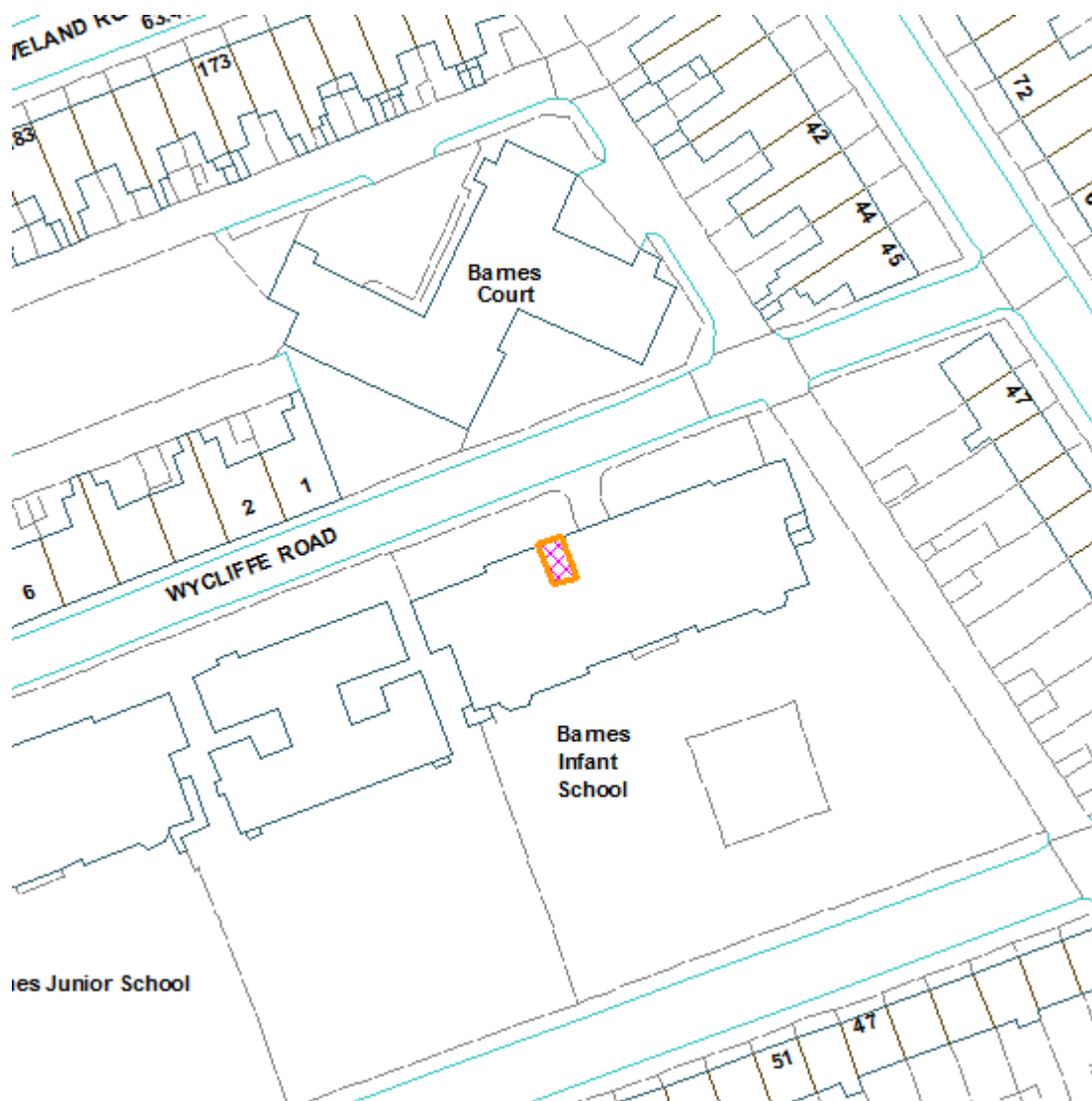
Ward: Barnes

Applicant: Barnes Infant Academy

Date Valid: 15 June 2016

Target Date: 10 August 2016

Location Plan



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PROPOSAL:

Listed building consent is sought for the creation of an additional servery ingress and egress with the introduction of a new door to match the existing within the framework of the existing partition. It is proposed to reverse the swing on the existing door to allow for more efficient movement to and from the servery counter. The existing clear glass within the existing door will be replaced with pyram fire resistant, the same glazing will also be incorporated within the proposed door. Finally, the existing partition will be backed up with a new metal stud partition finished with fire line board to provide a degree of fire resistance between the useable spaces of the kitchen and the dining hall. The existing partition will be backed up with new metal stud partition finished with fire line board to provide a degree of fire resistance between the useable spaces of the kitchen and dining hall. The partition will be taken to full height of glazed screen soffit.

The proposal relates to Barnes Infant School, a large, two-storey late-Victorian school building located in a primarily residential area of High Barnes. The infant school building is one of a pair, the other being occupied by a junior school, occupying a large, rectangular site bordered by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and Ewesley Road to the east. All streets are flanked by residential dwellings on their sides facing the school, with Wycliffe Road also featuring a nursing home (Barnes Court) directly opposite the infant school building. Both school buildings are Grade-II Listed on account of their special historic and architectural quality and importance.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Barnes - Ward Councillor Consultation
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **28.07.2016**

REPRESENTATIONS:

County Archaeologist

No comments to make.

Built Heritage

No comments received to date.

Third Party

No third party representation has been received following the statutory consultation period.

POLICIES:

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

B_8_Demolition of listed buildings

COMMENTS:

Members should note that this report only focuses on the implications of the proposals in relation to the Grade-II Listed status and heritage significance of the school building. In this regard Local Planning Authorities are required to determine applications for Listed Building Consent with specific reference to the statutory obligation placed upon them by Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 - this sets out that LPAs must have special regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) then sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, which should be viewed as a 'golden thread' running through both plan-making and decision-taking. Within the overarching role of delivering sustainable development, the planning system should be underpinned by a series of 12 core land-use planning principles. The most pertinent core principle in relation to the current application is that the planning system should seek to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Section 12 of the NPPF provides more detailed guidance in relation to conserving and enhancing the historic environment. Paragraphs 128 and 129 firstly require Local Planning Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 131 then states that in considering proposals, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining Listed buildings.

Having regard to both National and Local Planning Policy it is acknowledged that the proposal is required in order to improve the circulation space within and around the kitchen area making it more efficient and safe for users. The works have been designed in a manner that is considered to be sympathetic to the heritage status of the listed building and as such the implications of the proposal are acceptable, in compliance with the requirements of policy B8 of the UDP and the core principles and relevant paragraphs of the NPPF as set out above.

Therefore in conclusion and in the absence of any significant adverse impacts being identified it is recommended that Members Grant Listed Building Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the condition 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:-

- 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:

Members Grant Listed Building Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the condition 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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Location Plan
- Existing Screen Plan and Elevation
- Proposed Screen Elevation
- Existing Ground Floor Plan
- Proposed Ground Floor Plan
- Proposed Screen Plan and details

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

5.

South
Sunderland

Reference No.: 16/01210/LAP Development by City(Regulation 3)

Proposal: **Change of use from day care unit to six-bedroom short break residential unit for people with disabilities**

Location: Grindon Mews Nookside Sunderland SR4 8PQ

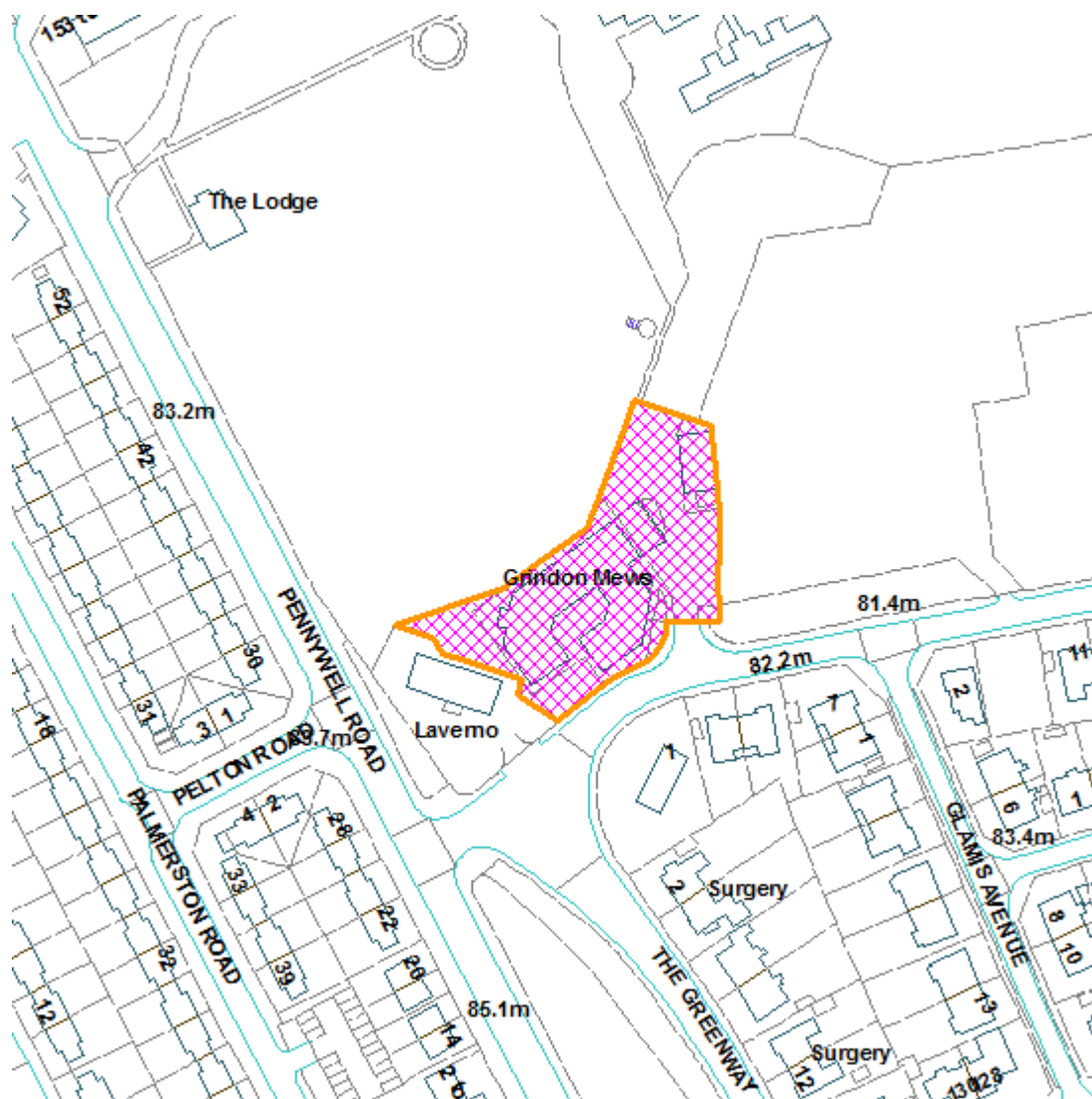
Ward: St Annes

Applicant: Sunderland Care And Support

Date Valid: 5 July 2016

Target Date: 30 August 2016

Location Plan



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PROPOSAL:

Planning permission is sought to change the use of the existing day care facility for disabled persons to a 6 bedroom short break facility for people also with disabilities. The facility would accommodate individuals either for a short weekend break, mid-week or in some cases for two weeks.

Minor internal alterations in the form of new openings are proposed to the building as part of this application.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Annes - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **04.08.2016**

REPRESENTATIONS:

Neighbour Consultation

Following the statutory consultation period no third party representation has been received to date, however the final date for the receipt of representation follows the preparation of this main agenda report (4th August) and therefore should any representation be received before the Committee meeting then these will be reported to Members and any issues raised addressed.

Internal Consultations

Highways - no observations.

Environmental Health - no comments received to date.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to consider in the assessment of this application are:-

1. Principle of Development
2. Residential and Visual Amenity
3. Highways

Principle of the Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this instance it is evident that the proposed use of the host building is for residential related purposes and given that Nookside has a long established social care and residential history the proposed use is considered acceptable and consistent with the aims of policy EN10.

Residential and Visual Amenity

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Having regard to the above policy and the former use of the building which has operated in a residential capacity as a care facility for individuals with disabilities for a number years it is not considered that the proposed use (short break residential care facility for individuals with disabilities) would be markedly different in nature or resulting impacts.

The surrounding area is predominantly residential in nature with a history of care facilities in the surrounding area. No external alterations/extensions are proposed to the host building as part of this application. As such, there are no material reasons to suggest that use of the property in the manner set out above would adversely impact on the living conditions of neighbouring occupiers or impact on the visual qualities of the prevailing streetscene.

Subject to the receipt of no objections, the proposal is considered to be acceptable however should any objections be received the relevant issues will be addressed prior to the Committee meeting.

Highways

The Highway Engineers have raised no objection to the proposal utilising the existing access with suitable refuse storage, parking and manoeuvring facilities within the curtilage of the site. As such, the proposal is considered to be in accordance with Policy T14 of the UDP.

Conclusion

In summary, and subject to no objections being received, the use of the property as short break residential facility for people with disabilities is considered to adhere with the established residential land use of the surrounding area without adversely impacting on the residential amenity of nearby occupiers or affecting the wider character of the streetscene. The proposal therefore complies with the provisions of UDP policies EN10 and B2.

As such it is recommended that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions listed 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:

Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions listed below:-

Conditions:

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

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

- Location Plan
- Existing Layout received 5.7.16
- Existing Site Layout received 5.7.16
- Proposed Layout received 5.7.16

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

Reference No.: 16/00388/HY4

Proposal: Hybrid planning application – Outline planning application for up to 750no.residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.

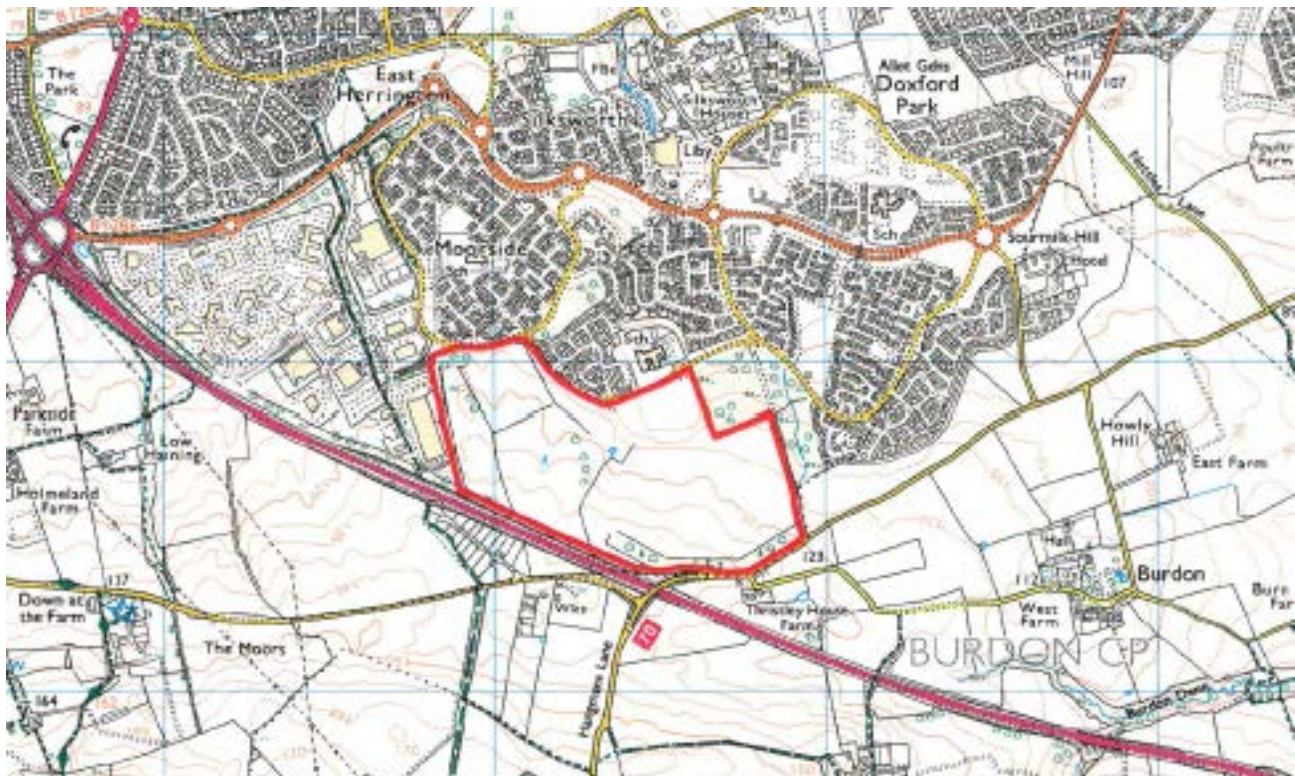
All matters apart from access to be reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

Location: Chapelgarth, south of Weymouth Road, Sunderland.

