

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre  
Executive Director City Development

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**Reference No.:** 18/00640/FUL Full Application**Proposal:** **60 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks. (Amended and plans received 27.11.2020).****Location:** Burdon Lane Burdon Sunderland**Ward:** Doxford**Applicant:** Persimmon Homes Ltd.**Date Valid:** 20 September 2018**Target Date:** 20 December 2018

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**PROPOSAL:**

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

**Context:**

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

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

Land North of Burdon Lane (the application site and the area identified in the blue line area);

Chapelgarth (Approved ref:16/00388/HY4);

Cherry Knowle (Approved ref:); and

South Ryhope (Approved ref: ).

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

**Site Description:**

The application site is 3.75ha, consists of agricultural land and is located to the north

of Burdon Lane and east of Burdon Road. Bound to the north by existing residential on Lodgeside Meadows, to the east by agricultural fields subject to the current consortium planning application ref : 19/01497/HY4.

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

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

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

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

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

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

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

### **Habitat Regulations Assessment:**

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

### **Submission Documents:**

The current application has been supported by the following documents:

- Application form/ownership certificates and drawing schedule;
- Planning Statement;
- Design and Access Statement;
- Affordable Housing Statement;
- Air Quality Impact Assessment;

- Arboricultural Impact Assessment;
- Agricultural Report;
- Ecological Impact Assessment (Biodiversity Net Gain Calculations);
- Flood Risk Assessment and Drainage Strategy;
- Landscape Masterplan & Strategy;
- Noise Assessment;
- Land Contamination Reports;
- Framework Travel Plan;
- Transport Assessment.

### **TYPE OF PUBLICITY:**

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

-Site Notice and Press Notice.

-Neighbour Notification Letters.

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

### **CONSULTEES:**

Director of Children's Services  
 Lead Local Flood Authority  
 Environment Agency  
 Nexus  
 Natural England  
 Director of Children's Services  
 Network Management  
 DC North Chair and Vice Chair Consultation  
 Northumbria Police  
 Northumbrian Water  
 Environmental Health  
 Durham County Council  
 Fire Prevention Officer  
 Northern Electric  
 Tyne And Wear Archaeology Officer  
 Northern Electric  
 Tyne And Wear Archaeology Officer  
 Land Contamination

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

### **Representations:**

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

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

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

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

- **Loss of residential amenity (privacy/overlooking and noise).** *Appropriate Sunderland City Council Spacing Standards have been adhered to and buffer zones established to reduce any potential noise impacts upon surrounding existing properties.*
- **Topography.** *The application has been supported by engineering drawings to establish finished floor levels across the site and the need for any significant cut and fill operations that may be necessary to provide a more developable area.*
- **Loss of visual amenity (countryside v residential).** *The wider site has been incorporated within a Chapter of the Environmental Statement: Landscape and Visual Impact Assessment (LVIA) of ref : 19/01497/HY4. The findings state the following:  
Due to the landscape character context and the nature of the proposed development, the landscape effects are predicted to be moderate and adverse in nature during construction and operation. Factoring in the mitigation measures and the establishment of these responding to the guidelines and 'enhancement' aim as set out in Sunderland's Landscape Character Assessment, and recommendations of the SSGA Character area study, including the development of a softer settlement edge to the south, the residual effects are predicted to reduce to minor adverse.*

*The views most effected are those from receptors in relative close proximity to the sites southern boundary, those within the site (Nettles Lane) and those from the north east with relatively uninterrupted views over the existing landscape. (Noted no reference to the lower land development at Lodgeside Meadows). The development is predicted to have a moderate adverse effect on these due them experiencing the most change in terms of scale and nature of view. Inclusive of mitigation, the residual effects on these receptors are largely anticipated to remain as moderate adverse due to the proposals resulting in more containment of some of the open views available in the baseline.*

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

- **Increased flood risk.** Consultations have been undertaken with both Northumbrian Water Ltd and the Lead Local Flood Authority and the development has found to be acceptable subject to the imposition of specific conditions.
- **Site contamination risk.** The proposal has been analysed against the submitted land contamination documents and appropriate recommendations and mitigation have been included within the agenda report.
- **Landscaping proposals impacting upon existing residents and maintenance proposals.** The application has been supported by a landscape strategy and reviewed by the City Council's Landscape Architect. Commentary is provided within the main agenda and appropriate conditions imposed where necessary.
- **Lack of robust planning enforcement policy.** The council's enforcement policy is set out in the "Planning Enforcement Charter", which is published on the council's website. This explains how to complain, the sorts of matters that can be considered, and the broad decision making process when deciding upon an appropriate course if a breach is identified. The council is in the process of updating the policy, which is a recommendation of the National Planning Policy Framework (NPPF). That does not mean that the extant policy is flawed in any way. The underlying legal principles and guidance around enforcement action remain the same, and officers have full regard to them when investigating complaints and determining an appropriate course of action. The enforcement provisions are set out in paragraph 58 of the NPPF, section 172 of the Town & Country Planning Act 1990 (as amended), and the government's Planning Practice Guidance.

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

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

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

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

#### **Natural England :**

Initial comments requested the following:

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

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

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

#### **County Archaeologist:**

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

**Northumbrian Water Limited (NWL):**

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

**Northumbria Police :**

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

**Public Protection and Regulatory Services:**

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

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

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

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



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

No Radon Protection measures are needed.

The report states 'No risk of underground mining', however the Landmark Envirocheck report included in the Delta Simons report states that the site is located in area which may be affected by coal mining activity and that is recommended to obtain a coal mining report from the Coal Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Ecology and Biodiversity:**

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

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

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

It is understood that equipped Natural Play will be located within the SSANNG provision as per the parameters plan '*Proposed Open Space Areas Rev F 1034\_10 by Southern Green*'. It is accepted that the play provision will function as a buffer to the housing development before entering the SSANNG, however the design and layout of the play provision will need to be agreed with the LPA prior to occupation of the relevant phase to ensure that it does not compromise the primary purpose and functionality of the SAANNG. This should be secured through an appropriately worded condition should Members be minded to approve the application.

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

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

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

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

## **General Ecology**

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

## **Breeding Birds**

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

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

## **Biodiversity Net Gain**

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

However, the DEFRA 2.0 metric has been populated in this case and a precautionary approach has been adopted whereby all proposed grassland creation has been classed as 'neutral grassland' (medium distinctiveness) with a target condition of 'poor' (to reflect the future recreational use of the site). The target condition for tree and shrub planting has been set at 'fairly poor', which is a realistic objective for these habitat types; the target condition for street trees is set at the default, which is 'moderate'.

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

## **Landscaping Plans**

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

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

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

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

### **Impacts on designated sites**

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

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

### **Lighting**

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

### **Local Highway Authority:**

#### **Traffic Impact**

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

Highway modelling work undertaken to inform the SPD identified that the proposed level of development envisaged in SSGA can only be accommodated providing the

RDLR is completed in its entirety. This is a fundamental issue. Several sections of the road have been implemented or proposed to be implemented by developers where the road has been required to directly serve a residential development

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

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

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

## **Section 106 contributions**

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

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

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

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

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

The impact on traffic to and from the A19/A690 junction and City Way during peak hour flow is significant and therefore a request for a financial contribution to assist

with the junction upgrading and capacity improvements is considered appropriate. A contribution of £450,000 is sought towards the completion of the A19/A690 Durham junction improvement scheme to mitigate the traffic impact of the development.

### 3) Public Transport:

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

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

### 4) Travel Planning:

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

## Highway Conditions:

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

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

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

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

*No more than 100 dwellings shall be occupied until a scheme of junction improvements at A19/A690 Durham Road has been completed. The scheme will include the implementation of a Microprocessor Optimised Vehicle Actuation (MOVA) signal control system in conjunction with the traffic signal phasing and staging plan. The scheme will require to be completed fully to ensure there is no*

*detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.*

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## **POLICIES:**

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

### **CSDP Policies:**

SS6: South Sunderland Growth Area;  
SP5: South Sunderland;  
SP7: Health and Safe Communities;  
SP8: Housing Supply and Delivery;  
SP10: Connectivity and Transport;  
HS2: Noise-Sensitive Development;  
HS3: Contaminated Land;  
HS4: Health and Safety Executive Areas and Hazardous Substances;  
HS1: Housing Mix;  
HS2: Affordable Homes;  
BH1: Design Quality;  
BH2: Sustainable Design and Construction;  
BH3: Public Realm;  
BH7: Historic Environment;  
BH8: Heritage Assets;  
NE1: Green Infrastructure;  
NE2: Biodiversity and Geodiversity;  
NE3: Woodland / Hedgerows and Trees;  
NE4: Greenspace;  
NE6: Green Belt;  
NE9: Landscape Character;  
NE11: Creating and Protecting Views;  
NE12: Agricultural Land;  
NE17: Quality of Life and Amenity;  
WWE2: Flood Risk and Coastal Management;  
WWE3: Water Management;  
ST2: Local Road Network;  
ST3: Development and Transport;  
ID1: Delivering Infrastructure.

### **Saved UDP Policies:**

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

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

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

### **1.Principle of development.**

By virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of any planning application is the Local Plan. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development. It includes broad locations, land use designations and allocations to deliver this strategy. Sunderland's Local Plan is in three parts.

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

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

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

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

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

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

Policy NE12 of the CSDP refers specifically to agricultural land and states: “Development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land’s contribution in terms of economic and other benefits.”

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

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

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

Therefore, based on submitted schemes the total would be 950 dwellings. The adjoining blue line also excludes three other parts of the overall allocation, which are identified for development within the SSGA SPD. With regards to these other parts of the site, it is recognised that if these parts of the site that are not included within the red line boundary or adjoining blue line of this application are brought forward at a later date, it would result in the number of dwellings above the approximate 1000 allocation.

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

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

In accordance with Policy SS6 (2), the proposal offers to provide 10% affordable housing.

CSDP Policy H2: Affordable Housing sets out that all development for 10 homes or more should provide at least 15 percent affordable housing. Notwithstanding this, both CSDP Policy SS6 and the SSGA SPD provides a specific affordable threshold of 10 percent for proposals within the SSGA. It is therefore considered that the 10

percent threshold is the most appropriate threshold that should be sought. The SSGA SPD also provides that affordable tenure should be split as follows; 75 percent social rented and 25 percent intermediate.

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

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

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

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

Policy SS6 (3) provides a range of requirements for proposals within the SSGA. It includes;

A neighbourhood centre, within the Land North of Burdon Lane sub area, which would provide a focal point within the SSGA and include a new primary school, wheeled sports area, formal play space, 3G pitch, appropriate parking facilities and bus service.

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

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

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

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

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

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

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

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

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

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

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

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

In light of the Burdon Lane site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own HRA to ascertain whether there would be an LSE arising out of the housing proposals. The screening report concluded that it was not possible to rule out LSEs on the SPA or the SAC and as such mitigation would be required.

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

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

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

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

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

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

The 4th section of the RDLR, that links between the Cherry Knowle site and the

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

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

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

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

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

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

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

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

The supporting Affordable Housing Statement considers that an offsite provision is



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

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

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

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

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

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

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

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

The SSGA SPD requires development proposals within the SSGA to deliver

schemes that achieve high quality standards of design, following the principles of Building for Life 12 and Secured by Design, whilst respecting the surrounding built, landscape and archaeological features within and neighbouring the site. Masterplanning and design provide the basis of the visual aspect and feel of a development as well as the land use mix. A successful masterplan should aim to set out how to create and sustain an excellent place to live and work and play and is pivotal to establishing the overall quality of the place and its sustainability. Masterplanning content should provide flexibility, whilst providing sufficient information to secure the vision for the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

Further to consultations with the City Council's Landscape Section and Heritage Protection Section, the proposal is considered to be acceptable with regards to the aforementioned policies.

In conclusion, it is considered that the design quality of the proposal, has followed the principles and guidance provided within the SSGA SPD, confirmed following consultations with the City Council's Urban Design Section after the receipt of minor amendments and modifications.

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

Coherence with the overarching MDAS promotes the inclusion of the development proposal within the wider site and ensures an attractive residential development at a focal entry point to the larger site, delivering dwelling types that have been conceived to meet the local indigenous need and provide aspirational new houses to meet market requirements.

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

### 3. Highway implications.

The NPPF Chapter 9: Promoting sustainable transport states the following in paragraph 102:

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

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

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

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

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

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

Shared surfaces are considered to be acceptable where a layout shows a surface width of 4.8 metres, an additional continuous 1.5 metre (1.2 metre minimum) hard

paved service strip should also be provided, to be constructed to carriageway standard. This arrangement provides an “overrun strip” on which vehicles can safely traverse past each other.

Shared private accesses should serve not more than three properties.

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

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

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

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

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

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

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

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

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

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

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

Hedgerow Regulations 1997: In England the Hedgerow Regulations 1997 are

intended to protect important countryside hedges from destruction or damage.

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

Chapter 15 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraph 175 prescribing the following in part:

“When determining planning applications, LPA’s should apply the following principles:

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

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

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

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

The findings of the report have highlighted the following:

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

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

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

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

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

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

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

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

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

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

The following enhancement options are proposed:

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

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

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

With the above in mind, it is considered that proposal meets both the national and local requirements, when assessing impacts upon biodiversity and geodiversity. Paragraph 170 of the NPPF seeks to conserve and enhance the natural environment, recognising the intrinsic character and beauty of the countryside and essentially the wider benefits of trees and woodland. CSDP policies NE1, NE2 and NE3 each aim to maintain and improve the green infrastructure network, minimise adverse impacts on biodiversity and conserve significant trees, woodlands and hedgerows.

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

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

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

## **5. Water Environment**

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

“When determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exceptions tests, as applicable) it can be demonstrated that:

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

In support of the above, paragraph 165 also requires major developments incorporate sustainable drainage systems and these systems should, take account



of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, provide a maintenance arrangements for the operation of the development and where possible, provide multifunctional benefits.

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

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

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

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

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

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

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

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

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

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

Following consideration by the City Council's external consultant, details of which are provided within the representations section of the agenda report, the proposal is

considered to be acceptable and policy compliant subject to the imposition of standard ground conditions should Members be minded to approve the application.

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

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

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

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

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

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

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

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

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

provision and enhancement.

CSDP policy HS1 reflects the above national guidance.

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

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

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

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

For the avoidance of doubt any potential condition would cover, but not be limited to the following:

Specific mitigation relating to dust control may be in the form of construction best practices or could include a dust management plan. Recommendations for mitigation within the IAQM guidance include:

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

- Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever the site size and layout permits.

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

## **8. Planning Obligations**

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

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

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

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

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

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

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

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

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

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

Statement (SES) (June 2020).

**Onsite works / Immediate surrounding area**

- Site access / roundabout on Burdon Road (B1286).
- Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points.
- Improvement works to Nettles Lane, including crossing points.
- New Foot / Cycleway on Burdon Road and Carriageway Widening (north of Nettles Lane).
- Toucan Crossing at Burdon Road/Nettles Lane Offsite.
- Tunstall Village Road / Paddock Lane junction improvements.
- Tunstall Road / Leechmere Road / Essen Way roundabout improvements.
- Tunstall Road / Queen Alexandra Road roundabout improvements.
- Tunstall Road / Belvedere Road / Thornholme Road roundabout.
- Tunstall Hope Road / Paddock Lane junction improvements.
- A19 / Doxford Park Way interchange

**Other**

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

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

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

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

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

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

**Conclusion**

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

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

The NPPF states that development that is sustainable should go ahead, without delay – for decision-taking this means proposals that accord with an up-to-date development plan.

In local policy terms, the site forms part of one of the four major housing sites that are central components of the SSGA, which is identified to deliver approximately 3,000 dwellings (22%) of the amount of new homes identified in the CSDP.

Therefore, the SSGA is a fundamental allocation to the future provision of the CSDP's housing strategy.

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

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

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

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

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

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

As a smaller development cell of the larger site, the proposal has been incorporated into the wider site and with this in mind, with appropriate planning conditions and triggers within the S106 legal agreement, delivery of important planning policy

requirements in the form of open space, play, affordable housing and SSANG have been satisfied to ensure a development that is aligned with the design principles of the SSGA SPD.

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

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

**RECOMMENDATION:** Minded to Approve, 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. 3 years (Ongoing).

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

2. Plans (Ongoing).

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

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

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

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

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

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

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

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

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

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

Drawing No: BD-WD10 rev R, Bond Plans and Elevations.

Drawing No. ME-WD10 rev L, Marylebone Plans and Elevations.

Drawing No. MBC-WD10 rev L, Marlborough Corner Turner Plans and Elevations.

Drawing No: MEC-WD10 rev L, Marylebone Corner Turner Plans and Elevations.

Drawing No: 1094\_100 rev C, Landscape Strategy.

Engineering Layout: QD1291-03-01 rev E.

External Works: QD1291-04-01 rev F.

Drawing No: 1034\_11\_rev F, Proposed SSANG and Open Space Phasing.

Drawing No: ARB/CP/1458, Arboricultural Impact Assessment.