Ward: Doxford
Applicant: Siglion LLP
Date Valid: 2 March 2016
Target Date: 22 June 2016

Location Plan



Description:

The proposal is a hybrid planning application for the development of 49.73 hectares of land at Chapelgarth, Sunderland.

The application seeks outline consent for up to 750 No. residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including retail (A1), financial and professional services (A2), restaurant and cafes (A3), offices (B1), non- residential (D1) and assembly and leisure (D2), together with associated landscaping and car parking.

All matters apart from access are reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off Weymouth Road, landscaping and creation of attenuation ponds.

Context:

The Chapelgarth site has been designated as a future housing site since its inclusion in the City of Sunderland, Unitary Development Plan (UDP) Adopted 1998. In line with government policy, the UDP is to be replaced by a new up to date local development framework (LDF), it is anticipated that the new local plan will be submitted to the Secretary of State in 2017. The emerging core strategy contains the City's spatial visions and objectives up to 2032, along with city-wide strategic policies that will guide future development and change in the City.

The emerging Core Strategy proposes a new growth area known as South Sunderland Growth Area (SSGA) which comprises 227 hectares (ha) of land in the Ryhope and Doxford Park wards. The SSGA is identified as a major new growth area for housing development within the City and a Location for Major Development (LMD). The SSGA takes forward two unimplemented residential allocations (Chapelgarth and Cherry Knowles) and groups them together with an unimplemented employment allocation (South Ryhope) and a site currently allocated as Settlement Break (Land North of Burdon Lane).

The proposed SSGA has the potential to provide approximately 3000 new homes, meeting 20% of the City's future housing need and contribute to achieving the strategic aims of the Council's Sunderland Strategy (2008 – 2025) and Economic Masterplan (2010) to encourage the retention of graduates and attract new households by improving housing choice and providing a greater proportion of higher value housing.

Site Description:

The site is bound to the north by Weymouth Road which forms the southern boundary of the relatively modern Burdon Vale development which is the closest residential area to the

proposal. Doxford International Business Park lies to the west of the site beyond a band of open space and woodland. The A19 dual carriageway lies to the south within a cutting, and an agricultural field subject to a current proposed residential development (ref: 13/00799/FUL) lies to the east along with Blakeney Woods Local Wildlife Site (LWS).

The site is presently in agricultural use and is made up of both ploughed and un-ploughed fields. The site is wider across its east/west axis than it is deep across its north/south axis and is irregular in shape. The aspect of the site is almost entirely north facing, although a more undulating area referred to as Silksworth Plantation to the west provides localised multi-aspect landform. The majority of the site has a moderately steep gradient, sloping in a general south to north-northeast direction with a difference of level of over 30 metres.

There is no existing public vehicle access onto or across the site although tractor access to the fields is via a gated stopped up road from Burdon Lane on the south eastern corner of the site. Weymouth Road bounds the site to the north and two existing mini roundabouts serving Portland Academy and St.Wilfrid's Church and Burdon Vale residential estate have fourth stubs providing future vehicle connections onto the site. A small substation building exists to the east of the western roundabout and is the only building on the site.

There are no public rights of way crossing the site however many well-trodden footpaths form circuits, following the edge of fields and connecting with residential areas and offsite recreational footpaths, bridleways and cycle ways. The long distance Walney to Wear (W2W) cycleway/multi-user route passes by the edge of the site following the western and southern boundaries before heading south over the Burdon Lane flyover with the A19.

Site History:

No historic or extant planning applications relate to the site. Adjacent to the site, a full planning application is currently pending for the erection of 118 No. dwellings on land at Burdon Lane, directly to the east of the site.

The site does however form part of the Masterplan for Chapelgarth. The main objective of the Masterplan was to establish a land use framework which accords with the UDP and achieves the ordered development of the area in a manner which will complement its attractive natural setting. The first phase of the development of the masterplan was approved under planning reference 97/00614/FUL and provided 128 dwellings. The entire masterplan identified the site as being able to accommodate some 860 dwellings.

Proposed Development:

Phase 1 Infrastructure Works – This consists of extending the central roundabout junction into the site from the existing stub by approximately 70 metres in length, creating a new access junction into the site off Weymouth Road with associated stub road of approximately 43 metres in length. Phase 1 also includes the provision of the sites Sustainable Urban Drainage System (SuDS) which will incorporate two attenuation basins and associated swales sited at the southwest of Englemann Way roundabout and to the

southwest of Portland College roundabout. These basins are designed to be dry under normal flow conditions, with small permanent pools of water, landscaped features, walking areas and a low flow channel. The basins seek to provide attenuation for 50% of the site as it develops.

Although all matters with the exception of access are reserved for consideration at a later date, the illustrative site master plan for the site has indicated five character areas for the development, the supporting commentary has also indicated that the outline development will comprise of up to 750 residential units consisting of 2-bed (5%), 3&4-bed (up to 75%), and 5-bed homes (at least 20%) with some commercial space.

Environmental Impact Assessment:

The development proposals were assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the EIA Regulations”) as amended in 2015. It was determined that the proposals on the site would constitute an “Infrastructure Project” as defined in Schedule 2 of the EIA Regulations, as it would be an “Urban Development Project,” which includes more than 150 dwellings and have an overall area exceeding 5 hectares.

A formal scoping opinion was sought via ref: 15/01874/SCO and following consultations a scoping response was issued dated 11.11.2015.

Consequently the planning application is supported by an Environmental Statement (ES).

The purpose of the ES is to inform statutory consultees, the public and interested parties about the likely effects of the proposed development on the environment. The likely effects are documented in the ES, which is then consulted on.

The ES for this application has essentially been presented in three volumes:-

- Volume 1 : Non-Technical Summary
- Volume 2 : Main Text
- Volume 3 : Technical Appendices.

Volume 2, which is the main body of the ES and the section that considers the significance of the impact on the environment, has considered the following as chapters:-

- Chapter 1 : Introduction
- Chapter 2 : EIA Methodology
- Chapter 3 : Proposed Development
- Chapter 4 : Alternatives and Design Development
- Chapter 5 : Air Quality
- Chapter 6 : Biodiversity
- Chapter 7 : Land Use and Agriculture
- Chapter 8 : Landscape and Visual Impact
- Chapter 9 : Noise and Vibration

- Chapter 10 : Socio-Economic
- Chapter 11 : Transportation
- Chapter 12 : Water Resource and Flood Risk
- Chapter 13 : Cumulative Impact

In summary, the consideration of the relative impact on the environment within the chapters has been based on the following methodology:-

Baseline conditions : an understanding of the existing environmental conditions against which the predicted environmental impacts have been assessed, including an assessment of environmental receptors.

Potential impacts : identification of potential impacts resulting from the proposed development and assessment of impact magnitude.

Mitigation and enhancement measures : recommendation for mitigation measures to avoid, offset or reduce the identified adverse impacts of the project, or for the enhancement measure to maximise positive impacts.

Residual impacts : assessment of significance of effects after consideration of mitigation measures.

In terms of assessing the planning considerations of the development proposal the above impacts are considered under the various headings in the consideration section of this report. Furthermore, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended consultations have been undertaken with the National Planning Casework Unit.

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.

Supporting Documents:

The current application has been supported by the following documents:

- Archaeological Desk-Based Assessment
- Archaeological Geophysical Survey
- Archaeological Evaluation
- Phase 1 Preliminary Geotechnical & Geoenvironmental Assessment
- Utilities Report
- Planning Statement
- Design and Access Statement

- Design Code
- Statement of Community Involvement
- Sustainability Statement
- Hedgerow Survey
- Arboricultural Tree Constraints Assessment
- Habitat Regulations Assessment
- Ecological Assessment, Management Plan & Design Strategy
- Ecological Scoping Report
- Agricultural Land Classification
- Flood Risk Assessment
- Drainage Strategy
- Transport Assessment & Interim Travel Plan.

Pre-application Engagement and Planning Performance Agreement:

The proposal was subject to pre-application discussions that sought to identify the scope of the Environmental Statement, the content of the Habitat Regulations Assessment, the validation requirements for the application, the heads of terms for the Section 106 agreement and an overall assessment of the proposed scheme.

To enable the effective management of the proposal both the developer and the City Council have entered into a Planning Performance Agreement (PPA) which has set parameters in terms of requirements and timescales for both the pre-application process and for the consideration and determination of the planning application for the purpose of providing the parties with a level of certainty as to the process and timescale to be followed.

Consultation:

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended) that is by :

- Site Notice (posted 15.03.2016)
- Press Notice
- Neighbour Notification Letters

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

CONSULTEES:

Doxford- Ward Councillor Consultation
 South Chair and Vice Chair Consultation
 National Planning Casework Team
 Environment Agency

Natural England
Marine Management Organisation
Historic England
Highways England
Network Management
Fire Prevention Officer
Northumbrian Water
Northern Gas Networks
Nexus
Southern Area Command - Police
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer
Environmental Health
Urban Design
Natural Heritage
Sustrans
Durham Wildlife Trust
National Grid Transco

Final Date for Receipt of Representations: **30.03.2016**

Consultations:

The application has been subject to a single full consultation exercise and as a result representations have been received from 48 separate addresses. 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.

Principle of development

- (i) Existing weak demand for housing.
- (ii) Loss of greenfield and agricultural land.
- (iii) Over development of an allocated site.
- (iv) Change of character of the area.
- (v) When was the site allocated for housing? (1998 UDP).
- (vi) Is the area classed as a settlement break? (No).
- (vii) A reduction in numbers would make the development more acceptable.
- (viii) Brownfield sites should be developed first. (Paragraph 111 NPPF states: "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land))." At the heart of the NPPF is a presumption in favour of sustainable development. Furthermore

Brownfield land comprises 64% of the total sites identified within the most up to date SHLAA.

Siting, Design & Appearance / Landscape and Visual Impact

- (i) Destruction of the public outlook. (Assessed within relevant chapter of ES and summarised in relevant chapter of report).
- (ii) Loss of privacy (Minimum spacing standards as prescribed within Sunderland City Council's Residential Design Guide are to be adhered to in future reserved matters applications).
- (iii) Loss of natural light (As above).
- (iv) Introduction of allotments would lead to a shanty town appearance (Off site provision is sought via Section 106 Agreement).
- (v) Loss of panoramic view.(There is no right to a view across other owners land).
- (vi) Mix of house types (inclusive for elderly i.e. bungalows). (House types to be controlled via Design Code).
- (vii) Development will dominate the skyline. (Heights to be controlled via Design Code).
- (viii) Loss of views from the cycle way. (Exact siting of bund and future realignment of cycle way to be confirmed via future reserved matters applications, however there is no right to a view over other owners land).

Highway Implications

- (i) Increase volume of traffic.
- (ii) Road safety concerns.
- (iii) Loss of public footpaths.
- (iv) Mud and debris on roads.
- (v) A690/A19 junction concerns.
- (vi) Need for Ryhope/Doxford Link Road to be constructed.

Socio-Economic Impacts

- (i) Sunderland has below standard educational facilities (Non material).
- (ii) Sunderland provides a poor standard of shopping and leisure facilities (Non Material).
- (iii) There are no plans to build a new school (Section 106 funding sought for education and the construction of a new school).
- (iv) The areas population is continuing to decrease.
- (v) The area does not require further retail units (Sequential test undertaken).
- (vi) The proposal will result in the loss of an existing farming business. (Site identified for housing and land under City Council's ownership).

Ecology and Nature Conservation

- (i) Wildlife – Loss of species and habitats.
- (ii) Protected species not covered within supporting documents.
- (iii) Loss of woodland.

Water Resources and Flood Risk

- (i) Flood risk concerns – inadequate mitigation.
- (ii) Detention basins are a health and safety risk.
- (iii) Basins will be source of smell and virus (Zica Virus) (Non material and considered to be covered by Public Health legislation.
- (iv) Diversion of surface water flows, due to overwhelmed basins (Proposed basins considered to be satisfactory in overall size) .
- (v) Existing Drainage system unable to cope.
- (vi) The proposal fails to meet the technical requirements of SUDS Manual CIRIA 6972007. (City Council's Flood and Coastal Group Engineer has been consulted and is satisfied with the proposed development).

Ground Conditions and Hydrogeology

- (i) Impact of development and water drainage upon mine shafts. (Monitoring works required as part of on going ground investigations).

Noise and Vibration

- (i) Increase in heavy goods traffic during construction.
- (ii) Increase in construction work such as drilling and pile driving.

Air Quality

- (i) Exhaust emissions.
- (ii) Dust.

Other Considerations (Material and Non Material)

- (i) Conflict of interest of Siglion Board Members and relationship between organisations. (Non material).
- (ii) Inadequate consultation with residents (Siglion provided a statement of community involvement identifying a satisfactory level of engagement).
- (iii) Application not fit for purpose (All requirements for the application to be made valid and considered have been submitted).
- (iv) Residents reluctance to comment (Non material).
- (v) Increase crime and disorder (Police consulted and future reserved matters applications will be scrutinised in terms of secured by design).
- (vi) Sustainability (A full sustainability report supported the application).
- (vii) Increase in litter, graffiti and reduced security (Future reserved matters applications can be scrutinised in terms of secured by design).
- (viii) Reduction in house prices and claims for compensation (Non material)

- (ix) Agenda 21 (Development assessed in accordance with both national and local planning policies both of which have at their heart a presumption in favour of sustainable development).
- (x) Pressure on existing services i.e Doctors surgeries etc. (The SSGA Infrastructure Delivery Study consulted with the relevant Trust for the area and advised that no additional healthcare facilities are required to accommodate new residents within development of the SSGA).
- (xi) Purpose of the original Compulsory Purchase Order. (Non material).

National Planning Casework Unit

No comments on the application.

The Marine Management Organisation

No response to the application.

Natural England

Natural England's initial consultation response highlighted that the application site is in close proximity to a European designated site (Natura 2000), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the "Habitats Regulations"). The application site is approximately 4km from the Northumbrian Coast Special Protection Area (SPA) and Durham Coast Special Area of Conservation which are European sites. The SPA is also listed as Northumbrian Coast Ramsar site and the sites are notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

In assessing the proposal and the potential impacts upon the Internationally Designated Sites, Natural England have No Objections, however it is recommended that the Local Planning Authority acting as competent authority consider the following in justifying likelihood of significant effects:

- The incorporated mitigation, in the form of Suitable Alternative Natural Greenspace, is in line with the requirements specified within the Draft South Sunderland Growth Area Supplementary Planning Document (SPD) HRA, and as such should be sufficient to ensure there is no likely significant effect resulting from this proposal.
- Sunderland City Council should satisfy themselves that this mitigation is capable of fulfilling the purpose for which it was required, and is in line with the requirements of the draft SSGA SPD HRA.
- The mitigation for each phase should be created and functioning prior to the first property being occupied, and the circular walking route should be created as part of the first phase of development.

With reference to the Nationally Designated Sites, Natural England has “No Objections” to the proposal subject to the following conditions should Members be minded to grant consent.

1. The incorporated mitigation for each phase should be created and functioning prior to the occupation of the first property in that Phase.
2. The circular walking route should be created as part of the first Phase of development.

Environment Agency

No objections.

Northumbrian Water Ltd (NWL)

In making their response NWL has assessed the impact of the proposed development on the sewerage network and offer the following comments:

With regard to surface water, NWL have no issues to raise with the application, provided the development, should Members be minded to grant consent, is carried out within strict accordance with the submitted documents entitled “Flood Risk Assessment” and “Proposed Drainage Layout.” This document states that surface water from the proposed development will discharge in part to the local watercourse, and in part to the surface water sewerage network. The surface water discharge to the sewerage network will connect to manhole 5904 at a restricted rate of 10l/sec.

With regard to foul flows, the applicant has been in discussions with Northumbrian Water regarding an appropriate discharge point to the foul sewerage network. Investigation works to confirm a suitable point remain ongoing, and therefore a connection point has not yet been agreed. As this connection is yet to be agreed, should Members be minded to grant consent it is recommended that the following condition be imposed:

Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with NWL. Thereafter the development shall take place in accordance with the approved details to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Northern Gas Networks

No objections to the proposal.

Historic England

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Highways England (HE)

Comments received have identified three areas of concern requiring further work. These areas are:

1. A19/A690 Junction Assessment : HE are satisfied with the modelling methodology and associated inputs into the A19 / A690 LinSig model. However, the results demonstrate that the junction currently operates with no reserve capacity in both the morning and evening peak hours.

HE are aware that the council is currently implementing their Pinch Point Fund improvement scheme at the junction, which proposes to accommodate South Sunderland Growth Area developments, the applicant's transport consultant has not demonstrated that these improvements are sufficient to accommodate Chapelgarth development traffic.

HE require the applicant to demonstrate that the development traffic can be mitigated at the strategic road network junction that is already operating over-capacity.

2. Merge and Diverge Assessments : HE have identified existing and future constraints for the northbound merge and southbound diverge at the A19 / A690 junction. Based on the trip generation provided in the Transport Assessment (which assumes 900 dwellings), the Chapelgarth development would add the following trips to these links:

Northbound merge: 88 vehicles in the morning peak, 47 vehicles in the evening peak.

Southbound diverge: 30 vehicles in the morning peak, 85 vehicles in the evening peak.

HE require the applicant to demonstrate that the development does not increase demand on these links to ensure the safe operation of the strategic road network.

3. Interim Travel Plan : HE suggest that an updated version is provided including the following additional details which would help reduce potential future impacts on the strategic road network:
 - Firm commitment to implementing effective measures to encourage sustainable travel.
 - Planned funding mechanisms for the ITP and how these relate to the responsibilities and timescales outlined in the action plan.
 - Provision of interim targets reflecting the vehicle trips in the TA and surveys designed to monitor these and the mode split.

Should it be identified that physical mitigation is required, this would then need to be subject to an independent Stage 1 Road Safety Audit.

It is therefore recommended that the planning application is not determined until such time that the above concerns are addressed.

Further to receipt of the above, the applicant has undertaken various pieces of work to respond to the requests of HE. An addendum to the TA has been issued to the HE and the following updated comments received that withdraw the previous instruction for non-determination.

1. A19/A690 junction has been remodelled to reflect the existing road layout and markings. The results indicate that the junction is currently operating over capacity, however the results also indicate that the proposed Chapelgarth traffic will not have a significant impact on junction capacity in either 2017 or 2032. Furthermore it is fully anticipated that due to Section 106 contributions the Ryhope to Doxford Link Road will be operational.

HE accept that the revised junction model is fit for purpose and agree with the results which show that there is not a significant residual impact at the Doxford Park junction as a result of the proposed development.

2. Merge and Diverge Assessments. No future works required, evidenced in the TA addendum.

The HE have undertaken independent assessments of the predicted impact of the proposed development on the merge and diverge. The assessment confirm that, whilst both the northbound merge and southbound diverge require upgrade, this is as a result of base traffic rather than development traffic.

3. It is considered that should Members be minded to grant consent a condition can be imposed requiring the submission of an updated Interim Travel Plan and should include:
 - Firm commitments to implementing effective measures to encourage sustainable travel.
 - Planned funding mechanisms for the Travel Plan and how these relate to the responsibilities and timescales outlined in the action plan.
 - Provision of interim targets reflecting the vehicle trips in the Transport Assessment and surveys designed to monitor these and the mode split.

Nexus

The following comments have been received.

The application site, despite the view of the developer, is not in the best location with regards to public transport services, the nearest being a service which operates to the Doxford Park shopping centre, but not back (being a one-way loop), and the next closest being inaccessible in terms of unacceptable walking distances from the most of the site.

The NPPF states that:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, development should be located and designed where practical to...

have access to high quality public transport facilities;

consider the needs of people with disabilities by all modes of transport.”

It is the view of Nexus that there are accessibility deficiencies in the application which should be addressed by the provision of high quality public transport services.

Nexus have raised the following for further consideration.

The indicated internal road layout does not meet the standard for bus accessibility (NOTE: The application is a hybrid and layout is a reserved matter).

Accessibility from most of the site to the existing bus services is poor.

With the above in mind Nexus note the following:

- The use of the internal roads by bus services is assumed in the Transport Assessment. It is the experience of Nexus that bus operators will not automatically gravitate toward new housing development without incentives.
- The Travel Plan does not provide any incentive for modal shift from private car to public transport. Nexus requests that the applicant be asked to fund two four week Network One travel tickets per household upon first occupation of new dwellings.
- The intention to visibly narrow the width of Weymouth Road in order to reduce speeding will not be appropriate given that it is used by buses and other large vehicles which need to pass one another. It would be more appropriate to reduce speeds by installing a school safety zone for Portland School.
- Nexus would request the upgrading of bus infrastructure on Weymouth Road and Moorside Road to include, where appropriate, the installation of enclosed shelters to protect waiting passengers from the elements.

County Archaeologist

The desk based assessment concludes that there are known archaeological features within the site. However as the land has never been developed, and thus never archaeologically investigated, archaeological features could exist.

Bell's map of 1820 shows a farm called “South Moor” within the site. By 1861 the farm was renamed Silksworth Moor. The farm was demolished by 1976. Buried remains of this may survive.

The geophysical survey has identified possible soil filled ditches, a track, a possible ring ditch and pits. Medieval or post medieval ridge and furrow (former ploughing) has also been detected.

The County Archaeologist has drawn up a trench location for preliminary archaeological trenches to investigate the geophysical anomalies to ascertain if they represent features. One further trench is required on the site of South/Silksworth Moor Farm.

The trenches were excavated by Archaeological Services Durham University in February 2016 and an Archaeological Evaluation Report 4117 March 2016 submitted for consideration.

Following receipt of the above document the County Archaeologist has made the following observations and recommends that a series of further work is required.

Six archaeological trenches have been excavated thus far. Twenty are required altogether. Of the Six trenches excavated, trench 5 recorded a gully which had spelt wheat in its fill (suggests an Iron Age date). Trench 4 contained a gully which had heath grass in its fill (potentially prehistoric). A further gully was recorded in trench 3.

With the above in mind the County Archaeologist has recommended the following work is required:

1. Radiocarbon dates to be obtained from the three gullies. It is recommended that this work is done now.
2. Remaining 14 evaluation trenches to be excavated.
3. Strip and record excavation to fully record and excavate any archaeological features found in the preliminary trenches, including the gullies found in trenches 3,4 and 5.

Should Members be minded to grant consent the County Archaeologist has requested that four conditions are imposed. These conditions are as follows:

1. Radio carbon dating.
2. Archaeological excavation and recording.
3. Archaeological post excavation report.
4. Archaeological publication report.

POLICIES:

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

B2 Scale, massing layout and setting of new developments
B3 Urban green space
B10 Development affecting the setting of listed buildings
B11 Measures to protect the archaeological heritage of Sunderland (general)
B13 Sites and monuments of local importance affected by development

B14 Development in areas of potential archaeological importance
 B15 Large scale disturbance
 B16 Historic sites
 CN8 Versatile agricultural land
 CN16 Existing woodlands
 CN17 Valuable trees
 CN18 Promotion of nature conservation (general)
 CN19 Special areas of conservation
 CN21 Local nature reserve sites
 CN22 Developments affecting protected wildlife species and habitats
 EN1 Improvement of the environment
 EN5 Protecting sensitive areas from new noise/vibration generating developments
 EN6 Limit exposure of new noise/vibration sensitive developments to existing sources
 EN9 Clean environment
 EN12 Conflicts between new development and flood risk / water resources
 EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
 H1 Provision for new housing
 H7 Executive housing
 T8 The needs of pedestrians will be given a high priority throughout the city.
 T9 Specific provision will be made for cyclists on existing/new roads and off road
 T10 Protect footpaths; identify new ones & adapt some as multi-user routes
 T11 People with disabilities and other special needs
 T13 Highway improvements
 T14 Accessibility of new developments, need to avoid congestion and safety problems arising
 SA9 Land for housing
 SA24 Sport and recreation
 SA27 Amenity open space
 SA31 Allotments and leisure gardens
 SA48 Multi-user routes.

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

1. Principle of Development.
2. Siting, Design & Appearance / Landscape & Visual Impact.
3. Highway Implications.
4. Socio-Economic Impacts.
5. Ecology & Nature Conservation.
6. Water Resources and Flood Risk.
7. Ground Conditions & Hydrogeology.
8. Noise & Vibration.
9. Air Quality.
10. Archaeology.
11. Planning Obligations.
12. Conclusion & Environmental Impacts.

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 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) in March 2012 (which is a material consideration for the purpose of Section 38(6)), 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 NPPF, the greater the weight can be given to the development plan.

In addition to the above, planning policies and decisions must reflect and where appropriate promote relevant European Union obligations and statutory requirements.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

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

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

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

Paragraph 19 of the NPPF underlines the Government's commitment to supporting sustainable economic growth;

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and

not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Section 6 of the NPPF : Delivering a wide choice of high quality homes is also of particular relevance in the assessment of this proposal.

Paragraph 47 states that:

“To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five-year's worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from the later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five year of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.”

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

As indicated by paragraphs 47 and 49 of the NPPF, the local planning authority should identify an available and deliverable five year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

In line with the city's housing requirements outlined in the emerging Core Strategy (Revised Preferred Options Draft 2013), the Strategic Housing Land Availability

Assessment (SHLAA), the most recent of which was the 2013 SHLAA, indicates that a 5 year supply of deliverable sites is in place. However, as with the emerging Core Strategy, the SHLAA has not been subject to independent examination via a public inquiry and as such, on balance, at this stage the Council cannot say with certainty that a five-year supply of deliverable housing sites is available in the City. Accordingly, it is considered that the more up to date development management and housing policies in the NPPF should therefore be given significant weight.

Notwithstanding the above, it is important to note that although the Council cannot robustly demonstrate a five-year supply of deliverable housing sites, the main strategic aims and area land use policies are aligned and in most cases fully compliant with the NPPF.

The Council's SHLAA (2013) has identified the site as being deliverable for housing within 1-5 years. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within 5 years. To add further weight to the site as a location for housing development is the fact that the emerging Core Strategy (the new local plan) proposes the wider area as a Location for Major Development (LMD) via Core Strategy Policy CS2. The LMD includes four key sites; Chapelgarth, Cherry Knowle, South Ryhope and Land North of Burdon Lane i.e SSGA.

In terms of the mix and type of housing, paragraph 50 of the NPPF requires local authorities to plan for the delivery of a mix and type of housing based on local trends, demographics and demand. The 2016 Strategic Housing Market Assessment Update (SHMA) underlined the need for the provision of 3+ bedroom detached and semi-detached houses - indeed, moving to a better/more pleasant area and larger/better property were found to be the most frequently cited reasons for moving out of Sunderland. The SHMA highlights that an increase in provision of larger properties is needed in Sunderland to achieve both population retention and economic growth.

The proposal being put forward proposes a housing mix which consists of 75% 3-4 bed dwellings and 20% 5 bed dwellings, with the remainder consisting of 2 bed properties for which a demand was also felt in the SHMA and as such is considered to be aligned to the most up-to-date locally defined need.

Paragraph 112 of the NPPF requires Local Planning Authorities (LPA's) to take into account the economic and other benefits of the best and most versatile agricultural land and states that:

"...where significant development of agricultural land is demonstrated to be necessary, LPA's should seek to use areas of poorer quality land in preference to that of a higher quality."

The local planning policy is set out in the Sunderland Unitary Development Plan (UDP) which was adopted in September 1998. The policies contained within the UDP were saved after September 2007 until such time when they are superseded by replacement local policies i.e. the adoption of the Core Strategy.

However, regard has to be given to Annex 1 of the NPPF that states that where Development Plan Policies were adopted before 2007 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It states that the closer the policies in plan are to the policies in the NPPF the greater the weight that may be given.

The main strategic aims of the UDP in part include:

- Reduce the net level of out-migration to zero by the end of the plan period, principally through policies for housing and economic development.
- Have a sufficient range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.
- Protect and enhance the best features of both the built and natural environment.

To achieve the aims, the UDP provides a number of relevant strategic policies. These include housing policies H1 and H7, countryside and nature conservation policy CN16 and built environment policy B3.

Policies H1 and H7 are both fully compliant with the NPPF. Policy H1 requires housing to be developed which maximises locational choice whilst allowing for a variety of needs in appropriate environments, the policy also aspires for development to take place which caters for reduced out-migration, whilst policy H7 encourages the provision of high quality, low density executive housing.

Policy CN8 seeks to protect the loss of the best and most versatile agricultural land (Grades 2 and 3A) and is fully compliant with the NPPF. In terms of considering the development proposal it is noted that an Agricultural Land Classification Survey has been submitted in support of the application. In conclusion of the 49.73 hectares of land surveyed, 14.03 hectares of land are considered to be non-agricultural land, with the remaining 35.7 hectares categorised as grade 3B land – moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.

Policy CN16 is fully compliant with the NPPF and seeks to retain and enhance existing woodlands, tree belts and field hedgerows, whilst policy B3 aims to protect public and private open space from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. Policy B3 is broadly compliant with the NPPF with an emphasis on consideration being given to the latest evidence contained within the Draft Greenspace Audit.

The aforementioned Draft Sunderland Greenspace Audit and Report 2012 identifies the application site as falling within the area of Hall Farm and Chapelgarth and stipulates that the area has a very small deficiency (quantity) of amenity greenspace providing 5.28

hectares per 1000 population against a current city average of 5.34 hectares, however the overall quality of the existing amenity greenspace is considered to be very low when compared with the wider city.

In addition to the strategic policies, the majority of the site is allocated for housing development and covered under policy SA9 of the UDP. Policy SA9 covers land for housing and is considered to be fully compliant with the NPPF. The site is identified as Chapelgarth, Doxford Park, with an indicative capacity for 860 units covering a gross area of approximately 72 hectares. Phase 1 of the allocation on land to the north of Weymouth Road being developed for 128 units under planning permission ref : 97/00614/FUL.