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

### **Land Contamination:**

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CSDP policies HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

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

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

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

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

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

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance in accordance with CSDP policies HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

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

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

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

### **Ecology**

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

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

1. Risk Assessment of construction activities which are potentially damaging to biodiversity.
2. Identification of biodiversity protection zones.
3. Set up method statements to avoid or reduce biodiversity impacts during construction.
4. The location and timing of sensitive works to avoid harm to biodiversity features.

5. The times during construction when a specialist ecologist will be present to oversee works.
6. Details of responsible persons and lines of communication
7. The role and responsibilities on site of an ecological clerk of works.
8. The position and specification of protective fences, exclusion barriers and warning signs in the approved Construction Environmental Management Plan shall be adhered to and implemented in accordance with the details throughout the construction period of the Development Cell, or part thereof, to which it relates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Landscape**

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

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

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

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

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

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

1. appropriate soil handling, storage and restoration methods.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Drainage**

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

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

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

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

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

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

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

#### **Residential Amenity**

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

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

1. Details of site compounds, contractor parking and any temporary construction roads and points of access
2. Measures to manage surface water during construction
3. Traffic routes of plant and heavy goods vehicles
4. Parking of vehicles of site operatives and visitors
5. Loading and unloading of plant and materials
6. Storage of plant and materials used in constructing the development
7. Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
8. Measures to ensure public highway remains sufficiently clean of dirt
9. Measures to control the emission of dust, dirt and other airborne pollutants
10. Scheme for recycling/disposing of waste resulting from demolition and construction works
11. Measures to control noise and vibration
12. Communication plan for liaising with the public
13. Fuel storage area which shall include bunding and wash down facilities
14. Inspections and maintenance of the watercourse in compliance with riparian responsibilities.

15. The development, including demolition works, within each Development Cell, or part thereof, shall be implemented in accordance with the approved Plan for that Development Cell.

16. No construction activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0700 hours or continue after 1900 hours Mondays to Fridays, or commence before 0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

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

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

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

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

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

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

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

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

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

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



requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Reference No.:** 19/01497/HY4 Hybrid Application Regulation 4

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**Proposal:** **Hybrid Planning Application - Full Planning permission for 532 residential dwellings (Use Class C3) with associated infrastructure and landscaping: Outline planning permission (all matters reserved except access) to erect up to 358 residential dwellings (Use Class C3), a neighbourhood centre (comprising 2.9 hectares of development including 1.5 form entry school and uses from within use classes A1,A3,A4,D1,and D2), associated infrastructure and landscaping. (Amended Description dated 27.11.20).**

**Location:** Land North Of Burdon Lane Burdon Sunderland

**Ward:** Doxford  
**Applicant:** Burdon Lane Consortium  
**Date Valid:** 23 October 2019  
**Target Date:** 12 February 2020

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## **PROPOSAL:**

A hybrid planning application comprising – Detailed planning permission for 532 residential dwellings (Use Class C3) with associated infrastructure and landscaping, and outline planning permission (all matters reserved except access) to erect up to 358 residential dwellings (Use Class C3), a neighbourhood centre (comprising 2.9 hectares of development including 1.5 form entry school and uses from within use classes A1, A3, A4, D1 and D2), associated infrastructure and landscaping.

## **Context:**

The current proposal an updated version of the original application submitted in 2019 via the Burdon Lane Consortium. The “Consortium” consist of three housebuilders, Taylor Wimpey, Persimmon and Story Homes.

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

Land North of Burdon Lane (the application site and the area identified in the blue line area);  
Chapelgarth;  
Cherry Knowle; and  
South Ryhope.

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

### **Site Description:**

The site covers an area of approximately 59ha, comprising medium to large agricultural fields with some pastoral grassland. The pattern of land use is delineated by hedgerows and groups of trees, located predominantly along the field boundaries.

To the north west the site is bound by Burdon Road (B1286), the north east by the rear gardens of properties off Bowood Close, Dyrham Close and the Stokesley Lodge, Bellway development. To the south east the site is bound by Burdon Lane and to the south west agricultural land, then Burdon Road, along with residential properties which include Tunstall Lodge, Lodgeside Meadows and The Fold.

The development site includes a small parcel of land to the south east of Burdon Lane that is designated as Green Belt to accommodate associated drainage for the proposal.

Nettles Lane, a single track road, primarily used as a footpath, runs north to south across the centre of the site.

In terms of topography the site is predominantly undulating agricultural land which slopes gradually from south to north in the western part of the site, adjacent to Burdon Road, and more distinctly north to south in the eastern part of the site, where the land slopes towards Burdon Lane and Nettles Lane. The northern section of the site is relatively flat.

The only development on the site is a communication mast in the south east corner of the site. Several overhead powerlines cross the site.

The application site excludes four smaller potential development plots that form the wider land north of Burdon Lane SSGA allocation, but does come to committee alongside application the Persimmon site application ref: 18/00640FUL for the delivery of 60 residential units.

### **Planning History:**

No historic or extant planning permission relate to the site.

### **Proposed Development:**

Of the total number of dwellings proposed, 532 homes are applied for in detail with the remaining 358 in outline. 10% of the dwellings to be delivered on the site would be affordable and will also include 6No. affordable homes to meet the affordable

housing requirement for the Persimmon site application in the blue line area (ref:18/00640/FUL).

The full element of the proposal seeks to provide the following mix of residential units:

- 2 bedroom homes - 68
- 3 bedroom homes - 247
- 4 bedroom homes – 233
- 5 bedroom homes - 44

Access to the site is proposed from two separate points:

- A new link road from the Doxford Link Road and a roundabout to connect to Burdon Road, providing access to the north of the site; and
- A new junction from the proposed Persimmon site at the south west of the site.

To deliver the proposed development the application has been supported by a seven stage phasing plan to illustrate the delivery mechanism for the site:

- Enabling Phase – 0 dwellings (phase included to show initial areas of archaeological investigation and area of Suitable Alternative Natural Greenspace (SANG) available 1.803 ha).

Detailed

- Phase 1 : 127 dwellings / 0.596 ha of SANG. (Cumulative 2.399 ha).
- Phase 2 : 150 dwellings / 2.956 ha of SANG. (Cumulative 5.355 ha).
- Phase 3 : 152 dwellings / 3.039 ha of SANG. (Cumulative 8.394 ha).
- Phase 4 : 167 dwellings / 3.957 ha of SANG. (Cumulative 12.351 ha).

Outline

- Phases 5 and 6 354 dwellings /4,757 ha of SANG. (Cumulative 17.108 ha).
- 2.97 ha for a neighbourhood centre including (Outline only):
  - 1.5 form entry primary school (1.590 sqm), (with room for expansion) (7,192 sqm).
  - Retail provision (Use Class A1) (up to 500sq.m gross external floor area).
  - Public House (538 sqm).
  - Medical Centre (477 sqm).
  - Multi Use Games Area (MUGA) & 4G Flood lit sport pitch (12,101 sqm).
  - Play and Wheeled Sports Area. (2,600 sqm).

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

The proposed development is, for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) considered to fall within Category 10(b) of Schedule 2 of the 2017 Regulations which relate to residential developments of more than 150 dwellings.

For Schedule 2 developments, the above regulations require that an EIA be

undertaken where development is “likely to have significant effects on the environment by virtue of factors such as its nature, size or location.”

A formal scoping opinion was sought via ref 18/02243/SCO and following consultation, a scoping response was issued dated 23.07.2019.

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:-

- Transport
- Socio-Economic
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Heritage and Archaeology
- Soils, Agriculture and Land Use
- Water Environment
- Cumulative Effects
- Mitigation and Monitoring.

### **EIA Methodological Approach:**

The EIA provides a consideration of relevant policy and legislation of relevance as well as considering comments received via the scoping opinion and pre-application discussions.

Each of the above technical assessments have followed a consistent approach and format that can be summarised into 6 clear steps:

- Step 1 – Review policy and legislation;
- Step 2 - Confirmation of assessment methodology, consultation and conformity to the standard significance criteria adopted for the EIA;
- Step 3 – Consideration of baseline conditions;
- Step 4 - Identification of the potential effects;
- Step 5 - Scoping mitigation measures to avoid, reduce, remedy or

- compensate for any identified effects; and
- Step 6 – Identification of any effects remaining after mitigation.

### **Habitat Regulations Assessment:**

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

### **Submission documents:**

The current application has been supported by the following documents:

- Application form/ownership certificates and drawing schedule;
- Planning Statement;
- Masterplanning, Design and Access Statement;
- Statement of Community Involvement;
- GeoEnvironmental Appraisal;
- Noise and Vibration Assessment;
- Air Quality Assessment;
- Arboricultural Impact Assessment;
- Archaeological Desk Based Assessments;
- Ecological Assessment Report;
- Flood Risk Assessment and Drainage Strategy;
- Transport Assessment;
- Travel Plan;
- Compliance Statement;
- Affordable Housing Statement

### **TYPE OF PUBLICITY:**

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (As amended) that is by :

- Site Notice (posted 01.11.2019 & 14.07.2020)
- Press Notice
- Neighbour Notification Letters

The application was a departure from the Unitary Development Plan and advertised as such.

The application is consistent with land use allocation under the more recently



adopted Core Strategy and Development Plan.

## **CONSULTEES:**

Ryhope - Ward Councillor Consultation  
Parks  
Sport England  
Sustrans  
Marine Management Organisation  
Durham Wildlife Trust  
National Planning Casework Team  
Network Management  
Environmental Health  
Flood And Coastal Group Engineer  
Director Of Childrens Services  
Northumbrian Water  
North Gas Networks  
Northern Electric  
Northumbria Police  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Tyne And Wear Archaeology Officer  
Natural England  
Historic England  
Highways England  
Environment Agency  
Nexus  
National Grid Transco

Final Date for Receipt of Representations: **22.03.2021**. (all responses received prior to preparation of the agenda report).

## **REPRESENTATIONS:**

Following the original submission and consultation of the application received September 2019, there have been two further rounds of public consultation following revisions/amendments in both June 2020 and November 2020. The main areas of modification included:

1. Reduction in housing units.
2. Amendments to the proposed masterplan.
3. Additional drainage information provided.
4. Updates to the phasing of the development.

As a result of the consultation process, that included over 1000 neighbour letters, site notices and press notices 27 representations were received, all but one, opposed to the application.

Members should note that the original and full copies of the representations are

available to view via the planning portal on the Council's website.

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

- **Principle of development (soils, agriculture, green belt):** *The proposal site forms part of a wider land use allocation under Core Strategy Development Plan (CSDP) Policy SS6 : South Sunderland Growth Area. The CSDP was subject to a sustainability appraisal and strategic environmental assessment to ensure the plan was sound at its examination in public. The aforementioned appraisal was nestled into the more specific South Sunderland Growth Area Sustainability Appraisal Jan.2016 that looked at the housing growth area in more specific detail than the wider overarching development plan. With a strategic priority to deliver sustainable economic growth and to meet objectively assessed needs for employment and housing, the document provides a thorough analysis of all elements of sustainability to ensure the acceptability of the site. All matters relating to the principle of development are addressed in the relevant section of the agenda report.*
- **Siting, design and appearance / landscape and visual impact:** *The site has been incorporated within a Chapter of the Environmental Statement: Landscape and Visual Impact Assessment. The findings state the following:  
Due to the landscape character context and the nature of the proposed development, the landscape effects are predicted to be moderate and adverse in nature during construction and operation. Factoring in the mitigation measures and the establishment of these responding to the guidelines and 'enhancement' aim as set out in Sunderland's Landscape Character Assessment, and recommendations of the SSGA Character area study, including the development of a softer settlement edge to the south, the residual effects are predicted to reduce to minor adverse.*

*The views most effected are those from receptors in relative close proximity to the sites southern boundary, those within the site (Nettles Lane) and those from the north east with relatively uninterrupted views over the existing landscape. The development is predicted to have a moderate adverse effect on these due them experiencing the most change in terms of scale and nature of view. Inclusive of mitigation, the residual effects on these receptors are largely anticipated to remain as moderate adverse due to the proposals resulting in more containment of some of the open views available in the baseline.*

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

- **Highway Implication. (Poor access, impact upon road network, noise increase and pollution).** *The relevant section of the agenda report, provides a comprehensive analysis of the works programme required to facilitate the proposal. Highways England and the Local Highway Authority working alongside the applicants have provided a full scheme of upgrades and improvements to minimise any potential impacts upon the existing local road network. Delivery programmes have been identified and costings evaluated to ensure the viability of the proposal. Matters relating to noise and pollution have been assessed within the committee report.*
- **Socio-economic. (Growth projections and empty homes, strain on existing amenities ie. Schools, shops and GP provision).** *The proposal has incorporated outline details for the future provision of a new primary school and doctor's surgery to accommodate potential need and the S106 contributions section of the agenda report, demonstrate the financial contributions required to facilitate the above concerns. The application also seeks outline consent for the provision of retail and a public house to serve the future residents.*
- **Ecology and nature conservation. (Loss of species and habitats, insufficient survey work and ecological net loss).** *Each and all of the matters raised have been addressed within the original submission or supplementary documents provided to evidence points raised and have been considered via consultations with both Natural England and the City Council's Ecologist. The findings, compensatory or financial compensation on site and off site and ecological net gain figures are all supported in the relevant section of the agenda report.*
- **Water environment. (Insufficient drainage provision).** *Consultations have been undertaken with both Northumbrian Water Ltd and the Lead Local Flood Authority and the development has found to be acceptable subject to the imposition of specific conditions.*
- **Heritage and Archaeology. (Loss of significant archaeological find).** *Every step of the development to date has been governed and directed by the County Archaeologist and the entire masterplanning of the site, has been shaped by the significant archaeological find that currently sits beneath the site. Future works are proposed which include all phase 1 works to enable the developers to commence work on site. The recording of data and leaving remains in situ is seen as a positive recording of the history of the area.*

In addition to the above, matters have been raised relating to:

- **Public participation. (In reference to the Statement of Community Involvement (SCI)).** **Just 64 residents participated in the engagement events in December 2017, with just 13 completing feedback surveys. The report makes huge assumptions that due to the low turnout that residents are not against the proposed development. This is clearly incorrect and it is suggested that the timing of this public engagement was in fact the reason for the low turnout was due to the winter weather and residents being pre-**

occupied with Christmas. The report also pledges to continue community engagement, but the report does not detail any engagement since December 2017 nor any planned engagement now that the application has gone 'live').

*Further to receipt of the above, the applicant has provided the following response to their SCI.*

*As reported in the Statement of Community Involvement (SCI), two local community events were held in December 2017 at an early stage during the preparation of the application to afford members of the local community an opportunity to engage and influence the development proposals. The events were well advertised with 4,000 leaflets distributed to properties in the local area although relatively low levels of interest and responses were recorded. Based on experience, the timing of the year does not affect interest levels and people will attend and respond if they are interested in a development proposal. Notwithstanding our conclusion on this, as explained below it is not the end point in terms of public consultation.*

*The comments submitted through consultations appear to pick up on the final sentence in the SCI which states “6.8 This consultation, however, marks the first in a series of stages. The Consortium will continue to work with the local community throughout the planning process.” Whilst not explicit, this refers to the subsequent stages in the planning process. The development proposals have been subject to consultation through the statutory consultation process and comments have been submitted by statutory consultees and the members of the local community. The comments submitted during the statutory consultation process have been carefully considered by the Consortium and the project team and have influenced the revised submissions. There have also been further opportunities to review and comment on the revised proposals.*

*Representations also note paragraph 5.12 of the SCI in the section of the report where we have sought to respond to the concerns raised, with particular reference to where we have described how construction activities will follow a Construction Management Plan. This is standard practice and the Council will have the ability to take enforcement action in the event of any non-compliance with approved details.*

- **Air pollution; (Clarification has been requested relating to the following).**

***The predicted concentrations for a number of air quality pollutants are presented at sensitive receptors for the 'without development' and 'with development' scenarios. Defra's Clean Air Strategy 2018 sets out how government intends to protect the nation's health from air pollution from various sources including actions to reduce emissions from transport. The Defra Strategy identifies the need to reduce emissions of 5 key pollutants including those from vehicular emissions given impacts from air quality on human health and need for compliance with statutory commitments. The Defra Strategy aims to reduce emissions of nitrogen oxides a pollutant that exacerbates respiratory illnesses and of which transport is the main source***

***(32% of all emission sources) by 73% by 2030. Given the EIA has predicted increased annual mean concentrations of nitrogen dioxide concentrations at sensitive receptors as a result of 'with development' it is unclear how SCC will be able to ensure compliance or future proof for compliance with the Clean Air Strategy.***

The Environmental Health Team have reviewed the air quality assessment and in particular the results of the model for the future year 2024 with the development in place.

Although there was a predicted increase in NO<sub>2</sub> levels at the chosen sensitive receptors, the change did not have the impact of increasing levels above the annual Air Quality Standard for NO<sub>2</sub> which is currently set at 40µg/m<sup>3</sup>. In fact at the majority of the chosen receptors, the increase was predicted to be 1% or less than it would have been had the development not been built.

Air Quality Standards are concentrations recorded over a given time period, which are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment. They can also be used as a benchmark to indicate whether air pollution is getting better or worse.

Sunderland City Council have complied with the Air Quality Standards also known as the National Air Quality Objectives since their introduction in 2005 and seek to improve air quality across the City wherever possible.

- **Enforcement of planning breaches.** *The council's enforcement policy is set out in the "Planning Enforcement Charter", which is published on the council's website. This explains how to complain, the sorts of matters that can be considered, and the broad decision making process when deciding upon an appropriate course if a breach is identified.*

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

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

## Consultees:

**Natural England** - Following receipt of further information on 8 December 2020 and a subsequent meeting on 14 January 2021 to discuss the proposal and the SSAANGS provision and phasing proposals, Natural England is satisfied that the specific issues raised in previous correspondence relating to this development have been resolved. It is therefore considered that the identified impacts on the Durham Coast Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and the Northumbria Coast Special Protection Area (SPA) and Ramsar site can be appropriately mitigated with measures secured via planning conditions or obligations as advised and subsequently Natural England withdraw their objection.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by Sunderland City Council (SCC), but by the applicant. As competent authority, it is the responsibility of SCC to produce the HRA and be accountable for its conclusions. Natural England provide the advice enclosed on the assumption that SCC intends to adopt this HRA to fulfil its duty as competent authority.

The appropriate assessment concludes that the proposal will not have a likely significant effect on any of the sites in question (Natural England assume this should read have no adverse effect on the integrity of the sites). Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Natural England note the proposed phasing of the SSAANGS, as proposed in the submitted documentation, clearly details the SSAANGS provision at the end of each phase of development. It is pleasing to note the quantum and location of the SSAANGS appears to meet the requirement of the strategic HRA for the South Sunderland Growth Area, and that links with other SSAANGS areas have been incorporated into the design. Natural England advise that the following elements are conditioned to ensure they are delivered as set out in the documentation:

- *The proposed phasing of SSAANGS development will be as set out in the submitted phasing plan, and each phase of SSAANG must be delivered in full before the next phase of housing development can commence;*
- *The quantum of SSAANGs provision will be as detailed in the submitted documentation to ensure compliance with the strategic HRA for the South Sunderland Growth Area; Natural England also advise that careful consideration is given to the exact location of the 'formal and natural play areas' to ensure that sufficient space is available within the SSAANGS areas to allow them to function as alternative greenspaces where dogs can be allowed to run off the lead, and fulfil their primary purpose of attracting recreational visitors away from the coast.*

## Natural Heritage Section

### HRA Information:

- Proposed development of land north of Burdon Lane, Ryhope, Information to Inform a Habitats Regulations Assessment, 27.11.2020 by BSG Ecology.
- Ecology Response Rebuttal by BSG dated 03.02.2021.
- Land North of Burdon Lane Sunderland Proposed SSAANG Provision by Southern Green Rev D Feb.2021.
- Information to inform a Habitats Regulations Assessment, Final 11.03.2021 by BSG Ecology.

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

It is noteworthy however, that following the original submission in 2019 and the submission of application reference 18/00640/FUL a more holistic approach has been adopted to seeking a comprehensive means of addressing ecological and biodiversity issues.

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

It is understood that equipped Natural Play will be located within the SSANNG provision as per the parameters plan '*Proposed Open Space Areas Rev F 1034\_10 by Southern Green*'. It is accepted that the play provision will function as a buffer to the housing development before entering the SSANNG, however the design and layout of the play provision will need to be agreed with the LPA prior to occupation of the relevant phase to ensure that it does not compromise the primary purpose and functionality of the SAANNG. This should be secured through an appropriately worded condition should Members be minded to Grant Consent.

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

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

Based on the additional information provided, it is now understood that the full

provision of SSAANG will be provided prior to any occupation of each phase as detailed within '*Land North of Burdon Lane Sunderland Proposed SSAANG Provision by Southern Green Rev D February 2021*'. This will also need to be secured through an appropriately worded condition and sit within the legal agreement for the scheme should Members be minded to Grant Consent.

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

### **General Ecology**

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

### **Breeding Birds**

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

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

### **Biodiversity Net Gain**

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

However, the DEFRA 2.0 metric has been populated in this case and a precautionary approach has been adopted whereby all proposed grassland creation has been classed as 'neutral grassland' (medium distinctiveness) with a target condition of 'poor' (to reflect the future recreational use of the site). The target condition for tree and shrub planting has been set at 'fairly poor', which is a realistic objective for these habitat types; the target condition for street trees is set at the default, which is 'moderate'.

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



## **hedgerows.**

### **Landscaping Plans**

The LPA requests, that the tree planting consists of native species only and this should be secured via condition should Members be minded to Grant Consent.

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

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

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

### **Impacts on designated sites**

It is appreciated that further information is provided regarding the recreational impact on Tunstall Hills SSSI demonstrating that it will be low. However, as part of the ongoing monitoring works for the development, it is recommended that should visitor numbers to Tunstall Hills SSSI show that people from these two developments are utilising the Nature Reserve there is a mechanism within the subsequent phases for this to be analysed and suitable mitigation measures secured; it is recommended that a condition is included at an appropriate phase to cover this requirement should Members be minded to Grant Consent.

Within SSGA SPD a general section 106 is required to assist with indirect impacts on Local Wildlife Sites. This equates to £337 per dwelling resulting in a total of £320,150.00 for both developments. The agreed section 106 contribution for the habitat creation, management and wardening of the LWS's will help alleviate some indirect impacts on these sites. Suitable trigger points will need to be agreed with the applicant and be incorporated into the legal agreement.

### **Lighting**

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

## **Air Quality Assessment and impacts on sensitive ecological receptors**

Further assessments and information are required regarding air quality impacts on designated sites and this will be addressed via a separate response on receipt of the additional information.

Further to the receipt of the requested information namely:

Land North of Burdon Lane : Air Quality Technical Note by Wardell Armstrong dated 18.03.2021.

Land North of Burdon Lane : Ecological Assessment of Predicted Air Quality Changes by BSG Ecology dated 18.03.2021.

The LPA have commissioned a full assessment of the information provided to inform the decision making process. The findings of Argus Ecology will deliver a full response to the additional information requested and are reported below in full for the avoidance of doubt.

Following a review of the Environmental Statement and supporting technical documents on behalf of Sunderland City Council, a number of issues of process, scope and methodology with respect to the ecological interpretation of air quality impacts on the Land north of Burdon Dene development were raised to be qualified. These were discussed at a videoconference meeting, attended by officers of Sunderland City Council together with the applicant and their agents, including their ecological and air quality consultants.

At the meeting, the applicant's agents and specialist consultants agreed to address some of the concerns raised in the review, in order to confirm whether the proposed development complied with national and local planning policies for the protection of nationally and locally designated sites.

The two documents referred to above have been provided by the applicant's specialist consultants (both dated 18 March 2021), which have been reviewed:

They provided a reasoned explanation why they did not believe the inclusion of ammonia emissions would lead to exceedance of screening thresholds for nitrogen deposition at the SSSIs as a consequence of the proposed development, while using 'worst case' parameters would at most lead to a slight exceedance of screening thresholds in-combination with other committed developments in the SSGA.

When more realistic parameters are applied, allowing for changes in vehicle emission factors which are already occurring, the in-combination effects are unlikely to exceed screening thresholds.

It is considered that the supporting technical note by Wardell Armstrong provides a sufficiently robust basis on which to determine there will be no significant effect on the notified features of the two SSSIs.

The Ecological Assessment of Air Quality Changes has amended the conclusions of the Ecology chapter of the Environmental Statement to confirm that there will be no

significant effect on the SSSIs. The remainder of this assessment considered the effects of intervening habitats and features in mitigating the effects of traffic emissions on both statutory and locally designated sites, using photographic evidence.

With respect to SSSIs, the photographs have demonstrated that there are landscape features, particularly trees, likely to mitigate the effects of vehicle emissions. The conclusions of the Air Quality Technical Note are not reliant on the presence of these features, but their presence emphasises that its conclusions can be considered precautionary.

With respect to locally designated sites (Local Wildlife Sites), the ecological assessment has considered all sites where traffic modelling has predicted an increase in traffic flows over 1000 AADT, which is considered an appropriate threshold for consideration of potential effects on sensitive ecological receptors.

The photographs provided suggest that intervening trees, and in some sites existing built development, will mitigate the potential effects of vehicle emissions. The assessment makes reference to the use of tree belts in mitigation of ammonia emissions in particular;

It is agreed that this is a recognised method of interception of pollutants (particularly ammonia) from agricultural sources which can also be applied to vehicular traffic pollutants which are emitted close to ground level.

It is however disputed with the assessors' assertion that road transport emissions are not a significant source of nitrogenous pollutants. However, agreed that the photographs provide evidence that increased emissions as a consequence of the proposed development will be mitigated by intervening trees and other landscape features, reducing the risk of a significant ecological effect.

In conclusion, it is considered that the Technical Note produced by Wardell Armstrong provides sufficient reassurance that there will be no significant harm to SSSIs. I note that this conclusion is now shared by the applicant's ecological assessors and see no reason on air quality grounds to conclude that there would be any contravention of planning policies for the protection of SSSIs as a consequence of the proposed development.

While it would have been desirable to provide similar modelling of air quality impacts on locally designated sites, the additional information on intervening habitats provided by BSG Ecology gives sufficient reassurance that the proposed development will comply with planning policies for their protection.

**Highways England (HE)** – Whilst content with the models, HE request further discussions with SCC to agree a suitable condition for A19/A690 Doxford Park Junction that ensures that the SRN slip roads are not compromised on the grounds of safety. If the local authority is minded to approve the development, we would need assurances that the signalised junction at Doxford reflects the work from the model whereby congestion is contained on the local network and not on the SRN.

Following the subsequent response letter, dated 21 December 2021, HE have had a meeting with the Local Highway Authority to discuss and agree a suitable condition for A19/A690 Doxford Park Junction that ensures that the SRN slip roads are not compromised on the grounds of safety. HE confirm that based on the outcome of this meeting, they are now in a position to remove their recommendation of non-determination to the proposed development, subject to the following suggested condition being attached to any approval granted:

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

Highways England requests to be consulted on any Construction Environmental Management Plan (CEMP) submitted for approval to ensure the continued safe operation of the SRN during the construction phase of the scheme.

It is considered that the CEMP should include are the following sections:

- Length of construction period.
- Hours of operation.
- Peak trip generation (including type of vehicles).
- Access route, including consideration of abnormal loads (vehicle swept paths etc) and details of proposed signage, implementation and enforcement.
- Mitigation measures – limited delivery times (and details of enforcement e.g. penalty clauses for contractor) noise reduction, wheel washing etc.
- Travel plan type measures e.g. staff recruitment policies (local staff), mini-bus for staff, number of parking spaces, car share database etc.
- An assessment of junctions at peak of construction traffic.

### **Local Highway Authority:**

#### **Traffic Impact**

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

Highway modelling work undertaken to inform the SSGA SPD identified that the

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

The fourth section of the RDLR, that links between the Cherry Knowle site and the Land North of Burdon Lane development is to be delivered by the developer consortium. This section is critical to the completion of the RDLR and ensuring that the highway network can facilitate the SSGA development. (It is noted that a planning application for this final link of the RDLR has recently been submitted to the LPA and is currently undergoing validation prior to formal consultations being carried out.

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

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

## **Section 106 contributions**

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

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

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

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

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

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

#### 7) Public Transport:

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

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

#### 8) Travel Planning:

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

### **Highway Conditions:**

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

#### ***Phasing/Delivery Programme Works (Pre-occupation).***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Sport England** – Support the proposal as there is an appropriate scale of investment into sports facilities within the development for the sporting needs of new residents to be met.

**Historic England** – No objections.

**Environment Agency** – No objections.

**County Archaeologist** - The only amendment required in terms of the phased plan is that the areas outside of the excavation areas must be subject to geoarchaeological investigation prior to the commencement of works. This work is required as important archaeological data can be obtained from features beyond the central hubs of activity. The data will enhance the understanding and interpretation of the excavation areas and mitigate some of the impact of the proposed development. This approach will also facilitate a broad investigation without the need to excavate the whole site. The geoarchaeological approach that is adopted must be informed by advice from Historic England's scientific adviser.

The archaeological work can be secured via the following conditions:

- *Archaeological Excavation and Recording Condition;*
- *Archaeological Post Excavation Report Condition;*
- *Archaeological Publication Report Condition.*

**Northern Gas Network** – No objections.

**Northern PowerGrid** – Please note ground cover must not be altered either above cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All apparatus is legally covered by wayleaves agreement, lease or deed or alternatively protected under the Electricity Act 1989.

**Environmental Health** – Noise – Recommend that once a contractor has been appointed and details of the construction and timescales are known that a further noise and vibration assessment is provided.

**Air Quality** – The conclusions of the AQ Assessment are accepted. Mitigation measures should be conditioned by way of a condition requiring a Dust Management Plan which may form part of the Construction Environmental Management Plan.

**CEMP** – A detailed and comprehensive CEMP should be required, which should aim to ensure the environmental impact of site clearance and preparation works, and the construction of the development, are adequately managed and mitigated in the interests of the local environment and amenity of nearby occupiers.

**Land Contamination** – A Phase 2 intrusive investigation has been completed by Dunelm Geotechnical & Environmental to support the planning application for the development of residential properties with associated gardens, areas of soft landscaping, and estate roadways.

The report follows on from Delta-Simons' desk study and states it should be read in conjunction with it. The conceptual model in the text and appendix sets out potential pollutant linkages. The main receptors include future site residents and the underlying Principal Aquifer.' Former infilled quarries are noted as a potential source of ground gas elsewhere in the report.

The ground investigation comprised the excavation of 59No. trial pits, 6No. soakaway locations and 24No. mini percussion boreholes.

Topsoil typically between 300 and 400mm thickness was encountered in all of the exploratory positions. The topsoil was noted to be generally free from debris. Deeper relict topsoil was encountered in TP55 to a depth of 1.8m.

Made Ground was encountered in a small number of exploratory holes between 0.4 and 4.7m thickness with some of the Deeper Made Ground encountered in the area of a backfilled quarry. The Made Ground comprised gravelly sand and clayey gravel with ash, glass, brick, metal and clinker.

Chemical testing was undertaken on select soil samples and compared against LQM/CIEH generic assessment criteria. Some exceedances were noted for arsenic, lead and benzo(a)pyrene, benzo(a)fluoranthene and dibenz(a,h)anthracene.

Asbestos was not detected in the samples tested.

Leachability testing showed benzo(a)pyrene to be mobile.

The report includes a hazard assessment which identifies unacceptable risks to identified receptors and further works are recommended. The recommendations included the following:

- In view of the size of the site, it is recommended that further topsoil testing is carried out to determine whether contamination is localised or whether it is more widespread. This further topsoil testing should also include the additional site areas.
- It should be noted that further made ground is likely to be encountered on site; some may be present as a thin subsoil layer, and in some deeper areas may be found in the location of the former quarries. Should significant made ground be encountered, and if it contains undesirable materials, then further testing is recommended. Should information on the full extent of the made ground in the areas of the former quarries be required to assist in foundation design, further

investigation via trial pitting/trenching would then be recommended.

- If during redevelopment works on site any noxious, brightly coloured, drummed, liquid, etc waste is encountered, works should cease in these areas and further advice should be sought from a suitably qualified consultant.
- In view of the lack of benzo(a)pyrene recorded within the soils across the site (with the exception of one slightly elevated sample in the far western site area) and the presence of clay across the site overlying the aquifer, this contamination is not considered to pose a significant threat to controlled water receptors.
- A Remediation Strategy will be required by the regulatory authorities prior to site redevelopment.
- The gas monitoring is complete and included in a gas risk assessment letter report dated 26th March 2018. The report indicates the site is in Characteristic Situation 1 where no special gas protection measures are required'.

It is agreed, the site investigation was an exploratory investigation and further works are required to support future development. These should include ground investigation in the area of the site not included within the site boundary at the time the reported ground investigation was undertaken.

It is also considered that the recommendations given are acceptable. However, a copy of the ground gas risk assessment referred to should be provided for review.

At this stage, following the review of the submitted report, it is recommended the following additional information is requested from the applicant's consultant:

- The report refers to CLR 11. This has been withdrawn and replaced by Land Contamination Risk Management (LCRM). All references to CLR 11 should be removed.
- The logs indicate coal to be present in most exploratory locations. This needs to be included in the discussion and comment provided with regard to risk from ground combustion.
- The infilled quarries should be shown on the Exploratory Hole Location Plan.
- The ground gas assessment referred to, giving due attention to the possible sources identified in the conceptual model and outlining how these sources were targeted by the boreholes, should be provided. A critical review of response zone versus the depth of ground gas generating material should be included, stating whether the ground gas installations are likely to be sufficient (in numbers, location and depth) to allow conclusions to be drawn.
- The groundwater monitoring data and chemical data of the groundwater samples recovered together with an assessment of risk, bearing in mind that the site is located within a SPZ I and II, should be provided. Risks to groundwater from future foundation design should be included in the assessment.