The housing allocations site is surrounded to the west, south and east, by allocations for land for new sports facilities, amenity open space and allotment and leisure gardens. Policies SA24.5, SA27.13 and SA31.2 respectively are all fully compliant with the NPPF. Policy SA48 (fully compliant NPPF) identifies the route from the City Centre to Burdon Lane via Silksworth Sports Complex, Doxford International and Chapelgarth as a strategic multi-user route to be protected from development.

The above allocations cover approximately 5.25 ha of the developable area of the site, however it is noted that the current proposal seeks to provide 6 ha of recreation open space in the remaining land within the allocation, increasing to 9 ha if the green links are included. With the above in mind, it is worthy of note that the draft SSGA has considered the requirements for the most appropriate locations for sport facilities and pitches and has identified land north of Burdon Lane as the most appropriate location, whilst also recommending that the previously allocated land use for allotments can be provided offsite.

As previously mentioned the emerging 2013 Core Strategy Revised Preferred Options is currently at Draft Revised Preferred Options stage and whilst it carries limited weight the spatial objectives for housing, neighbourhoods and communities and well-being all directly align to the existing allocation of the Chapelgarth site.

An area of retail development is proposed to form a community hub within the scheme and is proposed to consist of a maximum of 1000 square metres of ancillary commercial uses. As such, it is necessary to undertake a sequential test for the retail element of the proposal in line with the requirements of paragraph 24 of the NPPF which states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

The application site can be considered an out of town location, and as such a sequential test has looked at Doxford Park, Thorndale Road and Silksworth as District and Local Centres. The assessment has considered, location, physical characteristics, vacancy levels, planning policy designations, accessibility levels and concludes with an

assessment of suitability, availability and viability in accordance with the National Planning Practice Guidance. The findings of the assessment are considered to be acceptable in that no sequentially preferable locations are suitable, viable or available to accommodate the commercial element of the proposed scheme. It is considered therefore, that the sequential test is satisfied.

CONCLUSION.

In summary, it is noted that in local policy terms the vast majority of the proposed development site has been allocated for housing since the adoption of the UDP in 1998. The allocation for the site was estimated at 860 on a developable area of 34.51 hectares, of which 128 units (5.18 hectares) were delivered as part of Phase 1 at Burdon Vale.

The site is also being brought forward via the emerging Core Strategy identifying Chapelgarth as one of four major housing sites proposed within the SSGA.

In order to deliver the remaining developable area of the original estimated housing allocation 732 (29.33 hectares), whilst ensuring commensurate areas of public realm and suitable alternate natural greenspace (SANG) are delivered, additional land outside of the housing allocation has been identified for development. This land is currently allocated for leisure and recreation, and hence the application has been advertised as a departure.

With the above in mind, it is worthy of note that at this moment in time the City Council cannot robustly demonstrate a five year supply of deliverable housing sites, subsequently paragraphs 14 and 49 are particularly relevant, in that housing applications should be considered in the context of the presumption in favour of sustainable development.

The current application has been supported by a Chapelgarth Sustainability Statement, providing four key themes of health, happiness and wellbeing, regeneration, environmental sustainability and urban design and a core thread which is the delivery of up to 750 new homes, a new community heart, 13.74 hectares of alternative natural greenspace, connected recreational routes and an improved drainage strategy.

Notwithstanding the above, and with reference to the draft Sunderland Greenspace Audit and report 2012, it is acknowledged that Hall Farm / Chapelgarth Area currently provides below average levels of amenity greenspace in both quantity and quality in relation to city averages. The current proposal identifies two significant areas of public realm along with buffers zones between existing hedgerows and trees adding an additional 6.27 hectares of amenity greenspace to the area, along with 13.74 hectares of SANG. In this particular instance and further to ensuring delivery, it is considered that the introduction of this maintained, managed and accessible amenity greenspace, along with the introduction of the SANG is considered to be of significant benefit to the area and sufficient in quantity and quality to outweigh the loss of the allocated land for future leisure and recreation.

The development proposal has also been master planned in accordance with the draft SSGA Supplementary Planning Document, with this in mind financial contributions have been identified towards recreation, education, biodiversity, public transport, allotments and the provision of the Ryhope/Doxford Link Road.

In terms of the commercial element of the proposal, the application has demonstrated via a sequential test that the introduction of a community hub is acceptable.

The development proposal through the preparation of a comprehensive master plan for the entire site, has identified the provision of key infrastructure to enable the site to be delivered in phases over the next 15 – 20 years. In terms of land use considerations, the vast majority of the site is allocated for housing. The slight increase between the remaining site allocation and the maximum number of dwellings applied for is considered to be justified as, the City Council cannot demonstrate a robust five year supply of deliverable housing sites within its most recent SHLAA. With this mind, paragraph 49 takes precedence in that housing applications should be considered in the context of the presumption in favour of sustainable development.

In light of the above it is considered that the proposal represents a sustainable form of development, focusing on an improved drainage strategy for the site, increased availability of amenity open space, improved permeability to a variety of users in terms of the urban design and layout, coupled with a desire to reduce levels of car dependency via improving both public transport and multi user routes.

Having regard to all of the above it is considered that the representations made in respect of the 'principle of the development' as set out on page 7 of the main report have been satisfactorily addressed within this section.

2. Siting, Design & Appearance / Landscape & Visual Impact.

Paragraph 17 of the NPPF, in part, states that planning should seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Whilst paragraph 56 emphasises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

UDP policy B2 which is fully compliant with the NPPF, requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

In addition to the above, the City Council has also produced the Residential Design Guide Supplementary Planning Document in order to ensure the delivery of sensitive and appropriately designed sustainable development across the city.

Each of the above national and local planning policies and guidance have provided the backdrop and framework for the future delivery of housing, whilst also shaping the delivery of the masterplan of the area conceived throughout pre-application discussions.

The current proposal whilst primarily outline in nature has been supported by a Design and Access Statement and a Design Code for the site. The Design and Access Statement

describes the masterplan which has been produced to encapsulate the vision for the Chapelgarth Site. In accordance with guidance provided within paragraph 59 of the NPPF the Design Code has been produced to be read in conjunction with the Design and Access Statement and seeks to provide instructions for developers to bring forward each parcel of land in a controlled manner. The Design Code will also be used by the Local Planning Authority in determining future reserved matters applications and ensuring the delivery as intended, should Members be minded to Grant Consent.

It is worthy of note that whilst the Design Code should be read alongside the Design and Access Statement, the Design Code is intended to be the definitive record of the planning consent via condition should Members be minded to grant consent.

The Design Code seeks to commit to specific requirements of a large scale housing development, in terms of the layout of the scheme and the design and provision of the landscaping elements via fixing a number of parameters, rules and regulatory plans. The principle is that the plan is very firm on the master planning parameters of siting, massing and use, but flexible in terms of detailed design, materials and architecture. The principle is that layers of detail can be added as the scheme develops over time.

The Code itself is comprised of 3 chapters :

- 1. Chapelgarth Neighbourhood Strategy** : sets out the parameters for the area of the master plan concerning housing, the community heart and roads.
- 2. Chapelgarth Landscape Strategy** : sets out the landscape parameters and includes the location and design of the public open space to be delivered.
- 3. Delivery and Implementation** : provides information on how each area of green space will be delivered within the provisional timescales and will be secured either via condition or as part of the Section 106 agreement.

The Chapelgarth Neighbourhood Strategy seeks to introduce 4 Regulatory Plans, covering matters pertaining to the site boundary; access, movement and streets; character areas and developable areas and land uses.

Additional rules and parameters have added to the aforementioned whilst also covering matters relating to building lines, height, density, sustainable urban drainage and parking in order to reflect a comprehensive sustainable approach to development.

Following consultations with both the City Council's Urban Design Section and Network Management Section minor modifications and amendments have been agreed and the plans, parameters and rules updated where applicable, to reflect comments.

In conclusion, the concept of introducing character areas across the site, identifying a hierarchy of streets, developable areas and densities for development, in addition to establishing constraints around building lines and heights to provide a framework to both control and inform future development of the site, without compromising or restricting the

overall design or appearance of each development area is considered to provide a positive framework for future development proposals. It is therefore concluded that the design code provides a satisfactory mechanism from which to deliver high quality homes within the development in accordance with both NPPF and UDP policies.

Chapelgarth Landscape Strategy seeks to introduce 2 Regulatory Plans, relating to the overall open space strategy for the site and recreational routes, additional parameters have been added to each of these to identify the location and extent of open spaces throughout the site and the green links to be provided, along with the location and connections between recreational routes to be retained/enhanced or proposed as part of the masterplan.

Further rules have also identified a control mechanism for :

- a. Green gateway requirements.
- b. Required treatment for areas of Suitable Alternative Natural Greenspace.
- c. Recommended treatment for the Central Park (Joe's Paddock).
- d. Recommended treatment for Pocket Parks and Doorstep Play.
- e. Recommended treatment for Green Links and Amenity Open Space.
- f. Guidance on Public Art provision and location.
- g. Recommended treatments for Buffer Areas.
- h. Planting Strategy for Planting Character Areas.
- i. Planting Strategy for Street Types.
- j. Guidance on Materials.
- k. Guidance on Boundary Treatment.
- l. Guidance on Lighting across the site.

Following consultations with the City Council's Urban Design Section, Network Management Section including the Public Rights of Way Officer and the City Council's Ecologists, in addition to Natural England, the above regulatory plans, parameters and rules have all been assessed and where necessary modified to ensure that the code is reflective of local need but has also been developed and influenced by the existing landscape and natural site context.

As previously mentioned in the section covering the principle of development, the Hall Farm and Chapelgarth area suffers from both a deficiency in quantity and quality of amenity open space, subsequently the proposal has sought to deliver a large amount of accessible open space to the development and wider area. With this in mind, the proposal seeks to introduce a perimeter circular route around the developable area of the site, this suitable alternative natural green space, provides access from both within the development site and from outside of site, thus ensuring increased accessibility to a multitude of users.

In conclusion, it is considered that the landscape strategy has fully considered the constraints of the site, Blakeney Woods Local Wildlife Site, National Route 70 Multi-user Route, the existing tree and hedgerows, the existing agricultural nature of the site, deficiency of accessible footways and the below average levels of amenity space provided within the immediate area. The proposal has also sought to introduce a significant area of suitable alternative natural green space in order to be compliant with the Habitat

Regulations. In light of the above, it is considered that this element of the proposal is compliant with UDP policies CN16, CN19, CN21 and SA27.

The Delivery and Implementation of certain elements of the proposal is subject to rules governing the quantum of amenity open space, SANG and equipped play space. Heads of Terms are included within the Section 106 to safeguard the delivery of both the open space and SANG, whilst the equipped play space will form part of any subsequent reserved matters proposals should Members be minded to grant consent. It is intended that the long term maintenance of each of the above will be ensured by a maintenance schedule contained within the Section 106 agreement.

The Phase 1 Infrastructure Works seek to introduce the SUDS for the early phases of the development and along with the future areas of SUDS contained within the outline housing element of the proposal are also planned to be maintained by a private management company and secured via Section 106.

The delivery of the noise attenuation bund and living acoustic barrier that is proposed to be delivered running parallel with the A19 is to be constructed prior to the occupation of housing areas outlined within an adjacent noise buffer area. These works are to be secured via Section 106.

Notwithstanding the above, it is considered that all aspect of the development, SANG, open space, equipped children's play, SUDS and noise barriers can be secured via Section 106 with appropriate trigger points for delivery agreed, to ensure that the development is implemented in full and provides a high quality of design and a longevity of maintenance.

In summary, the three chapters of the design code are considered to provide a robust planning tool, that provides a degree of certainty to both developers and the Local Planning Authority. By outlining constraints contained within the code and by implementing the guidance provided within the parameters and rules, it is considered that the site can be delivered in a sustainable, cohesive and well planned manner.

In assessing the landscape and visual impact of the development the relevant chapter of the Environmental Statement has predicted that the significant effects can be summarised as follows:-

- The most sensitive receptors of the new development and construction works are the residents of Burdon Vale to the north and recreational users of informal footpaths around the field boundaries.
- Properties which have the greatest visibility of the site and highest sensitivity to change are those along the southern edge of the Burdon Vale estate. Following mitigation the proposal is predicted to have a moderate adverse significant effect.
- The loss of the fields is considered a moderate adverse effect.
- The change of use provides a provision of publicly accessible open space and a network of paths and is considered to be of major benefit to the local area.
- The effect on tranquillity of the site was considered to be minor adverse due to the increased activity associated with the development and increased street lighting.
- The addition of the acoustic treatments to the south west of the site are considered to be a great benefit to all from the effects of the A19 transport corridor.

- The current openness of panoramic views across the largest field and southern site area is predicted to be more reduced, but framed along and down street networks.
- The increase in vegetation, through mitigation of loss of existing vegetation and “gapping up” of existing hedges as well as extensions to hedge planting, new woodland planting and new street trees would be a major benefit.

In summary and based upon the information provided in both the Design and Access Statement and Design Code, it is considered that there would be a net enhancement to the landscape value and amenities of Chapelgarth with an overall impact of minor benefit.

Having regard to all of the above it is considered that the representations made in respect of the ‘siting, design and appearance / landscape and visual impact’ as set out on page 8 of the main report have been satisfactorily addressed within this section.

3. Highway Implications.

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

Paragraph 35 states in part, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and paragraph 36 emphasizes the use of Travel Plans to facilitate this movement.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8, T9, T10 and T11 seek to improve facilities for personal mobility.

Policies T8,T9,T10,T11 and T13 are all fully compliant with the NPPF, whilst policy T14 is broadly compliant with an emphasis placed upon supporting TA's as prescribed within the NPPF.

The application has been supported by a TA and an Interim Travel Plan.

The TA has been compiled and shaped by pre-application discussions with officers of Sunderland City Council (SCC) and Highways England (HE) and seeks to set out the likely impact of the proposed residential development at Chapelgarth.

In addition to the NPPF, the TA has been prepared in accordance with and mindful of The Strategic Road Network, Planning for the Future (2015) Highways England and LTP3 : Third Local Transport Plan for Tyne and Wear, Strategy 2011-2021 whilst on a local plan level the Chapelgarth site is identified within the Core Strategy as an area for major housing development and is included within the SSGA. In order to test and appraise the

local plan proposals on the highway network a Local Plan Evidence Base (LPEB) report was prepared in 2014.

The LPEB concludes that the impact of the SSGA can be accommodated if specific junction improvements (A19 and A690) and the Ryhope Doxford Link Road is provided. To facilitate the specific junction improvements identified, the draft SSGA Supplementary Planning Document states that Pinch Point funding has been secured (via the Department for Transport) to implement the required junction improvements.

Further to consultations with the Network Management Section the following comments have been received.

Transport Assessment (TA)

The land subject to the proposal has historically been identified for a residential development of 650 dwellings within the (SHLAA). The road identified to serve this land (named as Weymouth Road) was built with capacity to serve both Chapelgarth developments and the land to the south. A number of key junctions on the Local Road Network have been assessed within the TA. The TA has also been modified and a Transport Addendum submitted 18.07.2016.

Traffic Impact

Initially the applicant proposed up to 900 dwellings on this land, but following pre-application discussions has revised this number to 750 units. For a residential scheme of this size, the build rate would be expected to be in the region of 50 homes per year so the impact of new traffic would be expected to be incremental and increase gradually as the site is built out in a number of phases.