Planning conditions are recommended CL01, CL02, CL03 and CL04 should be applied to the Decision Notice:

- *CL01: Site Characterisation;*
- *CL02: Detailed Remediation Scheme;*
- *CL03: Implementation of Approved Remediation/Verification;*

- *CL04: Unexpected Contaminants.*

**Lead Local Flood Authority** – Final comments received 18.03.2021 are itemised into both full and outline sections.

Full Planning Drainage and Flood Risk planning requirements:

- Flood Risk Assessment: The approach to the site is considered to be acceptable.
- Drainage Strategy and Sketch Plan Layout: An update to the Flood Risk Assessment /Drainage Strategy Addendum Rev G dated 18<sup>th</sup> March 2021 has been provided along with supporting details. Given the particular constraints on the site regarding archaeological works it is expected further details regarding construction drainage/impacts and run off will be provided by condition.
- Evidence of third party agreement for discharge to their system: Agreement to discharge to NWL assets confirmed. Agreement to provide discharge over land to the south of the basin that discharges to Cherry Knowle Dene confirmed. Agreement for discharge to LLFA/Highway assets agreed in principle. It is suggested this connection can be agreed at the discharge rate proposed.
- Maintenance program and on-going maintenance responsibilities: Maintenance access routes are shown around basins and text is included in the FRA Addendum. Updated plans and drawings for types of source control is provided.
- Detailed flood and drainage design drawings: Drainage plans and sections have been updated and reviewed. The overland flow maps do indicate the potential for flow to collect from Nettles Lane running off site with potential overland flow directed into the basin. Details of baffled outfalls provided where required. Suggested source control locations shown in plan and in section for filter drains. Sections for swales (including check dams), sections for basins and sections for ponds provided and referenced to support water quality treatment assessment. Sections now show lined SuDS features.
- Full structural, hydraulic and ground investigations: Updated mdx files have been provided and reviewed. In general, layouts match proposed plans and do not show any significant flooding. Some sections such as Area 1a do not have any outline modelling provided.
- Geotechnical factual and interpretive reports, including infiltration results: Site investigations have been undertaken. Given the presence of Source Protection Zone 2 and Source Protection Zone total catchment and higher pollutant loading from some areas all drainage features should be wrapped unless shown otherwise. The provision of source control interception should be considered with regard to this data. Infiltration testing rates presented in the FRA/DS Addendum are based on very short duration tests and have typically shown no infiltration or limited infiltration.
- Detailed landscaping details (Provide SuDS and source control interception – retain first 5mm rainfall on site, provide water quality treatment): Given the underlying ground and limited infiltration the proposed source control features (including permeable paving, swales, filter drains and basins) are to be

wrapped. Methods of source control are identified on some plans. The method and amount of source control interception has been quantified in text although it excludes swales and basin contributions. Water quality provision for basins and ponds. For the detailed components of the scheme information has been provided regarding C753 requirements (ie. Flow rates, flow depths etc). Where they are used downstream, defenders have been sized for 1 year flow on the engineering drawings in line with the flow rate they may receive to provide treatment.

- Discharge agreements (temporary and permanent). Depending on the build out of the scheme further details may be required to ensure management of surface water including flood risk and water quality control. It is suggested that a pre-commencement condition could be included to allow for the provision of this information.
- Development Management and Construction Phasing: A document has been provided to consider phasing, surface water flow and water quality issues. For each development cell area it is expected a plan should verify surface water risk areas and a suggestion for mitigation prior to any soil stripping. An example has been provided to the developer. This is expected to be provided as a pre-commencement condition.

Outline Planning Drainage and Flood Risk planning requirements:

- Flood risk assessment: An FRA has been provided.
- Drainage Strategy Statement and sketch plan layout: An outline strategy has been presented.
- Preliminary drainage layout: Receptor locations identified suggestions for GFRO and storage required.
- Ground investigation report for infiltration: A ground investigation has been undertaken and is sufficient at this stage. At detailed design further tests should be undertaken to give a more representative result due to the large size of the scheme.
- Evidence of third party agreement for discharge to their system (in principle consent to discharge): Agreement to provide discharge over land to the south of the basin that discharges to Cherry Knowle Dene confirmed. No details for discharge from area 1a. To be confirmed through further submission of information.
- Maintenance program and on-going maintenance responsibilities: A suggestion of who will be responsible for maintenance and how is provided.

In summary, given all the above and the inclusion of appropriate conditions the LLFA have suggested that the proposal can be recommended for approval.

**Northumbria Police** – Comments received in July 2020 require attention to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

**Tyne and Wear Fire and Rescue Service** - No objections.

**NWL** – Request a drainage plan illustrating the intended connection points in line

with the updated pre-application enquiry as this can then be requested to form an agreed condition for delivery. (Received and acknowledged by LLFA).

**Landscape** – The road in the western part of the site still has no trees proposed. This will be dominated by built form and parking and it is considered that more trees should be proposed here. Visitor parking bays in this area are now shown with splays however it is unclear what the proposed treatment is between the footpaths and road.

Confirmation is sought relating to the provision of the hedgerow along the southern boundary of the site. The hedge mix is considered inappropriate, *prunus fruticosus* should be omitted from the mix and *prunus spinosa* is included twice.

The allocation of open space has been revised to not to include some of the narrow areas of space as SANG. This is welcomed. It is also noted that play areas are proposed within the SANG. Generally these appear to be overlooked however it is unclear whether the proposed play area next to the Taylor Wimpey outline plot will be overlooked. This needs to be considered as part of the detailed design for this plot. In addition detailed proposals will be required for all play areas. This could be conditioned.

The SuDS element of the proposal have not been revised and this is disappointing. Some of the SuDS are very “engineered” with consistent 1 in 3 gradients. Where possible the SuDS should be designed and constructed to be more natural in appearance with varying gradients, particularly shallower slopes. In some locations it appears as though there is enough space to increase the footprint of the SuDS thereby reducing the steep gradients.

Further information is also required that can be conditioned relating to:

- *Hard surfacing details;*
- *Boundary enclosures;*
- *Detailed planting plans;*
- *Details on landscape maintenance;*
- *Details on plant protection;*
- *Details on proposed interpretation/entrance features.*

## **POLICIES:**

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

### **CSDP Policies:**

SS6: South Sunderland Growth Area;  
SP5: South Sunderland;  
SP7: Health and Safe Communities;  
SP8: Housing Supply and Delivery;  
SP10: Connectivity and Transport;  
HS2: Noise-Sensitive Development;

HS3: Contaminated Land;  
HS4: Health and Safety Executive Areas and Hazardous Substances;  
HS1: Housing Mix;  
HS2: Affordable Homes;  
BH1: Design Quality;  
BH2: Sustainable Design and Construction;  
BH3: Public Realm;  
BH7: Historic Environment;  
BH8: Heritage Assets;  
NE1: Green Infrastructure;  
NE2: Biodiversity and Geodiversity;  
NE3: Woodland / Hedgerows and Trees;  
NE4: Greenspace;  
NE6: Green Belt;  
NE9: Landscape Character;  
NE11: Creating and Protecting Views;  
NE12: Agricultural Land;  
NE17: Quality of Life and Amenity;  
WWE2: Flood Risk and Coastal Management;  
WWE3: Water Management;  
ST2: Local Road Network;  
ST3: Development and Transport;  
ID1: Delivering Infrastructure.

**Saved UDP Policies:**

T10: Paths and Multi-User Routes;  
T11: Disabled People;  
L10: Countryside Recreation;  
B13: Sites of Local Archaeological Significance;  
B14: Ancient Monuments.

**Policy Context:**

The UK as a whole is committed to delivering the United Nations “Sustainable Development Goals (SDG)s. Delivering large scale developments should aim at advancing the public interest by contributing to the achievement of SDG11 to “make cities and human settlements inclusive, safe, resilient and sustainable.” SDG11’s target 11.1 aims, to ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums by 2030. As a significant source of housing, large scale developments have an important role to play in the achievement of this commitment.

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied through the development plan system.

The NPPF recognises the importance of large scale developments by stating that:

“the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant

extensions to existing villages and towns, provided they are well located and designed and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified need in a sustainable way.”

Identifying sites for large scale development requires consideration of a complex range of factors from infrastructure needs to collaboration with local stakeholders, to enable sites to be identified locally in areas of greatest housing need.

A strong evidence base is needed to identify growth areas and infrastructure needs. This evidence should be informed using a range of assessments and studies, using tools such as sustainability appraisals, strategic environmental assessments, housing need assessment and infrastructure delivery plans.

Delivering essential, appropriate levels of infrastructure across major developments includes public services, public and active transport, utilities, internet access, green infrastructure and more to ensure the overall sustainability of the sites.

With the above in mind and to ensure that all material consideration are addressed in assessing the current proposals, the agenda report has been divided into key issues to consider in determining the application. They are as follows:

1. Principle of development.
2. Design quality / Landscape and visual impact.
3. Highway implications.
4. Socio-economic.
5. Ecology and nature conservation.
6. Water environment.
7. Heritage and Archaeology.
8. Ground conditions and hydrogeology.
9. Noise Vibration and Air Quality.
10. Planning Obligations.
11. Conclusion and 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 Local Plan. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development. It includes broad locations, land use designations and allocations to deliver this strategy. Sunderland's Local Plan is in three parts.

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



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

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

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

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

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

Policy NE12 of the CSDP refers specifically to agricultural land and states: “Development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land’s contribution in terms of economic and other benefits.”

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

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

The Land North of Burdon Lane site is allocated within the adopted Local Plan for approximately 1000 dwellings policy SS6 (1). The application proposes 890 dwellings which equates to a drop of 75 dwellings since the original submission. It should also be noted, that in addition to this application an additional 60 dwellings are associated with 18/00640/FUL, which also forms part of the wider site. Therefore, based on submitted schemes the total would be 950 dwellings. The red line also excludes three other parts of the overall allocation, which are identified for

development within the SSGA SPD.

With regards to these other parts of the site, it is recognised that if these parts of the site that are not included within the red line boundary of this application are brought forward at a later date, it would result in the number of dwellings above the approximate 1000 allocation.

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

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

In accordance with Policy SS6 (2), the proposal offers to provide 10% affordable housing.

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

Policy SS6 (3) provides a range of requirements for proposals within the SSGA. It includes;

A neighbourhood centre, within the Land North of Burdon Lane sub area, which would provide a focal point within the SSGA and include a new primary school, wheeled sports area, formal play space, 3G pitch, appropriate parking facilities and bus service – it is noted that the neighbourhood centre forms part of the associated hybrid application 19/01497/HY4 and includes a primary school, retail provision, multi-use games area, 3G sport pitch. The application proposes the provision of 2.9 ha of land for a neighbourhood centre which will include development from Use Classes A1, A3, A4, D1 and D2. This 2.9ha provision comprises of a 1.5 form entry primary school (with room for expansion); public house, medical centre, retail provision (Use Class A1) (up to 500sqm gross external floor area); a Multi-Use Games Area (MUGA); a 3G sports pitch; and a play and wheeled sports area.

Whilst the neighbourhood centre includes main town centre uses, as it is a requirement of Policy SS6, it is not considered that a sequential assessment is required. Notwithstanding this, if changes to the scheme are proposed to increase the amount of retail floorspace to over 500sqm, an impact assessment would need to be undertaken in accordance with Policy VC2.

Policy SS6(4) requires extensions to two existing primary schools in close proximity

to the SSGA, the applicant has confirmed that a S106 financial contribution will be provided to support this requirement.

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

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

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

An analysis of the submitted housetypes and bedspaces has confirmed that the development has a policy requirement to provide 3.787 ha of green space. The application has been supported by a detailed open space areas plan that demonstrates this delivery and its breakdown in terms of provision between open space, play areas, and play on the way throughout the site.

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

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

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

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

In light of the Burdon Lane site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own HRA to ascertain whether there would be an LSE arising out of the housing proposals. The screening report concluded that it was not possible to rule out LSEs on the SPA or the SAC and as such mitigation would be required.

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

With the above in mind and in accordance with the SSGA SPD, the development offers the delivery of 17.153 hectares of SANG, thus providing an acceptable alternative for dog walkers and other recreational users away from the coastal locations.

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

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

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

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

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

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

The SSGA SPD requests a contribution of £2002 per dwelling (increased from the

original £1847 to cover the cost of inflation from 2016-2020). S106s have been signed and contributions agreed for all the SSGA SPD sites and the Land at Burdon Lane site, the one remaining being the LNOBL site.

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

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

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

The completion of the RDLR is necessary to facilitate LNOBL as part of the wider SSGA area; the policy has been entrenched within the SPD from its initial draft; contributions have been received for all other development sites and it therefore only fair and reasonable that a contribution is made from LNOBL. Notwithstanding this, no contribution would result in a non-policy compliant development proposal.

It is noted that, a small area of the development proposal falls outside of the SS6 allocation and is situated to the south of Burdon Lane within designated green belt.

Chapter 13 of the NPPF, Protecting Green Belt Land provides guidance on forms of development that are not considered to be inappropriate within the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such development is an engineering operation.

The land contained within the green belt is proposed to be used as part of the drainage strategy for the site and include a SUDS basin and connection to the outfall. Such works are considered to be an engineering operation and the level of works proposed are not considered to impact upon the openness of the green belt.

With the above in mind, the proposed development is considered to be compliant with both national policy and NE6 of the CSDP.

In summary, the proposal is considered to comply with the land use requirements contained within the CSDP under policies SS6 and NE6 and furthermore the guidance provided within the SSGA SPD. The principle of development is therefore considered

to be acceptable.

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

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

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

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

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

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

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

The application has been supported by a Masterplanning, Design and Access Statement (MDAS) that provides a vision for the delivery of the site. The MDAS has been developed following the principles in the SSGA SPD and assessed accordingly. To achieve the prescribed vision the document set out six core objectives: These objectives are:

1. To create a high quality built environment which makes the most of existing topography, landscape features, water courses, wildlife habitats, site orientation and micro-climate.
2. To create a new community with distinct architectural and landscape features which give the place a unique sense of character.
3. To deliver high quality housing and wider housing choices.
4. To provide new facilities including Neighbourhood Centre, primary school and open space as well as associated infrastructure, in order to ensure that new and existing residents can access them easily and safely.
5. To create development which is well connected to the surrounding area and facilities by road, footpath, cycle route and public transport link.
6. To deliver a sustainable community that cares for the city's environment, makes efficient use of natural resources and mitigates against climate change.

In terms of the layout of the proposal, the development will create a new four-arm roundabout on Burdon Road (B1286) and its southern arm will form the primary vehicular access to the development.

The Eastern arm will connect the roundabout to the existing roundabout to the East (Eltham Road) meaning that the development will deliver approximately 400m section of Ryhope Doxford Link Road (RDLR). There is a development cell located to the north of the site and within Phase 1 of the development which will be served via junction from this new road.

The primary access to the remaining part of the site will be via the southern arm from the roundabout. From this access point, the development includes a hierarchy of routes through the development including a spine road which forms a loop road around the neighbourhood centre which has been designed to accommodate a bus route.

The road layout includes connections to the land identified by the blue line area which is subject to a separate planning application (ref. 18/00640/FUL). This vehicular link provides a secondary vehicular access to the development on to Burdon Road (South of Lodgeside Meadow).

Provision of pedestrian and cycleways also forms a key part of the proposals with dedicated routes through the development. Nettles Lane is to be retained and upgraded to a shared foot/cycleway connecting Burdon Road with Burdon Lane.

3.0m wide shared foot/cycleways would also be provided on the eastern side of Burdon Road (B1286) and on both sides of the RDLR connection between Burdon Road and Eltham Road.

In addition to the adopted routes, the development includes a network of recreational routes through landscaped areas of the development. When compared with the extract from the SSGA SPD, the proposed highway connections is generally

consistent with only a relatively minor variation in the alignment of the proposed RDLR between Burdon Road and Etham Road. This has evolved following further technical assessment and archaeological constraints.

The layout of the proposal includes three distinct character areas:

**Scene setting route** - Running along the main distribution road and characterised by strong urban form, an area of higher density development, providing verges along the main routes incorporating a strong tree line and on street parking. The primary frontages are set back from highway to form front gardens with incut parking. 2-2.5 storey building heights, front amenity spaces. and a variety of terraced, semi detached and detached units.

**Green edge** - This will be characterised by a softer edge with building lines fronting green spaces, lower density and informal landscaping. Medium density and up to 2-2.5 storey building heights. Units will provide a combination of garage and on plot parking with on street visitor parking, Housing mix will provide a higher proportion of semi detached and detached units.

**Streets** - This will form the core of the site with moderate density development and a mixed and varied built form that interfaces with the Green Edge and Primary Route.