The provision of a Stage 1 Road Safety Audit would be beneficial to review the road network and given that this application is outline only with part of the access roads submitted as detail this requirement could be dealt with through a suitably worded planning condition should Members be minded to grant consent.

Junction Assessments

As part of the transport scoping exercise, eight junctions were requested to be assessed for traffic demands to check operational capacity for existing and future years including annual traffic growth for this development.

The applicant has considered traffic growth for a 15 year period up to 2032, based on the site being fully developed and open to traffic by 2017, including traffic from those nearby developments included that benefit from planning permission. The applicant has included phase 5 of the redevelopment of Doxford Park and the new ALDI retail development as traffic generated by known committed developments in the nearby area following advice at the pre-application stage.

The following junctions have been checked for existing capacity and assessed to include new development traffic and future on year traffic growth up to 2032. The junctions assessed are:

A690 Durham Road / A19 City Way

As mentioned previously, this grade separated junction which meets the strategic road network with traffic control on the local road network. Both the morning and afternoon peak periods have been assessed as the worst case situation where traffic demands are at the busiest and when delays are expected to happen.

Analysis of traffic flows identify that the junction is experiencing issues with queue lengths on approaches and operational capacity of the A690 circulatory carriageway during the peak hour periods. The traffic signals are currently set on specific timing patterns with queues controlled by loops installed within the surface of the roads at approaches to the roundabout.

The recent Pinch Point scheme at this junction, implemented with a government funding award included the renewal and upgrading of traffic signal equipment. The work included a number of measures to help improve traffic flows through the local road network element of the junction which is separated from the A19. These measures include the installation of Microprocessor Optimised Vehicle Actuation (MOVA) which will improve vehicle flows as it is more reactive than traditional signal timings and can prioritise demand on queue lengths and assist clearing traffic along the busiest approaches first. In addition, Urban Traffic Management Control (UTMC) has been installed which allows for the signal timings to be adjusted remotely should there be any exceptional situations influencing traffic queuing on the local or strategic road network.

The installation of MOVA is considered to help improve capacity of traffic moving through the junction by up to 5% and reduce delays by 15%. The recommendation to install MOVA was made within a study produced by the then Highways Agency now (Highways England) with a recommendation for implementation by 2018.

It should be noted that these measures were not fully complete at the time of the on-site traffic surveys, so the applicant has made assumptions on the benefits on the improvements brought about by optimising the signals with the MOVA equipment. There are also recent changes to lane-markings to consider with some still to be implemented.

It is also worth of note that the development will not cause a significant impact on traffic using the A19 strategic road network. The introduction of the MOVA/UTMC installation will bring improvements to enable initial development to commence on site.

However, based on recommendations made by Highways England it is recognised that a review of the A19 and its junctions in Sunderland would be beneficial to assist with the wider development proposals to be brought forward by the Sunderland Local Plan.

Doxford Park Way / Silksworth Way / Moorside Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Doxford Park Way / Mill Hill Road / Hall Farm Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Weymouth Road / Hall Farm Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Weymouth Road / Portland College roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that this increase can be accommodated by the existing roundabout. This roundabout was built as part of the original access roads constructed for Chapelgarth with capacity to serve both the existing and development of land to the south.

Weymouth Road / Englemann Way roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that this increase can be accommodated by the existing roundabout. This roundabout was built as part of the original access road constructed for Chapelgarth with capacity to serve both the existing and development of land to the south.

Weymouth Road / Moorside Road / Midgeley Drive roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the increase can be accommodated by the existing roundabout.

Weymouth Road / Site Access new T-junction

This is a new junction which has been designed as a priority junction and includes for localised widening for right-turn movements on Weymouth Road with capacity to accommodate new development traffic.

Junction Assessments Conclusion

At the request of Sunderland City Council, a further review of the operation of the Doxford Park Way / Silksworth Way / Moorside Road roundabout was undertaken following concerns raised by residents and Ward Councillors. This review considers traffic associated with the development and queuing during the morning peak hour. The results show that the proposed development will increase queue lengths and delays, but not at a level significant enough to require any mitigation measures to the roundabout.

Site Access

The proposal seeks permission to construct two lengths of new access road to serve the site. The first section is formed by a new T-junction with Weymouth Road; the second is an access from the existing stub on the fourth arm of the roundabout at the junction of Weymouth Road and Englemann Way. Both access roads will need to be constructed to the Local Highway Authority's standards.

Parking Provision

Parking for individual dwellings should be provided on the basis of a minimum 1 in-curtilage space per dwelling, increasing to two spaces depending upon the size of property. Visitor parking provision is normally applied at 1 space per 3 dwellings; this however can be relaxed subject to locations where dwellings have double driveways. It is recommended that visitor parking should be distributed evenly throughout the development and sited so as not to restrict through traffic particularly along bus routes.

Parking provision needs to be included for the local shopping centre, with the number of spaces provided based on gross floor area of proposed retail uses.

It is further recommended that new homes should be provided with the option of installing home charging equipment for electric vehicles. Additional publically available EV charging points should be included within communal facilities for the local shopping centre.

Public Transport

The TA states that the Chapelgarth site location has good access to regular bus services. This statement is considered to be questionable. The nearest existing bus services are operated as commercial routes serving Doxford Park / Hall Farm as part of the wider bus network. This development would benefit from the provision of a faster route into the City Centre with a bus stop provided in proximity to a proposed local shopping centre located within this development.

The illustrative Master-plan identifies a primary route through the development which could potentially be used as a bus route. This road width, will need to be a minimum of 6.7 metres with any on-street parking provided outside of this width to prevent obstruction of this route. The final layout of a 6.7 metres wide route to facilitate a bus service route through the development can be detailed at the design stage.

In light of the above, it is recommended that a short section of the primary route will need to be realigned to replace a block of the grid-style homes with a curved road alignment suitable for bus traffic. The layout of homes can then be redistributed to follow the realigned roadway.

It is further recommended that the development will need to be permeable and incorporate strong pedestrian links to assist in achieving public transport accessibility standards by ensuring direct walking distances of no more than 400 metres to a bus stop. (A bus stop should be provided on the primary route adjacent the proposed local retail centre with associated infrastructure i.e. lay-by, shelter, clearways and raised kerb platforms).

New westbound bus stops should be provided at two locations along Weymouth Road. Currently the only stops provided are eastbound. A drawing has been submitted to show two new westbound bus stops on Weymouth Road to complement the existing eastbound stops with new footways extended to serve these stops.

The person trip generation makes the assumption that 9% will travel by bus, in order to achieve that it is recommended that new bus infrastructure be provided to support the provision of bus services to help meet these targets.

Pedestrian and Cycling Provision

The applicant has confirmed that the new footway / cycleways to be constructed adjacent Weymouth Road are to be 3 metres wide shared use. Footpaths located within the proposed areas of green space adjacent Weymouth Road containing steps and gated access are proposed to be maintained by a private management company.

Public Rights of Way

There are no registered public rights of way across, or routed directly through the development site. The applicant should however be aware of the provisions of Section 31 of the Highways Act 1980 which relates to presumed dedication of public rights of way where there has been 20 years use by public as of right and without interruption, and also of Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map.

It is recommended that the site layout will need to include positive footpath links to the nearby public rights of way, bridleway and multi-user routes. Any diversions to routes would need to be covered by a legal order. The existing multi-user route to the southern side of the development which runs parallel with the A19 corridor linking Burdon Lane and Doxford International is to be retained.

Sunderland City Council has received a number of claims relating to the use of unmade tracks and potential pedestrian routes across the land which is the subject of this planning application. These are currently being assessed and any necessary arrangements to stop up and divert these routes progressed via the relevant section of the Highways Act 1980.

Section 38 Highway Layout

The proposed highway arrangements involve the construction of new public highway to enable access to the future development sites. The developer will need to enter into an agreement under Section 38 of the Highways Act to ensure the necessary technical and highway adoption arrangements are in place. Other highway adoptions to address at the detailed stage include:

- The road, footways, footpaths, visitor parking and associated street lighting will be subject to future adoption through a Section 38 agreement.
- Road layout to adoptable standards and associated highway improvements.
- Maximum limit of 3 dwellings to be served by private shared driveways.

The illustrative Master-plan identifies potential prospectively adoptable public highway. It is noted that the layout is illustrative and may change subject to reserved matter applications for future housing developments.

Traffic Calming in Development

The development should be designed to ensure traffic speeds are managed within the development with physical measures provided to deter speeds in excess of 20mph within the internal road layout.

Highway Drainage and Sustainable Urban Drainage Systems (SUDS)

The development includes proposals for two detention basins. These proposals include new surface water drainage pipe runs, some of which will be located in the existing highway. The installation of these connections will need to be carried out as part of the Section 278 Highway works. The basins are planned to be constructed at the start of the development with stubs provided to connect into future residential plots.

Any additional surface water management or highway drainage arrangements for the remainder of the development can be considered at a later stage. The provision of swales and water features adjacent pedestrian or driveway crossing points within residential areas needs to be reviewed. The design of these areas will need to be carefully considered to ensure there are no future issues with adoption as public highway, however it is considered that should Members be minded to grant consent the detail can be further considered at the reserved matters stage.

Traffic Management on Existing Highway

The applicant has included the drawing "Proposed Off Site Highways" within the Transport Assessment some proposals to introduce central hatching along Weymouth Road to narrow the available road widths and assist management of traffic speeds.

As part of the transport scoping exercise, the need to consider the influence of development traffic on existing traffic flows along both Weymouth Road and Moorside Road was highlighted. As a result, traffic counts were undertaken which have recorded vehicle speed data over both a 5 day and 7 day period. Results even with an allowance for isolated speeding incidents still show that general speeds along Weymouth Road are above the 30mph limit.

Section 278 Highway Works

The proposed highway alterations to Weymouth Road and the forming of the new access roads will involve construction works within the adopted public highway. The developer will need to enter into an agreement under Section 278 of the Highways Act to ensure the necessary technical and funding arrangements are in place before works start on site.

At the request of Sunderland City Council, the applicant has submitted drawings identifying proposals for traffic management measures along with both Weymouth Road and Moorside Road. Following a meeting to discuss the proposals, the drawing now includes for the provision of a School 20mph Zone on the sections of Weymouth Road covering Portland Academy. Physical measures include entry treatments, build-outs, speed cushions, signs and road-markings to enforce the 20mph limit. The applicant will be required to fund these works including costs associated with implementing traffic orders.

Additional parking restrictions are proposed along Moorside Road towards the junction with Weymouth Road. The applicant will be required to fund these works including costs associated with traffic orders. Further restrictions may be necessary as part of future phasing of development. No further restrictions are considered appropriate at this stage.

Road Safety

The applicant has undertaken a full review of road safety over a three year period. Detailed analysis indicates that there has been no traffic incidents involving personal injury with vehicle speed recorded as a contributory factor. There are records of collisions at junctions but those identified have no single or underlying issue highlighted as a reason.

Ryhope – Doxford Park Link Road

The completion of the Ryhope to Doxford Park Link Road is essential to enable the wider distribution of traffic across the local road network and help alleviate traffic relying on the A690/A19 junction. This link road will provide the east-west connection to the A1018 /St Nazaire Way and include junction capacity improvements to support the delivery of the SSGA.

Section 106 funding contributions for this key infrastructure project are to be provided by the Chapelgarth Development to assist on the phased delivery of this scheme.

Highways England Consultation

Discussions with Highways England confirm that they are satisfied with the assessment method the applicant has used to review the A690 /A19 junction. These however have raised capacity issues during AM and PM peak periods, but recognise that some capacity improvements are still to be made as part of the Pinch Point scheme to this junction.

Highways England have recommended that an additional piece of work be undertaken to review the potential impact on both the northbound merge and southbound merge lanes onto the A19. The response includes predictions for increases trips onto the A19 which are based on the original proposal for 900 dwellings covered in the Transport Assessment not the 750 now proposed.

Highways England has requested changes to update and amend the submitted Interim Travel Plan and suggested the provision of a Stage 1 Road Safety Audit subject to any physical changes to the existing highway layout.

In light of the above and at the request of Highways England, the transport consultant has undertaken additional traffic modelling work for the A19/A690 junction to provide a review of traffic signal timing, queuing capacity and lane arrangements.

The results of the additional modelling work provided by the applicant demonstrate that traffic from the proposed Chapelgarth development will not result in significant impact during the AM peak hour and that there will no additional impact during the PM peak hour. This is based on the planned year of opening to traffic in 2017.

Merge and diverge assessment for slip roads onto the A19 show that the existing south and northbound merge and southbound diverge arrangements can accommodate traffic associated with the Chapelgarth development. Based on this the applicant considers that no mitigation measures are required.

Highways England have reviewed both the additional traffic modelling for the A19/A690 junction and the merge / diverge assessment for the A19 slip roads, and are now satisfied that the Chapelgarth development will not result in a significant change to the performance of this junction taking into account the existing traffic demands at peak hours.

Network Management Response

The Pinch Point scheme mitigations completed to A19/A690 were developed with guidance from Highways England, and will bring improvements to the operation of the main circulatory carriageway.

Further mitigation measures to address capacity to include the completion of future phases of the Ryhope to Doxford Park Link Road will allow the wider distribution of traffic across the local road network and help alleviate traffic relying on the A690/A19 junction.

The provision of a Stage 1 Road Safety Audit is raised by Highways England, and it is agreed that this would be beneficial subject to any potentially significant physical changes to both the local and strategic road network.

It should also be noted that the development will lead to an increase in traffic using the A19 strategic road network but will not cause a significant impact. However based on recommendations made by Highways England a review and update of the previous Sunderland Infrastructure Study of the A19 corridor produced by the Highways Agency (now Highways England) would be beneficial to assist with the wider major development proposals to be brought forward by the Sunderland Local Plan.

The suggestion to update and amend the submitted Interim Travel Plan with effective measures to encourage sustainable travel and so help reduce potential future traffic impacts on both the strategic and local road networks is supported. It is considered that should Members be minded to grant consent this could be dealt with by a suitably worded condition.

Nexus Response

Nexus have raised a number of concerns with the development proposal, with the main issues raised as follows:

- The location of the development is isolated from existing bus services (and does not support access to local amenities.
- Suitability of the alignment of the internal road layout to accommodate a new bus route.
- A large proportion of the development does not meet with accessibility standards in terms of falling within the maximum 400m walking distances for residents.
- Lack of information on bus stop infrastructure provision and
- The provision of the central hatching along Weymouth Road.

Network Management Response to Nexus Comments

In terms of the proposal to introduce central hatching to Weymouth Road, it is recognised that while effectively narrowing the available road width to help manage traffic speeds, the reduced lane width would be detrimental to the free flow of buses. A recommendation would be to reduce the speed limit on Weymouth Road to 20mph with the addition of two on-street bus sites at appropriate locations and introduction of complimentary traffic management measures. It is noted that Nexus would be supportive of this solution.

In terms of the issues raised regarding the internal road layout and lack of detail regarding bus infrastructure, it should be noted that the application is a hybrid, (part full, part outline)

with the layout reserved for future consideration. Furthermore the bus service proposals to be supported by the Section 106 contribution help address the initial concerns raised by Nexus in respect of public transport accessibility, isolation from existing bus services and the suitability of the internal road layout.

Interim Travel Plan

The Interim Travel Plan should be developed further to promote sustainable transport options to help reduce single car occupancy. Consideration should be given to incorporating sustainable travel incentives bus travel within Welcome packs to help promote non-car options at an early stage.

Details will need to be submitted based on the Interim Travel Plan and include effective measures to encourage sustainable travel and reduce single car occupancy, and so help reduce potential future traffic impacts on both the strategic and local road networks. The Interim Travel Plan will need to include for any relevant financial contributions.