In order to satisfy the design quality requirements of policy BH1(8) which requires landscaping to be provided that is integral to the development, the MDAS has introduced the following five distinct landscape character areas:

**Nettles Lane** - running along the proposed multi-use road the proposal aims to manage, restore and improve the existing hedge along Nettles Lane, allowing for changes in alignment where appropriate, and linked to proposed open spaces.

1. Minimising impacts to a minimum where services and infrastructure have to cross this route;
2. Improve the surface of Nettles Lane for use as a key multi-user route and link through the site;
3. Provide easy access from and to adjacent housing cells.
4. Provide properties within adjacent development cells that front onto Nettles Lane;
5. Utilise building materials that reflect those evident in the surrounding area;
6. Provide appropriate landscaping within front gardens, including hedges and shrubs with varied boundary features at key locations Provision of some back garden trees to be considered, including fruiting varieties.
7. Increased front garden landscaping shall be incorporated into gardens which border boundaries with no current vegetated edge to reinforce the landscaping proposed in adjacent spaces.
8. Housing placement angles, heights and features to be considered along the southern boundary so they do not form consistent edges, but provide a varied skyline.
9. Incorporation of SuDS due to topography.



**South View** - opens up views to the South of Burdon Lane and includes hedgerow retention and improvements to the south. Additionally, this character area also seeks to introduce the following:

1. A landscape buffer between Burdon Lane and adjacent proposed development cells of no less than 10m in width.
2. The buffer is to contain a matrix of hedgerows, individual trees, structural planting and grasslands and to develop a strong defensible feature along the green belt edge.
3. Proposed adjacent units to front onto the southern boundary to allow views, present an attractive frontage and allow natural surveillance of adjacent open space.
4. Proposed materials and design features shall reflect those evident in the surrounding area, and not be conspicuous within the landscape along this edge.
5. Appropriate landscaping provided within front gardens, including hedges and shrubs with varied boundary features at key locations.
6. Increased front garden landscaping shall be incorporated into gardens which border boundaries with no current vegetated edge to reinforce the landscaping proposed in adjacent spaces.
7. Housing placement angles, heights and features to be provided along the southern boundary to provide a varied skyline.
8. Incorporation of SuDS due to this part of the site having some of the lowest contours.

**West Fields** - covering the centre part of the site up to existing developments to the west, the landscaping strategy seeks to deliver the following:

1. Restoration and improvements to existing hedgerows.
2. Provide active frontages onto existing and proposed open spaces.
3. Sensitive design responses to be developed for areas which are adjacent to existing properties to the west.
4. Proposed materials and design features to reflect those evident in the surrounding area.
5. Appropriate landscaping within front gardens, including hedges and shrubs with varied boundary features at key locations - walls, timber fences etc.
6. Increased front garden landscaping shall be incorporated into gardens which border boundaries with no current vegetated edge to reinforce the landscaping proposed in adjacent spaces.
7. Housing placement angles, heights and features along the southern boundary so they do not form consistent edges, but provide a varied skyline.
8. Incorporation of SuDS due to this part of the site having some of the lowest contours.

**The Ridge** - the large landscaped area East from the Nettles Lane, that is to remain open along its higher contours in response to views available, archaeological

resource and landscape character and intends to meet the vision of the development by introducing the following:

1. Proposed woodland planting will be established on lower contours of the ridge to provide a structure to the landscape features adjacent to proposed development cells, and also to prevent adjacent built form from becoming the skyline feature;
2. Existing hedgerows utilised as boundary treatments will be managed and hedgerow trees will be added;
3. Appropriate grasslands, bulb planting and scrub habitats will be created to maximise opportunities for biodiversity;
4. Interpretation features to be provided along routes, in addition to informal play on the way features.
5. This could tie in with links to the south at Cherry Knowle, Tunstall Hills to the north, and could also emphasise the natural and past built form (archaeology) evident within the
6. The ridge will form one of the main SSANGS areas within the site, linking to spaces within Cherry Knowle to the south and within Ryhope to the north. As such a network of path routes will be established within fenced areas to allow off-lead use for dog walkers.
7. Increased front garden landscaping shall be incorporated into gardens which border boundaries with no current vegetated edge to reinforce the landscaping proposed in adjacent spaces.
8. Housing placement angles, heights and features to be considered along the southern edge of the ridge, in relation to its height and scale, so they do not form the skyline feature in views of the site from the south.

**Ryhope Edge** - located in proximity to the proposed link road extension and roundabout acting as a formal edge, active frontages are to be provided both towards the existing and proposed infrastructure routes, along with consideration to the existing properties sited on the periphery of the site. The character area identifies the following to deliver the vision of the proposal.

1. Landscape buffers should be provided between the routes and the proposed properties, with hedgelines provided between them to filter views of cars from adjacent areas where possible, whilst still allowing natural surveillance.
2. Where hedgelines exist these are to be reinforced and improved through infill planting and provision of hedgerow trees.
3. Along the new sections of link road individual trees are to be provided to continue the avenue proposed along this route within the development.
4. SuDS incorporated into landscape spaces as this area contains some of the lower contours within the site.

The proposed Neighbourhood Centre is part of the outline element of the application and is presented indicatively. The detailed design will be finalised at a later date and will be submitted through applications for approval of reserved matters. It is noted consistent with the requirements of the SPD the Neighbourhood Centre will provide

key facilities to complement the service provision available at the existing local centres at Ryhope and Doxford Park.

In terms of the landscape and visual impact of the proposed development, the environmental statement has considered the effects of the development upon both the site and the surrounding area, whilst reflecting the design and landscaping proposed.

The ES recognises that during construction the effects relate to visual amenity and are associated with the construction of the new site access from Burdon Road; the re-contouring of areas within the site to create the developments cells, the loss of existing trees and hedgerows and the creation of temporary construction features (haul roads, site compounds etc.) and the construction of SUDS features.

Mitigation measures to minimise the above include, the imposition of conditions to implement a Construction Environment Management Plan (CEMP) and through compliance with a Construction Traffic Management Plan (CTMP). Measures also include safeguarding trees and hedgerows during the construction process along with ensuring public access is retained with temporary footpaths and diversion signage where appropriate.

During the operational phase of the development, the effects are likely to relate to the completed built aspects of the development; traffic movement in and out of the site and establishing landscaped areas.

Mitigation measures throughout the operation of the site include the provision of compensatory planting and enhancement to existing features to offset the impact of any loss of features. In excess of 20 hectares will be retained as SANG, open space or landscaping.

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

The current proposal provides the following mix of house sizes:

592 units full element:

2 bedrooms: 11.5%;  
3 bedrooms: 41.7%;  
4 bedrooms: 39.4%;  
5 bedrooms: 7.4%.

358 units outline element:

2 bedrooms: 12.8%;  
3 bedrooms: 46.4%;

4 bedrooms: 37.2%;  
5 bedrooms: 3.6%.

In conclusion, it is considered that the design quality of the proposal, has followed the principles and guidance provided within the SSGA SPD in ensuring the form and arrangement of space, buildings and routes, are all shaped by detailed analysis of the site, with a view to creating a cohesive, legible and attractive new residential area.

It is also noted that representations from the Police Architectural Liaison Officer have highlighted concern over the retention of Nettles Lane as part of the masterplanning. With this in mind, it is noted that the SPD is predicated upon the retention of this important north/south route and furthermore following consultations with the City Council's Urban Design Section, surveillance improvements have been sought and received that provide increased surveillance. It is also noted that significant improvements to this route have been agreed as part of the delivery to this scheme.

The preparation of the MDAS for the site and the inclusion of a Design Guide to provide a brief for the outline elements of the site are all in accordance with NPPF guidance. Furthermore the Building for life 12 Assessment demonstrates the sustainable nature of the proposal in accordance with the SSGA SPD.

Dwelling types have been conceived to meet local indigenous needs and provide aspirational new houses that will satisfy market requirements. Situated in a highly sustainable location, the site benefits from established infrastructure and its proximity to the major conurbation of the City of Sunderland. It also represents an opportunity to develop a community within a site which boasts views of the coast, established landscape and a core network of road and pedestrian routes which have formed a basis for the development of the design principles.

With a range of community facilities and a landscaped core at the heart of this development it represents a coherent and sustainable addition to the area, and provides an appropriate mechanism for the delivery of the infrastructure necessary to deliver the socio-economic benefits to the SSGA.

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

The NPPF Chapter 9: Promoting sustainable transport states the following in paragraph 102:

"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- f) The potential impacts of development on transport networks can be addressed;
- g) Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- h) Opportunities to promote walking, cycling and public transport use are

- intended and pursued;
- i) The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - j) Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Policy requirements of the CSDP include policies SP10 (Connectivity and Transport), ST2 (Local Road Network) and ST3 (Development and Transport) and seek to promote sustainable travel, safe and convenient access for all users, safe vehicle movements and that developments should not result in an unacceptable impact on the local road network.

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

Due to the major scale of the proposal, it is envisaged that the construction phase of the proposal will last a time period of approximately 10 years and subsequently impacts during the construction period have been assessed. In line with standard build out periods for housebuilders, it is anticipated that the three housebuilders that comprise the consortium all working the site simultaneously, will require approximately 52 deliveries per day, with a workforce on site in the region of 120.

To ensure the logistical requirements of the site and to minimise any disruption/disturbance to nearby residents, and should Members be minded to grant consent it is recommended that a Construction Traffic Management Plan (CTMP) will be submitted to and agreed with the Local Planning Authority prior to the first phase of construction.

To deliver a sustainable transport infrastructure, the TA has considered the need for a series of highway improvements to mitigate impacts. This comprehensive mitigation package includes:

- a) The provision of a new four-arm roundabout on Burdon Road (the primary vehicular access to the site).
  - Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points
  - Improvement works to Nettles Lane, including crossing points
  - New Foot / Cycleway on Burdon Road and Carriageway Widening (north of Nettles Lane).
  - Toucan Crossing at Burdon Road/Nettles Lane
- b) Junction improvements across the wider road network.
  - Tunstall Village Road / Paddock Lane junction improvements.

- Tunstall Road / Leechmere Road / Essen Way roundabout improvements.
- Tunstall Road / Queen Alexandra Road roundabout improvements.
- Tunstall Road / Belvedere Road / Thornholme Road roundabout.
- Tunstall Hope Road / Paddock Lane junction improvements.
- A19 / Doxford Park Way interchange.
- Completion of the Ryhope Doxford Link Road ('missing link').

c) Pedestrian, cyclist and public transport improvements.

d) Implementation of a Framework Travel Plan.

With the imposition and subsequent delivery of the above, the supporting ES concludes that the residual traffic impact of the development is not severe.

Further to consultations with the Network Management Section and Highways England, (responses contained within the representations section) it is considered that with the imposition of the conditions listed below the proposal is compliant with NPPF policy and CSDP policies SP10, ST2 and ST3.

1. Details of a phasing plan and delivery programme for the new roundabout and link road.
2. Submission of a Construction Management Plan
3. Delivery of junction improvements at A19/A690.
4. Details of a phased housing delivery and infrastructure improvements.
5. Submission of a Travel Plan
6. Submission of Stage 2 Road Safety Audit

#### **4. Socio-Economic.**

Chapter 6 of the NPPF relates to building a strong and competitive economy with paragraph 60 stating that planning decisions should help create the conditions in which business can invest, expand and adapt, placing significant weight on the need to support economic growth and productivity.

CSDP policy SP5 South Sunderland, reiterates the above by providing a spatial policy for the area to grow via allocating the SSGA as a new sustainable community.

The 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 the proposed development would deliver a wide range of future benefits, including social, economic and environmental factors:

In terms of the social and environmental benefits the proposal seeks to provide:

- High quality family-orientated residential-led development.

- 10% affordable housing (95 units total).
- Neighbourhood centre to meet the needs of the local residents.
- One third of the site providing green landscaping and ecological mitigation.

In terms of the economic benefits, it is estimated that the proposal could yield:

- Capital investment of circa £139 million.
- Approximately 200 full time construction jobs and a further 300 indirect jobs in the construction industry supply chain.
- An uplift in economic output of £29.7 million during construction.
- Approximately 63 jobs in the neighbourhood centre.
- Increase of £1.2 million in additional Council Tax.
- Potential New Homes Bonus of £5.1 million.

In light of the above, the relevant chapter of the ES has concluded that the proposed development would result in a moderate beneficial impact upon the local and wider area.

## **5. Ecology and 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 15 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraph 175 prescribing the following in part:

"When determining planning applications, LPA's should apply the following principles:

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

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

Further to on going discussions, following consultation responses, additional information has been sought with particular reference to breeding birds and the impact of air quality upon surrounding Sites of Special Scientific Interest (SSSI's) and Local Wildlife Sites primarily caused by increased traffic flow generation in the vicinity of these sites. Addressing each in turn.

The breeding bird surveys recorded the presence of a total of thirty four species of bird within or along the boundaries of the site. Of these species, a total of fifteen were considered to be breeding or probably breeding either within or in the immediate vicinity of the site (with territories that extended into the site). Of the fifteen species considered to be breeding or probably breeding within the site, two are included on Birds of Conservation Concern Red List: skylark *Alauda arvensis* and grey partridge *Perdix perdix*.

The additional information has provided an appraisal of habitat quality and the likelihood of displacement effects of other development sites and concluded that there have not been any significant changes in habitat type, extent and quality within the proposed development site since the original bird surveys were completed and therefore it is reasonable to conclude that the numbers of this species are unlikely to have increased.

The existing site is considered to be poor for this species as the fields lack significant margins and potential nest sites, equivalent to those that will be delivered through the creation of skylark plots. It is therefore likely that factors such as prey availability, nest site availability etc will limit the productivity of the site for skylark.

The same conclusion is reached for grey partridge, which typically nest on the ground in hedge bottoms, grass margins, beetle banks, cereals, game cover and nettle beds. Dead tussocky grass from the previous year is often favoured as nesting cover. There is currently very limited occurrence of these favoured habitats within the site.

The City Council Ecologist has confirmed and recognises that the current mitigation offered for Sky lark and Grey Partridge is inappropriate and therefore offsite mitigation will be necessary. The applicant is currently in discussions with the LPA regarding suitable mitigation sites and once agreed this detail will be secured via section 106 and be in place for the lifetime of the development or for a minimum of 20 years whichever is sooner.

Three of the fifteen breeding species recorded within the site are included on the BoCC Amber List: dunnock *Prunella modularis*, willow warbler *Phylloscopus trochilus* and reed bunting *Emberiza schoeniclus*. These are all associated with habitats that will either be retained or created as part of the development: the proposed habitat creation includes the provision of additional habitat that will benefit all of these species, providing enhanced nesting opportunities compared to the current situation.



In assessing the potential impacts of the development, it is acknowledged that the construction phase will result in the loss of some habitats, in particular arable, poor semi-improved grasslands, some hedgerows, some trees and scrub. The construction phase may also result in the disturbance and potential displacement of some species, such as breeding birds. The loss of some hedgerow sections may impact on foraging and commuting bats.

The operation phase of the development will not result in further habitat loss and the supporting DEFRA Metric quantifies this assessment.

In addressing net gains in biodiversity, the Supplementary Environmental Statement (SES), (November 2020) quantifies the areas and lengths of habitats that will be lost and those that will be created and delivered within the site and provides an assessment of overall change in biodiversity terms.

The overall conclusion is that biodiversity net gain will be achieved as the arable and pasture habitats that dominate the site will be replaced by a more diverse range of habitats including species-rich grassland, tree and shrub planting. This conclusion is supported by the results of the DEFRA Metric 2.0, which has been used for the site.

The completed Metric indicates that for habitats:

- The baseline for the site is calculated at 110.28 biodiversity units, the on-site post-intervention score is 114.92 biodiversity units, representing a change of +4.64 units, which is a 4.20% increase.

The completed Metric indicates that for hedgerows:

- The baseline is 9.53 biodiversity units, the on-site post-intervention score is 29.40 biodiversity units. This represents a change of +19.87 units, which is a 208.44% increase.

The supporting documents conclude that the proposed development therefore delivers a measurable net gain for habitats and hedgerows as determined using the DEFRA Metric 2.

The baseline data and assumptions established within the Metric have been assessed by the City Council's Ecologist and a commentary of findings is provided within the representations section of the report.

In assessing the air quality effects of the increase in traffic arising from the proposed development on Tunstall Hills SSSI, it is noted that both the AQA (Wardell Armstrong) and the relevant chapter of the ES reach a shared conclusion. Any associated effect following the methodology of data analysis and modelling is considered to be Negligible/Neutral and Not Significant.

Supporting information submitted by BSG Ecology and Wardell Armstrong has qualified and quantified that as a buffer exists which at a minimum distance is 78m between the SSSI at Tunstall Hills and main roads, and within the buffer there is also either substantial tree/hedgerow belts or housing, where there will be an increase in traffic associated with the proposed development, any impact on the SSSI will not be

significant. Additional modelling has been produced and assessed and whilst the site required screening, it is concluded that there is therefore no requirement for any mitigation.

With regards to Local Wildlife Sites, the traffic data collated for the application submission and contained within the accompanying Transport Assessment shows that there could be an increase of over 1000 Annual Average Daily Traffic (AADT) on roads adjacent to the following Local Wildlife Site (LWS) ) (or where data is not available exceedance of the 1,000 AADT threshold has been assumed on a precautionary basis): Burdon Dene LWS, Cherry Knowle Dene LWS, Ryhope Dene LWS, Newport Dene LWS, Newport Railway Cutting LWS, Foxcover Bank Plantation LWS and the proposed Silksworth Fishing Lake LWS. Further to discussions with the applicant and their development team BSG Ecology have concluded that given the built form and landscaping between the roads and the LWSs, and taking into account source attribution data published by the Air Pollution Information System (APIS), which is a UK provider of information on pollutants and their impacts on habits and species, any increase in nitrogen or ammonia deposition as a result of increased traffic from the proposed development will not have a significant effect on the LWSs. Subsequently no mitigation is therefore required.

It is anticipated that the above conclusion will be confirmed to Members verbally at committee following a full extrapolation of the data and evidence requested and submitted to reach the aforementioned conclusion

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

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

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

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

The proposal has been supported by an Arboricultural Impact Assessment (AIA). In summary the AIA has confirmed that the majority of trees and hedgerows are limited to the agricultural field boundaries, with the majority of low quality through being subjected to groupings and root damage from ploughing and farmland management.

The condition of the hedgerows across the site is considered to be mixed with many having gaps or becoming out-grown.

The AIA details that whilst development cells and supporting infrastructure has sought to retain existing trees and hedgerows, the proposed layout will require the removal of two trees, two groups of trees and some stretches of hedgerows. The AIA has also identified other potential conflicts relating to the proximity to root protection areas and canopies; and damage during site construction.

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

## **6. Water environment.**

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

“When determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exceptions tests, as applicable) it can be demonstrated that:

- f) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- g) The development is appropriately flood resistant and resilient;
- h) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- i) Any residual risk can be safely managed; and
- j) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

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

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

Policy WWE3(3) is explicit in ensuring that development must discharge at greenfield run-off rates for the 1 in 100 flood events plus the relevant climate change allowance for greenfield and brownfield sites in accordance with the latest Local Flood Risk Management Strategy (LFRMS).

The LFRMS act as the tool to provide updated guidance to the above policy throughout the lifetime of the CSDP and provides a number of objectives. Objective

3 states:

“Manage the impact of new development on flood risk to communities and the economy;

3a) Reduce the impact development has on flood risk to people and the economy, when permitting development by ensuring development reduces the causes and impacts of flooding.

With the above in mind, a flood risk assessment/drainage strategy has been provided and potential impacts separately addressed with the ES.

The site lies within Flood Zone 1 and is classified as compatible for development based upon the proposed useage in line with the NPPF requirements. Whilst the majority of the site is not within a critical drainage area (CDA), there are two small pockets of land approximately 1.5ha and 3.5ha located in the south western corner of the wider site that fall within a CDA.

A further point of note is that the residential housing development to the immediate south on land at Cherry Knowle lies within Flood Zones 2 and 3 and has been identified as a potential receptor which may affected as a result of the development, from overland flow from the site, as well as the existing hydrological features which would be influenced by the proposal.

The impact on the above can be suitably mitigated during the construction phase via the imposition of a suitably worded CEMP that includes construction practices to reduce potential contamination caused by the release of sediments into the watercourse, spillage and leakage of oils and fuels and disturbance of existing contamination and drainage features.

During the operational phase, possible impacts have been identified as increased surface water run-off, effects of climate change on the drainage scheme, disturbance to the existing watercourse and the effects on existing water supply. The overall drainage strategy for the development, has been modified from its original concepts through consultations with both NWL and LLFA.

A full and comprehensive review of all the individual components that make up the drainage strategy for the site have been provided within the representations section of the agenda report. The commentary concludes that sufficient detail is provided for both the full and outline elements of the application to confirm that the proposal is compliant with CSDP policies WWE2 and WWE3.

## **7. Heritage and archaeology.**

Conserving and enhancing the historic environment is a core planning principle. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Paragraph 189 of the NPPF stipulates that the level of detail should be proportionate to the assts' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

CSDP policies BH7 (Historic Environment) and BH8 (Heritage Assets) and saved UDP policies B13 (Sites of local archaeological significance) and B14 (Ancient

monuments). Having regard to the aforementioned, it is acknowledged that preservation in situ is the preference, however, where the loss is justified in accordance with national policy, the remains should be appropriately recorded.

Archaeological significance of the site : In 2017 the site was subject to a geophysical survey and an extensive prehistoric/RomanoBritish landscape was identified. The geophysical survey suggested the presence of three enclosed settlement containing roundhouses. The surrounding landscape presents evidence of a prehistoric field system and possible stock enclosures. Subsequent archaeological trial trenching confirmed presence of an enclosure system and geophysical survey and Iron Age to Roman period pottery was recovered from cut features. The size and complexity of the site suggests the site was of some significance.

The site lies between medieval settlements at Ryhope, Tunstall, Burdon and Silksworth. It is most probable that the area of the site was under agricultural usage during the medieval period and it is likely that sub-surface remains of ridge and furrow cultivation systems survive in some areas of the site. Previous archaeological interventions

Previous archaeological interventions on the site identified that the site has potential for prehistoric or Romano-British archaeological remains. The supporting desk-based assessment shows that the site lies in an area with a significant background of prehistoric finds and burial features. Geophysics was conducted as part of the Southern Growth Area Ryhope to Doxford road scheme. The geophysics results suggest the presence of enclosures and boundary ditches including two sub-rectangular, linear and curvi-linear features as well as small-scale quarrying activity. A further Geophysical survey enabled the identification of a series of enclosures representing significant multi-phased probable late-prehistoric or Romano-British settlement.

At least 30, and very probably many more, ring-ditches have been detected, with the vast majority probably representing the remains of round-houses within enclosed settlements. Occasional extra-mural features, which may represent the remains of burial barrows, have also been identified. Discrete features which almost certainly represent pits, post-holes, hearths and other occupational evidence have also been detected.

36 evaluation trenches confirmed the presence of a multi-phase and multi-focal prehistoric enclosures. Evidence has been found for activity spanning from the Iron Age through the late Roman period. Only a limited amount of trial trenching was requested in order to confirm the findings of the geophysical survey and to determine its date and degree of survival. The pottery found during the evaluation indicates an Iron Age to Roman period date. Spelt wheat, which is usually associated with Iron Age and Roman 2 deposits, was recovered from the soil samples taken from the archaeological features. In addition, radiocarbon dates have been obtained which confirms that the site is Iron Age to Roman in date.

Further to a series of works involving the County Archaeologist, the City Council and the applicants it was concluded that the remains do not require preservation in-situ and that they can be preserved 'by record'. The archaeological resources on this site

are however, of great importance and interest.

With the above in mind the County Archaeologist has noted that If planning permission is granted it is imperative that the archaeological remains are excavated, recorded and analysed to a standard that reflects the importance of these remains. The area that requires archaeological excavation will be extremely large because of the spatial extent and density of archaeological features. In addition, there is potential for archaeological features to be found that have not previously been identified in the geophysical survey and evaluation trenching.

Notwithstanding the above where archaeological features are genuinely being preserved in-situ, they will not need to be archaeologically excavated. By preserving the archaeological remains areas in situ it has been stipulated by the County Archaeologist that there should be no disturbance at all over archaeological features - no topsoil stripping, no landscaping apart from raising ground levels, no groundworks such as drainage or utilities, no suds, no tree planting etc. With this in mind the application has provided a plan with the application which shows the archaeological features which are to be preserved under proposed green spaces,' and 'if an enclosure is proposed for preservation, then ideally the whole of that enclosure should be preserved for future generations, rather than just part of it.' If an enclosure is to be preserved in situ it should be preserved in its entirety.

To inform the above and having regard to the national and local policy requirements, the proposal has been supported by a desk-based assessment, geophysical survey and archaeological trenching. Chapter H of the Environmental Statement also considers Heritage and Archaeology and assesses any potential effects and mitigation requirements.

Following consultations with the County Archaeologist comments relating to the proposal for trees, filter drains and footpaths within the area of archaeological deposits that was to be preserved in situ were identified. The County Archaeologist considered that the proposals had the potential to remove or truncate the archaeological deposits and mitigating this impact through a programme of archaeological recording was not considered appropriate, as the approach to mitigation was based on either excavating or preserving in situ coherent blocks of archaeological deposits, those blocks reflecting the location of prehistoric enclosures.

As a consequence, the proposals for the excavation of the site, which reflected coherent blocks and the phasing of the development, have been amended. Two additional coherent blocks of excavation have been added, reflecting the two areas of enclosure within the former area to be preserved.

With the above in mind the County Archaeologist is satisfied that the proposals are acceptable and can be controlled via conditions, identified within the consultee responses section of the agenda report.

The proposal is considered to be compliant with both NPPF guidance and CSDP and saved UDP policies.

## **8. Ground conditions and hydrogeology.**

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

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

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

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

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

The current proposal has been supported by a Phase 1 Preliminary Geotechnical & Phase 2 Geoenvironmental Assessment.

The supporting reports indicated that no evidence has been found to indicate that the site is underlain by coal workings at shallow depth, furthermore the two former limestone quarries that were present in the central area of the site were backfilled prior to 1951. The site provides minimal made ground, the majority of which is located within the backfilled quarries.

Following consultations with the City Council's land contamination consultants, it is considered that the site investigation were an exploratory investigation and further works are required to support future development. These should include ground investigation in the area of the site not included within the site boundary at the time the reported ground investigation was undertaken. A full copy of the findings of the consultation are provided with the consultation section of the agenda report.

With the above in mind and should Members be minded to grant consent, to impose the standard land contamination conditions that requires the developer to undertake further specific 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 paragraphs 170 and 178 of the NPPF and CSDP policies HS1 and HS3.

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

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

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

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

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

The application has been supported by a Noise and Vibration Assessment (NVIA) that considers impacts from the development during the construction and operations phases of the development.

The report identifies that during the construction phase of development, potential noise impacts are anticipated to be generated by the earthworks and construction of the development. It is also noted that work involving plant machinery is likely to generate intermittent vibration which could cause temporary disturbance to nearby residents. With the above in mind and following consultations with Public Protection and Regulatory Services, it is recommended that once a contractor has been appointed and details of the construction and timescales are known that a further noise and vibration assessment is provided. In addition, should Members be minded to grant consent a condition requiring the submission of a Construction Environmental Management Plan should be attached.

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



During the operation phase of the development, the assessment has considered the noise implications based on the anticipated future traffic flows on the local highway network. The change in traffic flow due to the development is predicted to result in negligible impact at existing receptors. The proposed layout of the development has also been modelled to assess the level of noise from prospective residents. The results indicate that the proposed dwellings facing the roads are likely to experience an adverse noise impact whilst the noise impact at the remainder of the site would be negligible.

The levels of attenuation required for this site will likely be achieved based on careful selection of glazing and trickle vents and it is recommended that the specifications of the glazing and vents are detailed for each dwelling, prior to first occupation. Should Members be minded to grant consent this could be conditioned via a planning condition requiring submission of a noise mitigation scheme.

Paragraph 181 of the NPPF refers to Air Quality requiring planning decisions to sustain and contribute towards compliance with relevant limit values of national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in the local area. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement.

The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and nitrogen dioxide (NO<sub>2</sub>).

The UK also has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants:

- fine particulate matter (PM<sub>2.5</sub>)
- ammonia (NH<sub>3</sub>)
- nitrogen oxides (NO<sub>x</sub>)
- sulphur dioxide (SO<sub>2</sub>)
- non-methane volatile organic compounds (NMVOCs)

As well as having direct effects on public health, habitats and biodiversity, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems. Odour and dust can also be a planning concern, for example, because of the effect on local amenity.

CSDP policy HS1 reflects the above national guidance and requires that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation arising from air quality.

The application has been supported by an Air Quality Assessment (AQA) that has considered the air quality impacts during the construction and operational phases of the development.

The assessment concludes that the potential impacts include the risk of dust and fine particulate matter effects from earth works, construction and trackout. The assessment provides a set of measures that could be imposed via a condition and accepted by Public Protection and Regulatory Services should Members be minded to grant consent. For the avoidance of doubt any potential condition would cover, but not be limited to the following:

Specific mitigation relating to dust control may be in the form of construction best practices or could include a dust management plan. Recommendations for mitigation within the IAQM guidance include:

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

For the operational phase of the development the assessment concludes that the development will result in concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> remaining below the air quality objectives/target values.

The impact of the proposed development is predicted to be not significant for human health.

Consideration also needs to be provided in considering proposals that would have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value. This particular area of the air quality impacts has been included within the Ecology and Biodiversity section of the agenda report.

However, mitigation measures will assist in reducing any potential impact and general best practice measures in relation to air quality could be implemented. These could include the utilisation of low NO<sub>x</sub> boilers, the implementation of a green

travel plan, and provision of electric vehicle charging points.

In summary, the AQA concludes that the development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national policy of CSDP policy HS1.

## **10. Planning obligations.**

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

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

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

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

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

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

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

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

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

A contribution of £450,000 is sought towards the completion of the A19/A690 Durham junction improvement scheme to mitigate the traffic impact of the development.

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

**Onsite works / Immediate surrounding area:**

- Site access / roundabout on Burdon Road (B1286).
- Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points.
- Improvement works to Nettles Lane, including crossing points.
- New Foot / Cycleway on Burdon Road and Carriageway Widening (north of Nettles Lane).
- Toucan Crossing at Burdon Road/Nettles Lane Offsite.
- Tunstall Village Road / Paddock Lane junction improvements.
- Tunstall Road / Leechmere Road / Essen Way roundabout improvements.
- Tunstall Road / Queen Alexandra Road roundabout improvements.
- Tunstall Road / Belvedere Road / Thornholme Road roundabout.
- Tunstall Hope Road / Paddock Lane junction improvements.
- A19 / Doxford Park Way interchange.

**Other**

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

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

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

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

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

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

Neighbourhood centre. The SSGA SPD identifies the need for provision of a new primary school on land North of Burdon Lane within the next 10 years to address the education needs of the population of the proposed new residential developments. The S106 will therefore include an option for the Council to acquire the land needed to build the new School and associated equipped play and recreational facilities at an agreed market value which will be off-set against the

developers financial contributions in relation to education.

## **10. Conclusion and Environmental Impacts.**

The hybrid application seeks outline planning consent for a residential-led scheme for up to 890 residential dwellings (10% of which will be affordable). Of this number, 532 dwellings are applied for in full detail, whilst the remaining 358 dwellings are sought in outline. In addition, the proposal seeks outline consent for a new neighbourhood centre to be located at the heart of the site.

***The NPPF states that development that is sustainable should go ahead, without delay – for decision-taking this means proposals that accord with an up-to-date development plan.***

In local policy terms, the site forms part of one of the four major housing sites that are central components of the SSGA, which is identified to deliver approximately 3,000 dwellings (22%) of the amount of new homes identified in the CSDP. Therefore, the SSGA is a fundamental allocation to the future provision of the CSDP's housing strategy.

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

Land utilised that is included within the existing Green Belt allocation, and necessary for the extensive drainage network that will facilitate the site has been confirmed as being appropriate development (engineering operation) within the Green Belt.

The proposal has been shaped and informed via formal pre-application discussions and engagement with the local community and full formal consultation exercise. Modifications to the proposal have most notably lead to a reduction in housing numbers from 965 to 890, the introduction of a public house and medical centre within the neighbourhood centre, increased provision of ecological mitigation across the site and a robust and sustainable drainage strategy. Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, that will assist in the sustainable delivery of this site and wider SSGA.

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

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

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

Having regard to the impacts of the proposed development upon the local road network and highway safety, it is considered that during the construction period this will be Negligible and temporary in nature. Notwithstanding, these impacts, it is considered that a condition be imposed requiring a Construction Traffic Management Plan ('CTMP') managing in particular the routes taken by construction vehicles, the times of day of the vehicle movements, and the volumes of construction traffic.

All necessary parking for workers will be provided on the proposed development throughout the construction period without the loss of parking for nearby residents and once the development is open, parking will be provided on site for residents and will not result in the loss of parking for nearby residents. Car parking at the school and neighbourhood centre will be provided in accordance with the adopted parking standards.

A series of mitigation measures are proposed in the form of junction improvements which will ensure that the resulting residual effects on driver delay and network capacity at all junctions are either Negligible or Beneficial.

With the above in mind and addressing concerns from local residents over enforceability, the LPA's Compliance Team have confirmed current working practices are sufficiently robust to ensure enforceability of any breaches throughout the development process.

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 the new neighbourhood centre sufficient to meet the demands of the increased resident population and necessary to achieve the infrastructure delivery across the wider SSGA.