Travel Plans will need to be submitted for each phase and incorporate sustainable travel incentives including bus travel within Welcome packs to help promote non-car options at an early stage.

Concluding Highways Comments

In conclusion, it is considered that the TA and Addendum have satisfactorily demonstrated that subject to the imposition of planning conditions, the delivery of financial contributions towards ensuring the completion of the Ryhope to Doxford Park Link Road, and increased provision and frequency of public transport, the proposed development site, surrounding and wider highway network will be able to cope with the increase in both pedestrian and vehicular traffic. The proposal is considered to be acceptable and in accordance with paragraph 32 of the NPPF and saved UPD policies T8, T9, T10, T11, T13, and T14.

In assessing the environmental impact of the traffic and transportation issues associated with the proposed development the ES has concluded that through the use of appropriate mitigation measures that most adverse effects in relation to transport impacts are to be suitably controlled, with the exception of vehicle flows on Weymouth Road. This is however, primarily as a result of Weymouth Road currently accommodation a low level of traffic. The increase in flow is seen as likely to generate a moderate adverse impact on Weymouth Road, however it is noted that the development is likely to be constructed in separate phases and a sudden change to the levels associated with up to 750 houses would be gradual.

Having regard to all of the above it is considered that the representations made in respect of the 'highway implications' as set out on page 8 of the main report have been satisfactorily addressed within this section.

4. Socio-Economic Impacts.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF outlines 12 core planning principles that should underpin plan making and decision taking. Seven of these are particularly relevant to the assessment of the socio-economic impacts of the proposed development of the larger Chapelgarth site.

They are summarised below:

- to enhance and improve places in which people live their lives;
- to promote sustainable economic development to deliver homes, businesses, infrastructure and local places that are needed, based on the assessment of local need;
- to provide high quality design and amenity;
- to take account of the different roles and character of different areas including promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside;
- to promote mixed use developments;
- to maintain growth to make the fullest use of sustainable modes of transport and focusing development in sustainable locations; and
- to improve health, social and cultural wellbeing and delivering community facilities to serve local need.

As previously mentioned, the site is primarily allocated for housing within the UDP under policy SA9, however part of the site is also covered by policies SA24, SA27 and SA48, relating to the provision of outdoor sport facilities, amenity open space and the retention of a strategic multi-user route. The site is also identified in the most up to date SHLAA as having a capacity of 650 residential units, while also forming one of four sites collectively known as the South Sunderland Growth Area. The draft SSGA SPD is supported by the South Sunderland Growth Area Infrastructure Delivery Study (IDS).

The IDS has been produced to identify and define all of the requirements that are needed to make places function efficiently and effectively and in a way that creates sustainable communities. The delivery of the infrastructure requirements will be sought via planning conditions and also by Section 106 contributions.

The supporting Environmental Statement has established that Sunderland has a slowly declining population whilst economically it performs poorly in comparison with regional and national statistics. The ES has demonstrated that the City is losing residents to surrounding towns and cities, as it struggles to compete with the professional job and housing offer in other cities. Sunderland also has a high unemployment level in comparison with the region and nationally.

Mitigation measures have been produced to ensure the positives of the development are long term and that they benefit the local area. This includes:-

- Offering employment opportunities locally.
- Procuring local goods and services
- Section 106 financial contributions towards education, recreation, biodiversity, highways, allotments and the delivery of approximately 75 affordable houses.
- Enhanced open spaces and improved accessibility

In terms of job creation, the ES predicts that 57 full time jobs will be created as a result of the development of the village heart. In addition to this 222 jobs are estimated to be generated during the construction phase with the associated boost to the local economy.

With all of the above in mind it is considered that the development is in accordance with the relevant core principles of the NPPF and will have a moderate benefit on the local economy, employment and community benefits.

Having regard to all of the above it is considered that the representations made in respect of the 'socio-economic impacts' as set out on page 8 of the main report have been satisfactorily addressed within this section.

5. Ecology & Nature Conservation.

The current proposal 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 2010 (as amended): 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.

Chapter 11 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains

in biodiversity where possible, including by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments.

UDP policy CN16 encourages the retention of and enhancement of field hedgerows and to undertake and encourage new planting in order to, in part, enhance main transport corridors, employment areas and wildlife corridors. Policy CN18 of the UDP promotes the preservation and creation of habitat for protected species where possible, whilst policy CN21 requires the Council to avoid adverse impacts on Local Nature Reserves. Policy CN22 goes on to state that:

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

Each of the aforementioned UDP policies are considered to be fully compliant with the NPPF.

Policy CS7.7 of the emerging Core Strategy and Development Management Policies sets out that the Council will:

- a) Protect, conserve, enhance and review designated ecological and geological sites of international, national and local importance;
- b) Ensure that development does not adversely impact upon existing locally distinctive priority habitats and species and makes the fullest contributions to enhancing their biodiversity, both through on-site measures and by contribution to local biodiversity improvements; and
- c) Ensure that development does not adversely impact upon local geo-diversity assets.

Considerations

The current proposal which seeks to develop the existing agricultural land for residential and commercial use has been subject to the following surveys:

- Phase 1 Habitat Survey;
- Bat emergence and transects surveys;
- Automated monitoring survey of bats;
- Brown hare transect survey;
- Great crested newt surveys;
- Badger, otter and water vole surveys;
- Breeding bird surveys.

In addition to the above, a number of additional surveys were undertaken, starting with a verification survey undertaken by Argus Ecology Ltd. dated 21.04.2015 which included a further breeding bird survey and walkover survey to verify habitats present and to assess whether the risk of occurrence of protected species had changed since the publication of the above reports in 2013 and 2014. The findings of the report are contained within the relevant ecology chapter of the environmental statement.

A hedgerow survey and report was undertaken and an arboricultural report was also provided in support of the proposal.

In assessing the current proposal, a variety of constraints in terms of habitats and vegetation were identified, within the site, adjacent the site and in the surrounding area, that have assisted in shaping the current masterplan proposal through the pre-application process and throughout the planning application consideration process.

Within the development area the site comprises three arable fields, separated by hedgerows with trees, and two areas of semi-improved neutral grassland. A total of 97 individual trees and 14 tree groups were surveyed, and it is noted that 12 trees have been categorised as unsuitable for retention. A plan illustrating the relevant category of each tree contained within the site has been submitted and should Members be minded to grant consent it shall be attached to the approved plans condition.

Furthermore should Members be minded to grant consent conditions shall be imposed to ensure that tree work recommendations and prescribed maintenance are undertaken in accordance with the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016. Additionally, following the submission of any and all future reserved matters applications should Members be minded to grant consent, it is recommended that a condition be imposed requiring the submission of a full Arboricultural Impact Assessments to establish the impact of any future layout on the existing tree constraints.

The site contains a total of 1.79km of hedgerows located within 8 discreet units, of these units and following a hedgerow survey, it is considered that only two units would qualify as important under the Hedgerow Regulations 1997, although all the hedgerows within the survey area could be regarded as priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). Notwithstanding the above, the current masterplan indicates that only one hedge is to be removed and three others are identified to be breached to accommodate roads.

With the above in mind and should Members be minded to grant consent, it is considered that a condition should be imposed to ensure that all necessary works to the existing hedgerows are undertaken outside of the bird nesting season.

In terms of protected and priority species, it is noted that representations have been received claiming the site provides a habitat for a variety of species, during the phase 1 survey a note was made of any field signs indicating the presence of those protected species listed and mapped. A record was also made of any other animal species identified

within the site or adjacent areas during the survey and an assessment of the suitability of the habitats for protected species was carried out in order, to identify any potential impacts upon such species or whether there was a requirement for further survey.

With regards to protected and priority species, no amphibians were found, including great crested newts, in either the pond within the site or in Blakeney Woods. Furthermore, the suitability of the site for reptiles is considered very low due to the existing arable farming of the site. No signs of badgers were recorded and it was concluded that the site supports a very small population of brown hares, song thrush, and up to two skylark territories while common toads occupy a pond outside the site.

The site has been subject to an extensive programme of bat emergence and activity surveys which have identified a foraging area surrounding existing hedgerows as well as identifying two trees that may support roosting bats. In light of this and given the outline nature of the application to the pertinent areas, it is considered that should either or both these trees require felling pre-felling surveys and licenses would be required from Natural England.

Adjacent to the east of the site is Blakeney Woods Local Wildlife Site (LWS), the potential impact of the proposed development in terms of encroachment, damage to trees and contamination of the water course have all been considered throughout the development process and appropriate buffers and long term management plans prepared to safeguard the long term health of the site.

In light of the above, a number of mitigation measures have been incorporated in to the project design to avoid or reduce the magnitude or significance of potential ecological impacts, including:

- Open buffers of a minimum of 25 metres to be maintained around Blakeney Woods and belts of mature trees.
- 10m buffers around hedgerows:
- A SUDS scheme that not only functions as a flood protection mechanism but also provides a number of ecological benefits, actively contributing to the network of open space provision.

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 into the UK planning system via the Conservation of Habitats and Species Regulations 2010 (as amended) (hereby referred to as the Habitat Regulations (2010)) and Paragraph 119 of the NPPF. 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.

The relevance of these designations to the development proposal follows the work the Council has undertaken in respect of advancing the Council’s Local Plan i.e. the emerging core strategy and the draft SSGA SPD as well as evidence gathered by neighbouring authorities in their plan-making e.g. Durham County Council’s Local Plan. 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 (2010).

In light of the Chapelgarth site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own Habitats Regulations Assessment (HRA) to ascertain whether there would be any LSE arising out of the emerging 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.

Given this conclusion the next stage of the HRA process is to undertake an Appropriate Assessment (AA), which is a scientific appraisal of all the LSEs, which the relevant competent authority, in this case the City Council, can then use to ascertain whether the plan would adversely affect the N2K’s integrity.

In order to summarise, the AA exercise for the SSGA has identified that Suitable Alternative Natural Greenspace (SANG) and accompanying green infrastructure are required in order to absorb the majority of dog-walking activity arising from new residents and to reduce the pressure on the coast from the existing population.

The current proposal has been supported by a report to support the SSGA HRA and concludes and recommends the following:

The development has been considered in terms of its scale, nature and location in relation to the designated sites and also in combination in the wider context of the SSGA. In the absence of mitigation, it has been determined that there would be LSE on two of the qualifying features of the Northumbria Coast SPA and Ramsar site, both alone and in-combination with other planned development in the SSGA.

In light of the above, the masterplan for this development proposal has incorporated mitigation that accords with the requirements of the draft SSGA SPD to provide in excess of 18ha per 1000 dwellings of SANG. As a result of the mitigation, it is considered that the competent authority i.e. Sunderland City Council could safely conclude that there is no LSE on the qualifying features of the SPA and the Ramsar site. It is therefore considered that the potential effects of this development proposal on the Durham Coast SAC could be screened out from further consideration.

With regard the overall design principles, delivery and long term maintenance of the SANG, the following principles are to be adopted and have been added to the Design Code in the form of regulatory rules to ensure adherence:

- Enhancement to existing open space provision. To have a natural open space feel similar to a country park specification.
- Paths to include a combination of surfaced routes for all weathers and mown grass paths to provide a more natural feel.
- To include supplementary tree planting and species rich grassland and wildflower management proposals.
- To include large areas for dogs to be off a lead and signage as to which areas these are.
- Low level lighting to be provided to key routes only.
- 1.2 metres high railings to be included where necessary for safety between dogs off the lead and cars in adjacent areas.
- To include a well connected trail and short loop walks.
- To include markers for fitness trails.
- To include equipment for fitness trails.
- To include a multi user route and a diverted section of the W2W
- To include access control which permits horses, cyclists and pedestrians including double buggies.
- Incorporate public art and interpretation which is in keeping with the country park that references views and the history of the SANG/wider Chapelgarth site including the former railway and industrial use.
- Will not incorporate other uses incompatible to dog walking such as sports pitches.

Following consultations with the City Council's Natural Heritage Officer (ecologist), the following areas have been identified in terms of measures required to mitigate the impact of the development on biodiversity and monies secured via a financial contribution contained within the Section 106 agreement, along with trigger mechanisms to ensure the delivery and longevity of the scheme.

- Blakeney Woods LWS – Production of a management plan reviewed every 10 years. Implementation of the measures identified in the plan including:-
 - Invasive species control and eradication
 - Access management measures
 - Creation of marginal strips
- Contribution towards a Ranger Service for the South Sunderland Area.
- Creation of a Hedgerow Incentive Scheme.
- Farmland management and liaison with Farmers in the immediate area.
- Management fee to cover the cost delivering the mitigation measures.

In addition to the above, and should Members be minded to grant consent, it is recommended that a condition be imposed to cover impacts on breeding birds.

In conclusion, the masterplan and design code have undergone considerable modification to ensure that all ecological effects have been addressed, and through the imposition of a series of constraints, mitigation measures have been introduced to ensure compliance with protected species legislation and relevant national and saved UDP policies.

The Environmental Statement has acknowledged that the loss of the existing land will involve a small magnitude effect on surface water flows in Hendon Burn, within Blakeney Woods LWS, changes to the breeding bird assemblage and effects on hedgerows and trees, it is concluded that the overall residual impact of the development will be no more than minor significance.

Having regard to all of the above it is considered that the representations made in respect of the 'ecology and nature conservation' as set out on page 8 of the main report have been satisfactorily addressed within this section.

6. Water Resources & Flood Risk.

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk, whilst paragraph 103 specifically sets out the requirements for site specific flood risk assessments for proposals of greater than 1ha in Flood Zone 1. (In this instance the site does exceed 1ha in Flood Zone 1 whilst also being located within a Critical Drainage Area as defined by the Council's Strategic Flood Risk Assessment (SFRA)).

UDP Policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

Policy EN12 states that:

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number or people or properties at risk from flooding; and
2. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water based wildlife habitats.

Policy EN12 is considered to be broadly compliant with the NPPF with an emphasis firmly placed upon ensuring developments follow the site specific flood risk assessment procedure.

Planning applications therefore require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding

(e.g. climate change) while satisfactorily demonstrating that their development is safe. This two-pronged requirement is expected to be evidenced in a Flood Risk Assessment (FRA). The principle aim of a FRA is to determine the acceptable management of flood risk. FRA's should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes and they should demonstrate that proposed development will not worsen the existing situation.

The Applicant has submitted a FRA dated March 2016 and an accompanying Drainage Strategy dated March 2016.

The FRA includes the following:

- An appraisal of the availability and adequacy of existing information on flood risk
- An appraisal of the flood risk posed to the site and potential impact of the development on flood risk elsewhere
- An appraisal of the scope of possible measures to reduce the flood risk to acceptable levels if required.

In appraising the flood risk of the site, matters relating to tidal, fluvial, artificial drainage, overland/surface water, infrastructure failure and groundwater have all been considered and it is concluded that the development is acceptable from a flood risk perspective.

Notwithstanding the above and in order to deliver a sustainable drainage solution for the overall development, the development has proposed a scheme of drainage that splits the sites surface water discharge locations. Where possible by gravity connection up to 50% of the site will be directed to the watercourse at a discharge rate equivalent to greenfield runoff up to a maximum of 40 litres per second, as agreed with the Lead Local Flood Authority (LLFA). The remainder of the site will discharge to the existing public surface water sewer at an agreed discharge rate of 10 litres per second. Attenuation on site will provide storage for flows in excess of the aforementioned rates.

It is proposed that surface water flows from the site are to be connected to the sewer system through a combination of swales and a traditional piped network which will discharge into two interconnected Sustainable Urban Drainage Systems (SuDS) basins. Basin 1 located to the southwest of Portland College roundabout and Basin 2 located to the southwest of Englemann Way roundabout. These are also expected to provide a level of water quality treatment.