Whilst, it is acknowledged that the proposal will result in the loss of a large agricultural field, it is recognised that the nature of the development would allow for the reuse of these healthy soil resources in gardens, landscaping and in the open space area within the site, with any excess soils (if created) being removed from site for reuse elsewhere. With the imposition of a site specific Soil Management Plan any potential damage to, or loss of these soils and impairment of their functions would be appropriately mitigated. With such appropriate mitigation in place, the soils within the site would only experience short-term reversible damage through handling, stockpiling and heavy machinery traffic. The residual effect would therefore be Minor Adverse, which is considered Not Significant.

In assessing the ecological effects of the application, the proposed development includes a range of mitigation measures, incorporated at the design stage, such as

the retention, where possible, of habitats such as hedgerows and isolated trees. Further mitigation and compensation measures are identified, including the provision of new habitats within the landscaping scheme. A detailed SSAANG phasing plan, has been produced which demonstrates how the proposed landscaping will be delivered to ensure that there will be no adverse effects from recreational pressure on the designated coastal sites. The submission also demonstrates how high-quality landscaping will provide an attractive space for residents of the developed site.

Impacts on ground nesting birds will be compensated through appropriate habitat creation and management. When all mitigation and compensation measures are considered it is concluded that the residual effects will be Neutral for hedgerows, bats and breeding birds.

Having regard to Policy NE2 the proposed development brings forward development on an allocated site within the CSDP. Any form of development on the allocated site would give rise to similar effects and therefore there are no reasonable alternatives, a matter that has been covered in the plans examination in public and via appropriate rounds of public consultation. The need for housing and the other benefits that the proposed development will deliver clearly outweigh the limited and not significant effects that the proposed development would have on the site, the SSSIs and LWSs. In this context, the development is in accordance with Policy NE2. With reference to the landscape and visual impact of the proposal, it is evident that due to the local landscape character context and the nature of the proposed development, the magnitude of change was determined to be medium resulting in Moderate effects which would be adverse in nature. The magnitude of change of the development is anticipated to have most effect on visual receptors in close proximity to the site, such as those utilising or adjacent to Burdon Road, Burdon Lane, Eltham Road and Nettles Lane around the boundaries, where Moderate Adverse effects are predicted. Although it is recognised that mitigation will provide both landscape and ecological enhancements, the nature and scale of the proposals cannot remove the moderate adverse effect in the loss of relatively uninterrupted views over the existing landscape. As mentioned previously above, it is noteworthy that these impacts are at a site level, notwithstanding, any form of development on the allocated site would give rise to similar effects and therefore there are no reasonable alternatives, a matter that has been covered in the plans examination in public and via appropriate rounds of public consultation. The need for housing and the other benefits that the proposed development will deliver clearly outweigh the effects that the proposed development would have on the site.

A scheme of excavating and recording the archaeological remains has been outlined, to be implemented should planning permission for the development be granted. This will enable the past activity on the site to be thoroughly understood. The results would be made publicly available. Our knowledge of the region's past will have increased, and because of this benefit, although remains would be lost, the overall effect of the scheme on heritage would be Minor Adverse and not Significant in EIA terms.

To conclude, the proposal is considered to be compliant with the CSDP housing allocation policy SS6, all technical matters have been adequately addressed within the report, none of which raise significant concerns that would outweigh the benefits

of the proposal. The supporting ES has 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.

With all of the above fully considered, the LPA have reached the following recommendation to Members:

**Recommendation :** Mindful 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:**

### **1.5 years to commence (Standard Compliance).**

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

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

### **2.Plans (Standard Compliance).**

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

#### *Overall Site Plans*

Site Location Plan (reference CON\_PL\_01 Rev B)

Co-ordinated Site Plan (reference CO\_SITE\_01 Rev R)

Detailed Application Boundary (reference DET\_APP\_01 Rev A)

Development Cells (reference RYH/02-80)

Landscape Masterplan (reference 1034\_100 Rev D)

Overall Landscape Strategy (reference 1034\_101 Rev G)

Proposed Open Spaces (reference 1034\_10 Rev F)

Proposed SSAANGS and Open Space Phasing (reference 1034\_11 Rev F)

Surface Water Strategy (reference QD1291-00-01 Rev G)

Surface Water and Foul Water Outfall Locations (reference QD1291-00-02 Rev B)

Water Quality Strategy (reference QD1291-00-04-B-Water Quality)

Southern Boundary Cross Sections Sheet 1 (reference QD1291-80-01)

Southern Boundary Cross Sections Sheet 2 (reference QD1291-80-02)

Southern Boundary Cross Sections Sheet 3 (reference QD1291-80-03)

Southern Boundary Cross Sections Sheet 4 (reference QD1291-80-04)

Southern Boundary Cross Sections Sheet 5 (reference QD1291-80-05)

Engineering Layout SuDS Area 5 Sheet 1 (reference QD1419-03-01 Rev G)

Engineering Layout SuDS Area 4 Sheet 2 (reference QD1419-03-02 Rev C)

Engineering Layout SuDS Area 2 Sheet 3 (reference QD1419-03-03 Rev F)

Engineering Layout SuDS Area 2 Sheet 4 (reference QD1419-03-04 Rev B)

Engineering Layout SuDS Area 2 Sheet 5 (reference QD1419-03-05 Rev B)

Engineering Layout SuDS Area 2 Sheet 6 (reference QD1419-03-06 Rev A)

QD 1419-08-11-A PP Drive Detail.  
QD 1291-04-52-C SuDS 5 S.Control.  
QD 1291-04-50-C SuDS 2 S.Control.  
QD 1291-04-51-C SuDS 4 S.Control.  
Overall Engineering Layout (reference QD1419-03-07 Rev H)  
Spine Road Roundabout Drainage Proposals (reference QD1419-03-10 Rev A)  
RDLR Route (reference QD1526-00-1111)  
Crossing Point Details (reference QD1526-00-1112)  
RDLR Engineering Layout (Plan 1 of 2) (reference QD1526-03-01)  
RDLR Engineering Layout (Plan 2 of 2) (reference QD1526-03-02)  
Engineering Layout Vertical Alignment (Plan 1 of 4) (reference QD1526-03-03)  
Engineering Layout Vertical Alignment (Plan 2 of 4) (reference QD1526-03-04)  
Engineering Layout Vertical Alignment (Plan 3 of 4) (reference QD1526-03-05)  
Engineering Layout Vertical Alignment (Plan 4 of 4) (reference QD1526-03-06)  
Engineering Layout Roundabout Geometric Detail (reference QD1526-03-07)  
Engineering Layout (Plan 1 of 2) (reference QD1526-03-11)  
Engineering Layout (Plan 2 of 2) (reference QD1526-03-12)  
Engineering Layout Eltham Road Geometric Detail (reference QD1526-03-13)  
Legal Agreement (reference QD1526-16-01)  
Legal Agreement (reference QD1526-16-11)  
Existing Layout and Constraints (reference QD1526-23-01)  
Vehicle Swept Path Analysis (reference QD1526-40-01)  
Vehicle Swept Path Analysis (reference QD1526-40-11)  
Site Clearance 1 of 3 (reference QD1526-0200-01)  
Site Clearance 2 of 3 (reference QD1526-0200-02)  
Site Clearance 3 of 3 (reference QD1526-0200-03)  
Site Clearance (reference QD1526-0200-11)  
Drainage Network Details 1 of 3 (reference QD1526-0500-01)  
Drainage Network Details 2 of 3 (reference QD1526-0500-02)  
Drainage Network Details 3 of 3 (reference QD1526-0500-03)  
Drainage Network Details (reference QD1526-0500-04)  
Drainage Network Details (reference QD1526-0500-11)  
Drainage Construction Details (reference QD1526-0500-12)  
Road Pavements 1 of 2 (reference QD1526-0700-01)  
Road Pavements 2 of 2 (reference QD1526-0700-02)  
Road Construction Details (reference QD1526-0700-03)  
Road Pavements (reference QD1526-0700-11)  
Road Construction Details (reference QD1526-0700-12)  
Kerbs, Footways and Paved Areas 1 of 3 (reference QD1526-1100-01)  
Kerbs, Footways and Paved Areas 2 of 3 (reference QD1526-1100-02)  
Kerbs, Footways and Paved Areas 3 of 3 (reference QD1526-1100-03)  
Kerbs, Footways and Paved Areas (reference QD1526-1100-11)  
Traffic Signs and Road Markings 1 of 3 (reference QD1526-1200-01)  
Traffic Signs and Road Markings 2 of 3 (reference QD1526-1200-02)  
Traffic Signs and Road Markings 3 of 3 (reference QD1526-1200-03)  
Traffic Signs and Road Markings (reference QD1526-1200-11)

### *Taylor Wimpey Plans*

Overall Hybrid Layout (reference RHY-02-20 Rev G)  
Boundary Enclosures (reference RHY/SK-30 Rev B)  
Materials Sheet (Parcel 1) (reference 1N RHY/SK-31 Rev B)  
Materials Sheet (Parcel 2) (reference 1N RHY/SK-32 Rev B)  
Materials Sheet (Parcel 3) (reference 1N RHY/SK-33 Rev B)  
Materials Sheet (Parcel 4) (reference 1N RHY/SK-34 Rev B)  
Materials Sheet (Parcel 5) (reference 1N RHY/SK-35 Rev B)  
Lanford Floorplans (reference NA43/7/PL1 Rev D)  
Lanford Elevations (reference NA43/7/PL2 Rev B)  
Lanford Elevations (reference NA43/7/PL3 Rev B)  
Lanford Elevations (reference NA43/7/PL4 Rev B)  
Dunham Floorplans (reference ND41/7/PL1 Rev D)  
Dunham Elevation (reference ND41/7/PL2 Rev A)  
Dunham Elevation (reference ND41/7/PL3 Rev A)  
Dunham Elevation (reference ND41/7/PL4 Rev A)  
Dunham Floorplans (additional gable windows) (reference ND41/7/PL1 Rev E)  
Dunham Elevation (additional gable windows) (reference ND41/7/PL2 Rev A)  
Dunham Elevation (additional gable windows) (reference ND41/7/PL3 Rev B)  
Dunham Elevation (additional gable windows) (reference ND41/7/PL4 Rev B)  
Flatford Floorplans (reference PA33/7/PL1 Rev A)  
Flatford Elevations (reference PA33/7/PL2)  
Flatford Elevations (reference PA33/7/PL3)  
Flatford Elevations (reference PA33/7/PL4)  
Coltham Floorplans (reference ND40/7/PL1 Rev E)  
Coltham Elevations (reference ND40/7/PL2\_01 Rev B)  
Coltham Elevations (reference ND40/7/PL2\_02 Rev B)  
Coltham Elevations (reference ND40/7/PL2\_03 Rev B)  
Coltham Floorplans (additional gable window) (reference ND40/7/PL1 Rev F)  
Coltham Elevations (additional gable window) (reference ND40/7/PL2\_01 Rev B)  
Coltham Elevations (additional gable window) (reference ND40/7/PL2\_02 Rev C)  
Coltham Elevations (additional gable window) (reference ND40/7/PL2\_03 Rev C)  
Kingham Floorplans (reference ND42/7/PL1 Rev E)  
Kingham Elevations (reference ND42/7/PL2\_01 Rev B)  
Kingham Elevations (reference ND42/7/PL2\_02 Rev B)  
Kingham Elevations (reference ND42/7/PL2\_03 Rev B)  
Canford Floorplans (reference PA25/7/PL1 Rev A)  
Canford Elevations (reference PA25/7/PL2)  
Canford Elevations (reference PA25/7/PL3)  
Canford Elevations (reference PA25/7/PL4)  
Gosford Floorplans (reference PA34/7/PL1 Rev A)  
Gosford Elevations (reference PA34/7/PL2)  
Gosford Elevations (reference PA34/7/PL3)  
Gosford Elevations (reference PA34/7/PL4)  
Gosford Floorplans (additional gable window) (reference PA34/7/PL1 Rev B)  
Gosford Elevations (additional gable window) reference PA34/7/PL2)  
Gosford Elevations (additional gable window) (reference PA34/7/PL3 Rev A)

Gosford Elevations (additional gable window) (reference PA34/7/PL4)  
Amersham Floorplans (reference PD30/7/PL1 Rev A)  
Amersham Elevations (reference PD30/7/PL2)  
Amersham Elevations (reference PD30/7/PL3)  
Amersham Elevations (reference PD30/7/PL4)  
Amersham Floorplans (additional gable window) (reference PD30/7/PL1 Rev B)  
Amersham Elevations (additional gable window) (reference PD30/7/PL2 Rev A)  
Amersham Elevations (additional gable window) (reference PD30/7/PL3)  
Amersham Elevations (additional gable window) (reference PD30/7/PL4)  
Easedale Floorplans (reference PT36/7/PL1 Rev C)  
Easedale Elevations (reference PT36/7/PL2)  
Easedale Elevations (reference PT36/7/PL3)  
Easedale Elevations (reference PT36/7/PL4)  
Garages Floorplans (reference GARAGES/PL1)  
Garages Elevations (reference GARAGES/PL2)

*Persimmon Homes Plans*

Site Layout (reference BL2-001 Rev F)  
Affordable Housing Plan (reference BL-AHP Rev A)  
Proposed Materials Layout (reference BL2-002 Rev B)  
Alnwick Floorplans and Elevations (reference AN-WD10 Rev P)  
Barton Floorplans and Elevations (reference HB-WD10 Rev C)  
Belmont Floorplans and Elevations (reference WS-WD10 Rev F)  
Coniston Corner Floorplans and Elevations (reference CDC-WD10 Rev E)  
Coniston Floorplans and Elevations (reference CD-WD10 Rev E)  
Derwent Corner Floorplans and Elevations (reference HTC-WD10)  
Derwent Floorplans and Elevations (reference HT-WD10)  
Earlswood Corner Floorplans and Elevations (reference LYC-WD10 Rev D)  
Earlswood Floorplans and Elevations (reference LY-WD10 Rev D)  
Grasmere Floorplans and Elevations (reference CT-WD10)  
Hornsea Floorplans and Elevations (reference RS-WD10 Rev C)  
Windermere (reference SU-WD10 Rev D)  
Single /Double Garages (reference STGD-01)

*Story Homes Plans*

General Arrangement (reference SH-RYH.GA Rev C)  
Proposed Boundary Treatment Sheet 1 (reference SH.30021.EFBT.01 Rev B)  
Proposed Boundary Treatment Sheet 2 (reference SH.30021.EFBT.01 Rev B)  
Affordable Housing Plan (reference SH.RYH.AFF Rev C)  
Proposed Street Scenes (reference CPT-239)  
Bailey Floorplans (reference BAY-PLP1)  
Bailey Elevations (reference BAY-PLE1/1)  
Bailey Elevations (reference BAY-PLE1/2)  
Butler Floorplans (reference BTR-PLP1 Rev A)  
Butler Elevations (reference BTR-PLE1/1 Rev A)  
Butler and Elevations (reference BTR-PLE1/2 Rev A)  
Charlton Floorplans (reference CRN-PLP1)  
Charlton Elevations (reference CRN-PLE1/1)

Charlton Elevations (reference CRN-PLE1/3)  
 Charlton Elevations (Plot 76) (reference CRN-ETR1/31)  
 Charlton Additional Window - Plans and Elevations (reference SDNE.CRN.AW1)  
 Ferguson Floorplans (reference FGN-PLP1 Rev A)  
 Ferguson Elevations (reference FGN-PLE1/1 Rev A)  
 Ferguson Elevations (reference FGN-PLE1/2 Rev A)  
 Ferguson Additional Window - Plans and Elevations (reference SDNE.FGN.AW1)  
 Fraser Floorplans (reference FRR-PLP1 Rev A)  
 Fraser Elevations (reference FRR-PLE1/1 Rev A)  
 Fraser Elevations (reference FRR-PLE1/2 Rev A)  
 Harrison Floorplans (reference HRN-PLP1 Rev A)  
 Harrison Elevations (reference HRN-PLE1/1 Rev A)  
 Harrison Elevations (reference HRN-PLE1/3 Rev A)  
 Hewson Floorplans (reference HWN-PLP1 Rev A)  
 Hewson Elevations (reference HWN-PLE1/1 Rev A)  
 Hewson Elevations (reference HWN-PLE1/2 Rev A)  
 Hewson Elevations (reference HWN-PLE1/3 Rev A)  
 Hewson Additional Window - Plans and Elevations (reference SDNE.HWN.AW1)  
 Lawson Floorplans (reference LWN-PLP1 Rev A)  
 Lawson Elevations (reference LWN-PLE1/1 Rev A)  
 Lawson Elevations (reference LWN-PLE1/2 Rev A)  
 Lawson Elevations (reference LWN-PLE1/3 Rev A)  
 Lawson Elevations (Plot 107) (reference LWN-ETR1/31 Rev B)  
 Lawson Additional Window - Plans and Elevations (reference SDNE.LWN.AW1)  
 Masterton Floorplans (reference MTN-PLP1)  
 Masterton Elevations (reference MTN-PLE1/1 Rev A)  
 Masterton Elevations (reference MTN-PLE1/2 Rev A)  
 Robinson Floorplans (reference RBN-PLP1)  
 Robinson Elevations (reference RBN-PLE1/1)  
 Robinson Elevations (reference RBN-PLE1/2)  
 Sanderson Floorplans (reference SAN-PLP1 Rev A)  
 Sanderson Elevations (reference SAN-PLE1/1 Rev A)  
 Sanderson Elevations (reference SAN-PLE1/3 Rev A)  
 Spencer Floorplans (reference SPR-PLP1 Rev A)  
 Spencer Elevation (reference SPR-PLE1/1 Rev A)  
 Spencer Elevations (reference SPR-PLE1/2 Rev A)  
 Garage (reference GB-PLP1/1 Rev A)

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

### **3.Reserved Matters Details (Standard Compliance).**

3.No development except remediation, and archaeological work of any Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted shall commence until the details of:

- Appearance.