The onsite storage will cope with all storms up to and including the 1 in 100 year, 6 hour duration with climate change allowance of 30%. The storage requirements for both basins will have a total of approximately 6000 cubic metres.

Detention basins have been selected for their high SuDS value, high attenuation potential and hydraulic control as well as their compatibility with residential developments. They also have a good habitat creation potential, and are considered to have low maintenance requirements and high community acceptability.

It is proposed that “Downstream Defenders” are utilised upstream of each basin. Downstream Defenders are vortex separators which remove fine particles, oils and other floating debris from surface water runoff.

Swales have been selected as they are a good source of removing urban pollutants, have good amenity and ecological potential and are visually attractive.

Flows for the development area, that are to make connection to the watercourse, will be dealt with using sustainable drainage techniques to be agreed with the LLFA during later stages of the development and should Members be minded to grant consent, a condition will be imposed requiring the submission of full surface water drainage details. In the interim, the outline elements of the application have been informed by an outline SuDS strategy, including an indicative layout illustrating swale conveyance and detention basins to alleviate any potential overland flooding issues while the development is under construction.

The submitted Drainage Strategy produced by Cundall, dated 1.03.2016 provides an operation and maintenance plan for the phase 1 infrastructure, should Members be minded to grant consent, it is recommended that a condition be imposed requiring adherence to the details provided. Furthermore an additional condition shall be imposed for the future operation and maintenance of later phases of SuDS to be implemented via subsequent reserved matters applications.

In assessing the Applicant’s drainage strategy the Council’s Flood and Coastal Engineer has welcomed the use of SuDS in the way of detention basins and the limited discharge rates to greenfield runoff i.e. 40l/s and 10l/s respectively.

In conclusion, the development proposal’s flood drainage strategy demonstrates that the scheme would not likely impede materially the flow of flood water, or increase flooding elsewhere, or increase the number people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, and as such it is acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UPD policy EN12.

The adoption and maintenance of the proposed SuDS is proposed to be undertaken by both the City Council’s Highway Authority as part of the Section 278 Highway works and via a private management company, details of which will form part of the accompanying Section 106 legal agreement.

The Environmental Statement has concluded that there is betterment in the transition from the existing site to the post-development surface water runoff rate, due to the installation of a formal drainage system to attenuate and manage surface water runoff from the site. Overland flows from the greenfield site that currently discharge to the wooded areas will be captured and conveyed through the new development drainage infrastructure, thus reducing offsite flood risks within Weymouth Road.

Secondary sources of flooding such as groundwater, fluvial; tidal; artificial water sources; infrastructure failure; overland flows; and groundwater have been investigated; and are deemed to present a low risk of flooding both at the proposed development site and to other areas.

Following the implementation of the proposed mitigation measures, the residual impacts to or from flooding during all phases of the proposed development, are found to have a moderate positive impact.

Having regard to all of the above it is considered that the representations made in respect of the 'water resources and flood risk' as set out on page 8 of the main report have been satisfactorily addressed within this section.

7. Ground Conditions & Hydrogeology.

Section 11 : Conserving and Enhancing the Natural Environment of the NPPF states, in part within paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing both 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; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 120 is concerned with preventing unacceptable risks from pollution and land instability and highlights that where a site is affected by contamination or land stability issues the responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN14 of the UDP requires that consideration be given to ground conditions and to ensure that contamination issues are taken into account.

The current proposal has been supported by a Phase 1 Preliminary Geotechnical & Geoenvironmental Assessment. Potential sources of contamination have been identified in the report and include:

- Made ground associated with demolished farm buildings and former mineral railway. Potential contaminants include asbestos organics and metals.
- Ground gases from backfilled ponds and quarries, offsite clay pit and dissolution of limestone.
- Unidentified contamination (e.g. fly-tipping etc).
- Agrichemicals assuming that the site is developed within 6 months of the application.

In addition to the above, it is noted that whilst the site is not located in an area considered at risk from shallow depth mining or mineral extraction, it was recommended that a coal mining report was sought from the Coal Authority that provided a review of the search area and historical evidence of deep worked seams.

Further to the receipt of the above requested Coal Authority mining report, comments received from the City Council's Public Protection and Regulatory Services section have recommended that further gas monitoring is required, potentially over six months rather than the suggested three months to ensure that sufficient monitoring data is supplied.

Notwithstanding the above coal report, and in light of the findings of the phase I report, it is considered appropriate, should Members be minded to grant consent, to impose the standard land contamination conditions that requires the developer to undertake a phase 2 site investigation that will consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. This investigation will inform any subsequent remediation strategy, if one is deemed necessary; while a verification condition will require the agreement of a validation report demonstrating that the development has been built in accordance with the agreed parameters of the remediation strategy.

In conclusion, with the imposition of conditions as detailed above, the proposed development is considered to accord with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

Having regard to all of the above it is considered that the representations made in respect of the 'ground conditions and hydrogeology' as set out on page 9 of the main report have been satisfactorily addressed within this section.

8. Noise & Vibration.

Section 11 : Conserving and Enhancing the Natural Environment of the NPPF provides relevant guidance on noise, namely paragraph 123 states that:

"Planning Policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."

Policies EN5 and EN6 of the UDP both require the applicant to undertake assessments and set out mitigation, where proposals are likely to demonstrate unacceptable levels of noise or vibration or are to be exposed to unacceptable levels of noise or vibration from

adjacent users. Each of the aforementioned policies are considered to be fully compliant with the NPPF.

The application has been supported by a detailed noise survey that assessed the impacts of construction noise and vibration, the existing and proposed noise impacts on existing and future occupants, new items of plant and equipment associated with the development and changes in traffic flows on existing roads.

Addressing each of the above in turn and following consultations with Public Protection and Regulatory Services it is recommended that:

- Given the largely outline nature of the application a further more detailed construction noise and vibration assessment is undertaken once the construction methodologies have been determined. (Should Members be minded to grant consent it is considered that this could be safeguarded by the imposition of an appropriately worded condition).
- It is recommended that all new items of plant and equipment be selected, designed and where appropriate, mitigated so that the noise emission criteria, which relates to negligible/no impact, as identified in Table 13 Chapter 9 Noise and Vibration of the Environmental Impact Assessment, are not exceeded.
- The majority of predicted changes to road traffic noise are likely to result in a negligible long-term noise impact at nearby receptors since any increase in noise level is predicted to be less than 3 dB. There are however, 4 roads (or road sections) where noise levels are anticipated to increase by up to 5.5 dB and as such give rise to minor long-term noise impacts due to the proposed scheme;
 - i) Weymouth Road, between the junctions with Englemann Way and Portland College;
 - ii) Weymouth Road, between the junctions with Portland College and Hall Farm Road;
 - iii) Moorside Road, between the junction with Weymouth Road and Doxford Park Way;
 - iv) Weymouth Road, between the junction with Moorside Road and Englemann Way.

The Applicant considers that the assumptions on which the noise predictions were based were as a result of an overestimation of traffic flows on the minor roads and not the proposed 750 units. This would result in a corresponding drop in the number of vehicle trips generated by the proposed development and potentially reduce the overall impact at the above locations.

With the above in mind, it has been recommended by Public Protection and Regulatory Services that the above data is remodelled using the correct quantum in order to accurately assess this impact.

Following receipt of the updated road traffic noise calculations to establish the predicted magnitude of impacts, each of the four receptors identified above, with the exception of Weymouth Road, between the junction with Moorside Road and Englemann Way have

been identified as being effected by potential long term minor adverse road traffic noise effects.

The exception to the above (Weymouth Road, between the junction with Moorside Road and Englemann Way has however provided a value that indicates that the introduction of 750 homes will potentially result in a 5dB increase in noise which would amount to a potential long-term moderate adverse road traffic noise effect.

It is worthy of note that whilst this figure potentially may result in a moderate adverse effect, as a result of additional modelling work, this will only be triggered once the number of residential units on site exceeds 740 and as such the overall increase in noise level due to increases in road traffic flows would be gradual, taking place over a significant period of time.

Furthermore, the noise levels identified have been calculated based on the current speed limit of the existing road network, a reduction in the speed limit, which is anticipated via road network improvement scheme would also see a reduction in noise levels equal to less than 5 dB and hence only result in a minor adverse effect.

In conclusion, the noise survey figures submitted do indicate that properties that align and back on to Weymouth Road between the road junctions with Moorside Road and Englemann Way will be subject over time to a potential increase in road traffic noise effects of 5dB. However, should the quantum of development not exceed 740 or should road traffic speeds be reduced via section 278 works this figure will be reduced.

In assessing the existing noise climate on the proposed site, the main noise source is considered to be the A19 located at the southern boundary. Industrial type noise is also evident at the western boundary of the site. The noise assessment therefore considers these noise sources on future occupants of the site.

In order to mitigate the effects of the above the proposal seeks to introduce 4 metres high noise barriers, which involves a 1.5 metres high raised earth bund, with a 2.5 metres high living screen planted above. Should Members be minded to grant consent the delivery and long term maintenance of the bund is to be secured via the Section 106 Agreement.

To summarise, the application has provided survey information to assess the impact on both existing residential units and future occupants and concluded through the use of appropriate mitigation measures, most adverse effects as a result of noise and vibration are likely to be suitably controlled via condition or secured by Section 106 Agreement.

The one exception to the above is that in light of the existing quantum of development that is proposed and existing speed limits along Weymouth Road, noise levels along a strip of Weymouth Road between Moorside Road and Englemann Way will increase existing noise levels by 5dB and be considered as resulting in a moderate adverse effect.

With the above in mind and should Members be minded to grant consent it is recommended that a condition be imposed that Section 278 works to the highway are sought to reduce existing speed levels and ensure through the passage of time that levels of amenity to residents occupying properties alongside this section of road are safeguarded and certainly before quantum approaches 740.

Overall the development is considered to accord with both national and local policy, in that it will not give rise to significant adverse impacts on health and quality of life as a result of new development.

Having regard to all of the above it is considered that the representations made in respect of the 'noise and vibration' as set out on page 9 of the main report have been satisfactorily addressed within this section.

9. Air Quality.

Paragraph 124 of the NPPF states in part that:

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

UDP policy EN9 which is fully compliant with the NPPF states in part that:

"The relationship between proposed residential or other development requiring a clean environment and existing uses in close proximity giving rise to air pollution, dust or smell will be a material consideration in determining planning applications."

Further to consultations with the Public Protection and Regulatory Services the following is noted.

The development site has good air quality. Local Authorities are required to review and assess the air quality within their district and measure it against the air quality objectives (health based objectives) introduced by the Air Quality Strategy and the whole of Sunderland currently meets these objectives.

The assessment has considered the existing air quality and the future air quality of the site when the development is operational. It also considers the constructional phase of the development which may have an adverse impact on air quality.

The assessment has concluded that during the operational phase of the development, impact on air quality will change only slightly and the air quality objectives will still be met comfortably. However, it is recognised that there is the potential for the construction phase to have a negative impact on the existing nearby residents, from activities such as

earthworks. With this in mind it is recommended that should Members be minded to grant consent that a Dust Management Plan should be provided either as a stand-alone document or within the Construction Environmental Management Plan as a condition.

With the imposition of an appropriate condition relating to dust management the Environmental Statement has concluded that the overall air quality impacts of the development are judged to be “not significant.”

The proposal is considered to be acceptable in terms of both compliance with the NPPF and saved UDP policy EN9.

Having regard to all of the above it is considered that the representations made in respect of the ‘air quality’ as set out on page 9 of the main report have been satisfactorily addressed within this section.

10. Archaeology.

Paragraph 141 of the NPPF advises that:

"Local Planning Authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In keeping with the nature of this paragraph, UDP policy B10 promotes the protection of the character and siting of listed buildings, whilst policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

Policies B10, B11, B13, B14, B15 and B16 are all fully compliant with the NPPF.

The current proposal has been supported by an Archaeological Desk-Based Assessment, Geophysical Survey and following consultation with the County Archaeologist, an Archaeological Evaluation. These have all undertaken by Archaeological Services, Durham University.

In light of the above, and given the outline nature of the submission, the significance of the archaeological findings which potentially may be unearthed cannot be established at this moment in time, however, with the imposition of appropriate conditions, should

Members be minded to grant consent, the archaeology of the area will be sufficiently recorded to ensure that the scheme complies with both NPPF and relevant UDP policies.

11. 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 204.

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 proposed development;
- Fairly and reasonably related in scale and kind to the development proposal.

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

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

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

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

Education :- Paragraph 72 of the NPPF states a proactive approach is to be taken to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

Recreation :- UDP policy R3 relates to infrastructure provision and states in part that:

“developers will be expected to enter into a planning obligation to enable suitable provision of additional off site infrastructure, including open space and formal recreation.”

In light of the above, the developer is required to make an overall contribution of £2,141,250 towards the extension of two primary schools and to the development of a new 1.5 form entry primary school sited within either the Doxford Ward or the Silksworth Ward, (£2,855 per dwelling).

In respect of recreation facilities, a contribution of £641,240 is required towards sport and recreation facility within the wider South Sunderland Growth Area including a 3G pitch, multi purpose pitch and wheeled sports area (£855 per dwelling).

With regards to providing the “missing link” of the Ryhope to Doxford Park Link Road a contribution of £1,385,250 is required (£1847 per dwelling).

In respect of public transport, a contribution of £237,000 is required towards the pump priming of a bus link (£316 per dwelling).

In respect of biodiversity, a contribution of £208,153 is required for the enhancement, protection and maintenance of the designated sites (£277.54 per dwelling).

An allotment contribution of £44,000 is required (£4000 per plot, for the 11 required), along with a 20 years management contribution (£20,240).

The developer to provide arrangements for the management of the site including open space, public realm and equipped children’s play space. With respect to the delivery on site of two areas of public realm, the Agreement needs to introduce housing number trigger points to ensure this delivery within the development.

In terms of the delivery and long term maintenance of the living acoustic noise bund that is to run to the south of the site, this will be ensured through the introduction of a trigger mechanism directly related to each phase of the development.

12. Conclusion and Environmental Impacts.

The hybrid application seeks outline planning consent for a residential-led scheme for up to 750 residential dwellings, commercial floorspace and landscaping with all other matters reserved except for implementation of the Phase 1 infrastructure i.e. access and drainage.

The NPPF states that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development should be the basis for every decision.

In local policy terms, the vast majority of the site has been allocated for residential development since the adoption of the UDP in 1998, whilst the masterplan produced for the site is considered to accord with the UDP. The UDP and masterplan allocation for the site was set at 860 dwellings, and this included the now constructed Phase 1 at Burdon Vale which consisted of 128 units built in circa 1999. The allocation is also being brought forward via the emerging core strategy, identifying Chapelgarth as one of four major housing sites proposed within the South Sunderland Growth Area.

Whilst the development proposal has extended beyond the existing residential allocation, the slight increase has been considered within this report as being acceptable in that the City Council is unable to demonstrate a robust five year supply of deliverable housing sites. Notwithstanding the aforementioned, the site is contained within the most up to date

SHLAA, and is considered to make a significant contribution to the City Council's committed five year land supply. The development is also considered to align with the market requirements of the 2016 SHMA update and will assist in the larger properties needed in Sunderland to achieve both population retention and economic growth.

Furthermore the appropriateness of the retail element of the scheme has been confirmed through the undertaking of a sequential test which found that no suitable, viable and available sites are sequentially preferable to accommodate the proposed commercial component of the scheme.

The proposal has been shaped and informed via formal pre-application discussions and engagement with the local community. A full formal consultation exercise has been undertaken and responses received and where appropriate reflected within the development proposal. Most notable in the preparation of the masterplan has been the reduction in number from 900 to the now proposed 750, the introduction of 13.74 ha of SANG, 6.27 ha of amenity green space and a SuDS across the site, with the introduction of a series of accessible pathways and the retention of the exiting multi-user route. 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 and UDP when taken as a whole.

The principle of the development is considered appropriate, the supporting design code is considered robust and ensures the site can be delivered in a sustainable, cohesive and well planned manner and following consultations with both Highways England and the Local Highway Authority, it is recognised that the surrounding and wider highway network will be able to cope with the increases in both pedestrian and vehicular traffic.

Notwithstanding the aforementioned, it is recognised that the overall size of the scheme, which has been masterplanned for a considerable period, pre-dating even the adoption of the UDP in 1998, will lead to some localised increase in traffic flows, nevertheless the TA and supporting addendum have illustrated that these increased levels are acceptable and can be accommodated by the existing highway infrastructure.

Associated with the increased traffic flows, are noise impact considerations and following the interpretation of the submitted data, it is acknowledged that the properties that have been developed as part of the Phase 1 of Chapelgarth at Burdon Vale, adjacent to Weymouth Road will potentially be subject to a moderate adverse effect on the completion of 740 dwellings. It is however worthy of note that should the quantum of development within the site remain below 740 dwellings the effect associated with noise is considered to be minor. With the above in mind, and with the associated road network improvements

that are potentially envisaged as a result of the development should Members be minded to grant consent, it is considered that this potential moderate adverse effect can be satisfactorily mitigated.

The benefits of the proposal in relation to socio-economic terms are the overall quantum of development; the size and range of the units to be developed; the increased choice of housing; the direct and indirect number of jobs created within the area and the associated boost to the local economy. Furthermore, the scheme seeks to introduce both a new community hub at the centre of the development along with two large areas of managed public realm.

Whilst, it is acknowledged that the proposal will result in the loss of a large agricultural field, it is recognised that the land (soil) is graded as 3B land i.e. is not regarded as being capable of producing high yield crops. Notwithstanding the loss of this land, the added benefits to be introduced in terms of better surface water drainage, along with buffers designed into the design code to safeguard both Blakeney Woods and the existing hedgerows and trees, are considered to provide an opportunity for existing wildlife habitats to flourish. Added to this is the security of a long term Section 106 contribution to assist in the overall development and management of the recognised biodiversity in the immediate area.

Due to the size and location of the development the application has been supported by an ES in order to fully understand the prospective impacts, benefits and mitigation measures. The ES has considered potential alternatives, and the cumulative impacts and in combination effects. The ES has concluded that whilst there will be some localised adverse impacts upon the completion of the scheme in terms of transportation and noise, there are also beneficial impacts with flood risk, drainage and socio-economics. It is considered that the overall Environmental Impact of the development would not be severe, and as such, it is considered that there are no significant reasons for the application to be refused.

To conclude, and following examination of all material considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of paragraphs 14 and 49 of the NPPF, which state that housing should be considered in the context of the presumption of sustainable development, it is therefore recommended that, subject to the signing of the proposed Section 106 agreement, as detailed in Section 11, planning permission should be granted consent in accordance with the draft conditions listed below.

Recommendation : Minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement 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.

Conditions :

1. The development of the first phase of infrastructure hereby permitted shall begin no later than three years from the date of this permission and shall be fully operational prior to the occupation of any residential properties.

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

2. The development hereby approved shall be in accordance with the following approved plans, unless otherwise agreed in writing with the Local Planning Authority:

Chapelgarth Site Location Plan, received 02.03.2016.

Drawing No. SK-002 Phase 1 Infrastructure Logistics Outline, received 28.07.2016.

Drawing No. CLXX(95)1001 Phase 1 Infrastructure Highway Details, received 02.03.2016.

Drawing No. CLXX(52)1002 Phase 1 Infrastructure Proposed Drainage, received 02.03.2016.

Drawing No. CLXX(40)1002 Site Boundary Plan, received 02.03.2016.

Drawing No. CLXX(90)1003 Section Marks Plan, received 02.03.2016.

Drawing No. CLXX(52)1003 SUDS Basin Details Basin 1, received 02.03.2016.

Drawing No. CLXX(52)1004 SUDS Basin Details Basin 2, received 02.03.2016.

Drawing No. CLXX(52)1005 Outline SUDS Strategy, received 07.04.2016.

Drawing No. CLXX(40)1006 Phase 1 Infrastructure Boundary, received 02.03.2016.

Drawing No. CLXX(90)5001 Existing Ground Levels Long Sections, received 02.03.2016.

Drawing No. L-1515-GAS-001 Detail Design of Weymouth Road Frontage, Site Sections, received 02.03.2016.

Drawing No. L-1515-GAP-002 Detail Design of Weymouth Road Frontage, Overview, received 02.03.2016.

Drawing No. L-1515-GAP-003 Detail Design of Weymouth Road Frontage, West, received 02.03.2016.

Drawing No. L-1515-GAP-004 Detail Design of Weymouth Road Frontage, Central, received 02.03.2016.

Drawing No. L-1515-GAP-005 Detail Design of Weymouth Road Frontage, East, received 02.03.2016.

Drawing No. L-1515-GAP-006 Detail design of Weymouth Road Frontage, Planting Strategy, received 02.03.2016.

Drawing No. L-1515-PRP-024 SANG Area Comparison and Circular Walk Example, received 27.05.2016.

Existing Trees Shown on Existing Layout received 02.03.2016.

Regulatory Plan 944 Reg 01 Rev 0 - Redline received 27.05.2016.

Regulatory Plan 944 Reg 02 Rev A – Access, Movement and Streets received 27.05.2016.

Regulatory Plan 944 Reg 03 Rev 0 – Neighbourhood Character Areas received 27.05.2016.

Regulatory Plan 944 Reg 07 Rev 0 – Development Area and land Use received 27.05.2016.

Regulatory Plan 944 Reg 12 Rev A – Open Space Strategy received 27.05.2016.

Regulatory Plan 944 Reg 13 Rev 0 – Recreational Routes received 27.05.2016.

Reason : For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and to comply with policy B2 of the saved adopted Unitary Development Plan.

3. Applications for reserved matters shall be made to the Local Planning Authority before the expiry of ten years from the date of the permission and the development hereby permitted shall be begun before the expiration of three years from the date of approval of the final reserved matters.

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

4. No development shall commence on any specific reserved matters site (excluding site clearance, site investigations for assessing ground conditions, ground remediation work in respect of any contamination or other adverse ground conditions, until details of the following reserved matters have been submitted to and approved in writing by the local planning authority for that specific plot.

- Layout
- Scale
- Appearance
- Landscaping

Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out in accordance with the approved details.

Reason : To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the further details are necessary to ensure a satisfactory form of development.

5. Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not

commence until conditions number 6 to number 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination.

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

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

7. No development shall take place) until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has

been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

10. Radiocarbon dates will be sought for the gullies found in the preliminary archaeological trenches (report by Archaeological Services Durham University, March 2016) within six months of planning permission being granted.

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14. The gullies are potentially prehistoric.

11. No groundworks or development shall commence until a second phase of archaeological fieldwork (to include evaluation trenching and mitigation strip and record 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 and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

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

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

13. 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

14. The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Siglion Developments LLP dated 01.03.2016 – Cundall, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

15. Notwithstanding the submitted Phase 1 Infrastructure Proposed Drainage drawing, and prior to the commencement of works on site, a detailed timetable for the implementation of the Phase 1 Infrastructure works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved works shall be implemented, operated and maintained in full accordance with the submitted maintenance schedule (4.2.3 Operation and Maintenance Plan (Phase 1 Infrastructure only) contained with the Drainage Strategy (Cundall dated 01.03.2016).

Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

16. No construction work shall take place in Phase 1 including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to :

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528 : Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;

10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;
13. Location and containment of redistributed earth mounds.

Reason : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

17. Notwithstanding the submitted plans, no above ground construction shall take place within the Phase 1 Infrastructure area, until full details of both the hard and soft landscaping works for that area have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; 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, these works shall be carried out in complete accordance with the approved details. The hard landscaping works shall include but not be limited to details of estate railings and gates; gabions, seating, steps and handrails and all surfacing materials.

Reason : In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2, T14, CN18 and CN22 of the saved UDP.

18. All planting, seeding or turfing not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the specific plot or the completion of that plot, whichever is the sooner, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interest of visual amenity and nature conservation and to comply with policies B2, T14, CN18 and CN22 of the saved UDP.

19. Notwithstanding the submitted Phase 1 Infrastructure Detailed Design of Weymouth Road Frontage Drawings, and prior to the commencement of works on site, a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority.

Reason : In the interest of highway safety and to comply with policy T14 of the saved UDP.

20. No construction work shall take place in any phase of the development, including any remediation works or civil engineering works, until details of the routing of construction traffic vehicles arriving and leaving the site have been submitted to and approved in writing by the Local Planning Authority and implemented as such thereafter.

Reason : In interest of residential amenity and highway safety and to comply with policies B2 and T14 of the saved UDP.

21. No construction work shall take place in phase 1 until such time as a Framework Travel Plan covering the entire development has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Coordinator, how a site-wide Travel Plan will be implemented and the timescales of its monitoring and review.

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

22. No construction work shall take place in phase 1 until a detailed scheme of highway improvements to Weymouth Road and Moorside Road, including bus stop infrastructure and traffic management proposals have been submitted to and approved in writing by the Local Planning Authority and implemented under a Section 278 Agreement under the Highways Act to enable funding and implementation prior or occupation of any dwellings.

Reason : In the interest of residential amenity and highways safety and to comply with policies B2 and T14 of the saved UDP.

23. The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016 and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence until all tree protection measures set out by this assessment have been fully installed and all tree protection measures 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 policy CN17 of the adopted Unitary Development Plan.

24. All vegetation clearance works shall be undertaken outside of the bird nesting season of mid March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season , the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected.

Reason : In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.

OUTLINE

25. Each application for reserved matters shall be accompanied by a compliance statement which explains how the reserved matters application meets the principles, parameters and rules provided in the Chapelgarth, Sunderland, Design Code dated February 2016.

Reason : In order to define the consent and ensure consistency with the Design Code and to comply with Policy B2 of the saved UDP.

26. Development shall not commence within each reserved matters phase until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason : In order to prevent the increased risk of flooding from any source in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

27. No development shall commence until full details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority for the developable land indicated as areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 1.03.2016). The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within each of these phases and retained in perpetuity.

Reason : In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site and to protect Blakeney Woods Local Wildlife Site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

28. Notwithstanding the details provided in condition 27 Full Surface Water Drainage Details, no development shall take place within land indicated as areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 1.03.2016), until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

29. Unless otherwise agreed by the Local Planning Authority, no development (within each reserved matters submission) other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 30 to number 33 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected

contamination to the extent specified by the Local Planning Authority in writing until condition number 32 has been complied with in relation to that contamination.

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

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

(i)a survey of the extent, scale and nature of contamination;

(ii)an assessment of the potential risks to:

human health

property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments.

(iii)an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

31. No development shall take place (within each reserved matters submission) until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works

and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

33. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority)(within each reserved matters submission) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

34. No construction work shall take place in each reserved matters submission including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to :

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Pollution Prevention and Regulatory Services;
3. Mitigation measures as defined in BS 5528: parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding;
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors.
13. Location and containment of redistributed earth mounds.
14. Location of site sales office.

Reasons : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

35. No development (with the exception of the phase 1 infrastructure works) shall be undertaken until a detailed construction noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the assessment shall identify construction methodologies likely to generate the highest levels of vibration (e.g. piling).

Reasons : In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5 and EN6.

36. Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority.

Reasons : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.

37. The 1000 square metres of commercial floor space hereby approved and outlined on Regulatory Plan 07 Development Area and Landuse – drawing no. 944/REG07 rev 0 dated 29.03.2016 shall be occupied exclusively by uses falling within Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), D1 (Non-Residential Institutions) or D2 (Assembly and Leisure as set out in the Town and Country Planning (Use Classes) Order, or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order either in whole or in part, for the lifetime of the development and shall operate for no other use unless otherwise first agreed in writing with the Local Planning Authority.

Once operating within one of the aforementioned use classes, the commercial unit, or subdivided units if applicable, shall benefit only from the permitted changes of use applicable to the initial use class within which the unit(s) operates, as set out in the Town and Country Planning (Use Classes) Order or any subsequent Statutory Instrument revoking or amending that order either in whole or in part and no other change of use shall be permitted without the prior written consent of the Local Planning Authority.

Reasons : In order to achieve a satisfactory form of development and to accord with policies B2, EN5 and T14 of the saved UDP.

38. Extraction/Ventilation

No construction work shall take place on any unit where the preparation and serving of food on a commercial basis will be carried out, until details of a scheme for the extraction of cooking fumes and odours and for the prevention of odour penetration through that building has been submitted to and approved in writing by the Local Planning Authority for that unit. Thereafter, these schemes shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times.

Reasons : In the interest of the amenity of the occupiers of premises and neighbouring premises, in accordance with policy EN1 of the saved UDP.

Hours of Operation (Commercial Units)

39. Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.

40. The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016 by AllAboutTrees and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence until all tree protection measures set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete.

Reasons: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved UDP.

41. Notwithstanding the details provided within the Arboricultural Tree Constraints Assessment issued 08.01.2016 by AllAboutTrees, each application for reserved matters shall be accompanied by an Arboricultural Impact Assessment to establish site specific arboricultural management for the proposed layout.

Reasons: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved UDP.

42. All vegetation clearance works shall be undertaken outside of the bird nesting season of mid March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season , the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected.

Reason : In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved UDP.

43. Development shall not commence within each reserved matters phase until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.

44. Development shall not commence within each reserved matters phase until full details of the proposed boundary treatments have been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.

45. The detailed plans to be submitted as reserved matters shall include 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 B2 of the saved UDP.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/00748/FU4	Mr Andrew Anderson	Erection of new six storey building comprising 54 studio, 1,2 and 3 bed apartments with commercial units on the ground floor (A1, B1 or D1 Use Class).	29/06/2016	28/09/2016
Hendon	42 - 45 Nile StreetSunderlandSR1 1ES			
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41Lawrence StreetSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01029/FU4	Mr Christopher Carolan	Change of use of part of car park to boat repair yard, to include realignment of existing fence and siting of GRP cabin. (Resubmission)	09/06/2016	04/08/2016
Hendon	Car Park AtFish QuayLow StreetSunderland			
16/00892/FU4	Pavilion Property Trustees Ltd And	Erection of a retail unit and associated car parking, access, public open space, service yard and stopping up of a public highway.	03/06/2016	02/09/2016
Millfield	Site Of FormerCrowtree Leisure CentreCrowtree RoadSunderlandSR1 3EL			
16/01050/FU4	Ms Frances Barlow	Erection of 77no. dwellings for sale and affordable rent comprising of 2b3p houses, 2b3p bungalows, 2b3p apartments, 3b5p houses and 1b1p suites for learning difficulty in partnership with Grindon Mews, with associated landscape works.	27/07/2016	26/10/2016
St Annes	Land AtNooksideSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01318/VA4	Mr Paul Walker	Variation of conditions 2 and 3 attached to planning application 15/01072/FU4.	20/07/2016	19/10/2016
Silksworth	Land East Of Silksworth Lane And North Of Dene StreetNew SilksworthSunderland	Reduce number of apartments from 77 to 75 (38 no 1 bedroom) and (37 no 2 bedroom), relocation of plant room and minor window and door position amendments to reflect internal layout amendment and change approved bricks to Carlton Wolds Minster.		