- Landscaping.
- Layout.
- Scale

(hereinafter referred to as the "reserved matters") of that Phase have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable period of time.

#### **4.Reserved Matters Compliance Detail (Standard Compliance).**

The application for approval of reserved matters for any Development Cell, or part thereof, Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission hereby granted shall be in accordance with the following:

Land Use Parameter Plan (reference CON\_PAR\_01 Rev G)  
 Scale and Density Parameter Plan (reference CON\_PAR\_02 Rev K)  
 Green Infrastructure Parameter Plan (reference CON\_PAR\_03 Rev G)  
 Access and Movement Parameter Plan (reference CON\_PAR\_05 Rev C)  
 Character Areas (reference CHA-01)  
 Masterplanning, Design and Access Statement (Rev F, February 2021)  
 Flood Risk Assessment and Drainage Strategy Addendum (Rev G 18.03.2021)

**Reason:** In order to ensure that the development accords with the scheme as approved.

#### **5. Reserved Matters Time Period (Standard Compliance).**

The application for approval of reserved matters for any Development Cell, or part thereof, Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission hereby granted shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and the development for which outline planning permission is hereby granted must commence not later than two years of the date of the last reserved matters approval.

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

#### **6. Reserved Matters Compliance Statement (Standard Compliance).**

Each application for reserved matters shall be accompanied by a compliance statement which explains how that reserved matters application meets the principles

and parameters provided by the submitted Masterplanning, Design and Access Statement Rev F dated February 2021.

**Reason:** In order to achieve a comprehensive and cohesive form of development and comply with CSDP policy BH1.

### **Materials and Boundary Treatments**

#### **7.Outline - Materials (Pre-commencement - phased).**

No development, other than remediation and archaeological shall commence within any Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted until a schedule and/or samples of the materials to be used for the construction of the external surfaces of each 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 CSDP policy BH1 and paragraph 58 of the National Planning Policy Framework.

#### **8.Outline – Boundary Treatments (Pre-commencement - phased).**

No development other than remediation and archaeological work, shall commence within any Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted until full details of the boundary treatments in that Development Cell, or part thereof, have been submitted to and approved, in writing, by the Local Planning Authority. No dwelling for which outline planning permission is hereby granted shall be occupied until the boundary treatment serving that dwelling has been provided in accordance with the approved details and the final dwelling for which outline planning permission is hereby granted shall not be occupied until all boundaries have been provided in accordance with the approved details.

**Reason:** In the interest of visual and residential amenity and to comply with CSDP policy BH1 and paragraph 58 of the National Planning Policy Framework.

### **Ecology**

#### **9. Construction Environmental Management Plan (Pre-commencement - phased).**

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

9. Risk Assessment of construction activities which are potentially damaging to biodiversity.
10. Identification of biodiversity protection zones.
11. Set up method statements to avoid or reduce biodiversity impacts during

construction.

12. The location and timing of sensitive works to avoid harm to biodiversity features.
13. The times during construction when a specialist ecologist will be present to oversee works.
14. Details of responsible persons and lines of communication
15. The role and responsibilities on site of an ecological clerk of works.
16. The position and specification of protective fences, exclusion barriers and warning signs in the approved Construction Environmental Management Plan shall be adhered to and implemented in accordance with the details throughout the construction period of the Development Cell, or part thereof, to which it relates.

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

#### **10. Ecological Design Strategy (Pre-commencement -phased).**

No development shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until an Ecological Design Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall address ecological mitigation and enhancement measures and shall include the following but not be limited to:

12. Purpose and conservation objectives for the proposed works.
13. Review of site potential and constraints.
14. Detailed designs and/or working - methods to achieve stated objectives.
15. Extent and location of proposed works on appropriate scale and maps.
16. Type and source of materials to be used for all ecological mitigation and enhancement features.
17. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
18. Persons responsible for implementing the works.
19. Details of initial aftercare and long-term maintenance.
20. Details of monitoring and remedial measures.
21. Details for disposal of any waste arising from the works.
22. The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained and maintained in accordance with such details thereafter.

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

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



No development shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until a Lighting Design Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority.

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

#### **12.Biodiversity Monitoring Strategy (Pre-commencement – phased).**

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

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

#### **13.SSAANG Details (Pre-commencement – phased).**

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

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

#### **14.SSAANG Phasing (Pre-commencement – phased).**

No dwellings shall be occupied in each phase (identified on plan reference 1034\_11 Rev F) until the SSAANG to be delivered to support that number of dwellings pursuant to Condition 13 is made available to use.

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

#### **15.SSAANG Delivery (Pre-commencement – phased).**

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

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

### **Landscape**

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

No dwelling shall be occupied within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until full details of hard and soft landscaping and landscaping features for that Development Cell, or part thereof, including a timescale for implementation, have been submitted to and approved, in writing, by the Local Planning Authority. The soft landscape works shall include contour levels, planting plans, a written specification (including cultivation and other operations associated with plant and grass establishment), and full schedule including numbers/densities, species and sizes, the provision and enhancement of hedgerows. The hard landscaping works shall include details of boundary treatments, retaining elements, furniture, interpretation features and surfaces. Thereafter, the hard and soft landscaping details shall be implemented in accordance with the approved details.

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

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

#### **17. Soil Management Plan (Pre-commencement).**

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

2. appropriate soil handling, storage and restoration methods.

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

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

Prior to the occupation of any dwellings within each phase (identified on plan reference 1034\_11 Rev F) a Landscape Environmental Management Plan (LEMP) covering the management and aftercare of the development after construction shall be submitted to and approved, in writing, by the Local Planning Authority.

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

#### **19.Outline - Arboricultural Method Statement (Pre-commencement phased).**

No development shall commence within any Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted until the following has been submitted to and approved, in writing, by the Local Planning Authority for that Development Cell, or part thereof:

1. an up-to-date tree survey including details of all trees and a plan showing which trees are to be retained, which are to be removed and which are to be lopped, topped or otherwise treated
2. an Arboricultural Impact Assessment including details of the position and specification of fencing and other measures for the protection before and during the course of any tree to be retained

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

#### **20.Full – Arboricultural Method Statement (Pre-commencement phased).**

No development shall commence within any Development Cell, or part thereof, (identified on plan reference RYH/02-80) until the following has been submitted to and approved, in writing, by the Local Planning Authority for that Development Cell, or part thereof:

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

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

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

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

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

#### **22.Arboricultural Impact Assessment (Pre-commencement compliance).**

The development hereby approved shall be carried out in accordance with all recommendations set out by the submitted Arboricultural Impact Assessment and, for the avoidance of doubt, no development shall commence within each

Development Cell, or part thereof, (identified on plan reference RYH/02-80) until all tree protection measures for that Development Cell as set out by this Assessment have been fully installed, which shall remain in place until the development is complete.

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

### **Residential Amenity**

#### **23. Construction Management Plan (Pre-commencement).**

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

17. Details of site compounds, contractor parking and any temporary construction roads and points of access
18. Measures to manage surface water during construction (to include for assessment of run-off from each part of development pre-site stripping and identification of any mitigation measures, drainage layouts and plans for temporary drainage, agreement in principle for temporary connections or outfalls, measures to protect and restore and permanent SuDS features and hydraulic modelling of any temporary drainage as required.
19. Traffic routes of plant and heavy goods vehicles
20. Parking of vehicles of site operatives and visitors
21. Loading and unloading of plant and materials
22. Storage of plant and materials used in constructing the development
23. Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
24. Measures to ensure public highway remains sufficiently clean of dirt
25. Measures to control the emission of dust, dirt and other airborne pollutants
26. Scheme for recycling/disposing of waste resulting from demolition and construction works
27. Measures to control noise and vibration
28. Communication plan for liaising with the public
29. Fuel storage area which shall include bunding and wash down facilities
30. Inspections and maintenance of the watercourse in compliance with riparian responsibilities.
31. The development, including demolition works, within each Development Cell, or part thereof, shall be implemented in accordance with the approved Plan for that Development Cell.
32. No construction activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0700 hours or continue after 1900 hours Mondays to Fridays, or commence before

0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

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

## **24.Site Characteristics (Pre-commencement -phased).**

Development shall not commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

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

1. a survey of the extent, scale and nature of contamination;
2. an assessment of the potential risks to:
3. human health;
4. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
5. adjoining land;
6. ground waters and surface waters;
7. ecological systems;
8. archaeological sites and ancient monuments; and
9. where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).
10. The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".
11. The details are required to be submitted and approved in advance of works commencing within each Development Cell, or part thereof, to ensure the development is undertaken in a manner to protect future users of the site and the environment.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CSDP policies HS3 and WWE3 and the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

## **25.Detailed Remediation Scheme (Pre-commencement – phased).**

Development shall not commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

The details are required to be submitted and approved in advance of works commencing on within each Development Cell, or part thereof, to ensure the development is undertaken in a manner to protect future users of the site.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CSDP policy HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

## **26.Implementation of Approved Remediation/Verification Scheme (Pre-commencement – phased).**

The Approved Remediation Scheme for each Development Cell, or part thereof, (identified on plan reference RYH/02-80) shall be implemented in accordance with the approved timetable of works for that phase.

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CSDP policy HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

## **27.Unexpected Contaminants (Ongoing).**

In the event that contamination is found at any time when carrying out the approved development within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CSDP policy HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

## **28.Noise Assessment Compliance (Pre-occupation - phased).**

The development of the part of site with full planning permission shall be carried out in complete accordance with the recommendations set out by the Noise Assessment. For the avoidance of doubt, all specified mitigation measures shall be fully installed prior to the occupation, of any dwelling for which the Assessment identifies mitigation is required. For clarification purposes it is recommended that a plan showing plot numbers and associated mitigation / glazing/ façade treatment for each plot.

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

## **29.External Noise Impacts (Pre-commencement – phased).**

No construction work shall begin until a scheme for protecting the proposed residential development against external noise, has been submitted and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development is occupied. The scheme shall demonstrate how the following noise guideline levels will be achieved;

- 35dB LAeq 16 hours (0700 to 2300), within all noise sensitive rooms (living rooms and bedrooms).

- 30 dB LAeq 8 hours (2300 to 0700), within bedrooms.

- 45dB LAmax,fast 8 hours (2300 to 0700), within bedrooms.
- 55dB LAeq 16 hours (0700 to 2300), within outdoor living areas.

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

### **30.Reserved Matters Noise Assessment (Pre-commencement – phased).**

No development, other than remediation and archaeological, shall commence in each Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted shall commence until a specification of mitigation works detailing the measures to be put in place to protect residents of the proposed dwellings, in accordance with British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) and World Health Organisation Guidelines for Community Noise, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out other than in accordance with the approved details and all specified mitigation measures shall be fully installed prior to the occupation of any dwelling for which the Assessment identifies mitigation is required.

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

## **Drainage**

### **31.Foul and Surface Water (Pre-commencement - phased).**

No development, other than remediation and archaeological works shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) for which outline planning permission is hereby granted, until full details of the management of foul and surface water for that Development Cell have been submitted to and approved, in writing, by the Local Planning Authority. Such details shall accord with the structure of the drainage design set out by the submitted Flood Risk Assessment and Drainage Strategy Addendum Rev G dated 18<sup>th</sup> March 2021 by Queensberry Design Ltd include detailed drainage plans and calculations which provide details of Sustainable Drainage Systems (SuDS) a timetable for their implementation and a strategy for their maintenance. Each Development Cell, or part thereof, shall be carried out in full accordance with the approved details.

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

### **32.Drainage Verification Report (Pre-occupation – phased).**

Prior to the first occupation of the development within each approved development cell, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable



drainage systems have been constructed as per the agreed scheme. A timetable to be agreed for the submission of details and the extent of the submission should be made before submission of the report

This verification report shall include:

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

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

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

### **33.Finished Floor Levels (Pre-commencement – phased).**

No development, other than remediation and archaeological works shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until finished floor levels of every dwelling within that Development Cell have been submitted to and approved, in writing, by the Local Planning Authority. Each Development Cell, or part thereof, shall be carried out in full accordance with the approved details.

**Reason:** In order to achieve a satisfactory form of development in the interest of residential and visual amenity and to comply with CSDP policy BH1 and paragraph 58 of the National Planning Policy Framework.

## **Highways**

### **34.Roundabout Phasing (Pre-commencement).**

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

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

### **35.Junction Improvement Trigger 1 (Pre-occupation - phased).**

No more than 100 dwellings shall be occupied until a scheme of junction improvements at A19/A690 Durham Road has been completed. The scheme will include the implementation of a Microprocessor Optimised Vehicle Actuation

(MOVA) signal control system in conjunction with the traffic signal phasing and staging plan. The scheme will require to be completed fully to ensure there is no detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.

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

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

No more than 130 (Phase 2 as identified on plan reference 1034\_11 Rev F) dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network:

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

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

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

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

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

and 3 (as identified on plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act.

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

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

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

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

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

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

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

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

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

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

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

### **Archaeology**

#### **41. Archaeological Fieldwork (Pre-commencement).**

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

**Reason:** The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and CSDP Policies BH8 and BH9.

#### **42. Archaeological Post Excavation Report (Pre-occupation -phased).**

The buildings in each Development Cell, or part thereof, (identified on plan reference RYH/02-80) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (41) 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 the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and CSDP Policies BH8 and BH9.

#### **43. Archaeological Publication (Pre-occupation – phased).**

The buildings in each Development Cell, or part thereof, (identified on plan reference RYH/02-80) shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

**Reason:** The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and CSDP Policies BH8 and BH9.

### **Neighbourhood Centre**

#### **44. Use Class PD rights removed A1 & A3 (Ongoing compliance).**

The area identified for up to 500 square metres of retail floor space hereby approved and outlined on the Nett Developable Area Plan - drawing no. RYH/02-80 Rev A shall be occupied exclusively by uses falling within Use Classes A1 (Retail) / A3 (Restaurants and Cafes), as set out in the Town and Country Planning (Use Classes) Order 1987, 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 consented use 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.

**Reason:** In order to protect the amenity of adjacent occupiers, the adjacent highway network, and to comply with CSDP policy SS6, HS1, BH1 and ST3.

#### **45. Use Class PD rights removed A4 (Ongoing compliance).**

The area identified for a drinking establishment hereby approved and outlined on the Nett Developable Area Plan - drawing no. RYH/02-80 Rev A shall be occupied exclusively by this specific use falling within Use Classes A4,(drinking establishment) as set out in the Town and Country Planning (Use Classes) Order 1987, 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 aforementioned use class, the unit, shall not benefit from 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 1987 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.

**Reason:** In order to protect the amenity of adjacent occupiers, the adjacent highway network, and to comply with CSDP policy SS6, HS1, BH1 and ST3.

#### **46. Use Class PD rights removed D1 (Compliance).**

The area identified for a medical centre hereby approved and outlined on the Nett Developable Area Plan - drawing no. RYH/02-80 Rev A shall be occupied exclusively by this specific use falling within Use Classes D1,(non-residential institutions) as set out in the Town and Country Planning (Use Classes) Order 1987, 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 aforementioned use class, the unit, shall not benefit from 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.

**Reason:** In order to protect the amenity of adjacent occupiers, the adjacent highway network, and to comply with CSDP policy SS6, HS1, BH1 and ST3.

#### **47. Hours of operation (pre-occupation – neighbourhood centre units).**

Prior to the occupation of any of the uses falling within Use Class (A1) retail / (A3) restaurant and cafes / (A4) public houses / (D1) medical centres and (D2) 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 order to protect the amenity of adjacent occupiers, the adjacent highway network and to comply with CSDP policy HS1 , BH1 and ST3

#### **48. Extraction/Ventilation (pre-commencement – neighbourhood centre units).**

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 CSDP Policy BH1 and HS1

#### **49.Details of refuse collection (Pre-occupation – neighbourhood centre units).**

Prior to the occupation of any Unit, hereby approved, details of the delivery areas, including the type of delivery vehicles, servicing and refuse collection arrangements for that Unit shall be submitted and approved in writing by the Local Planning Authority. Thereafter, these facilities shall be implemented before the first use of that Unit and shall be retained and kept free from obstructions at all times in accordance with the approved details, and all servicing and refuse collection arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity, in accordance with CSDP policies BH1 and ST2

**50.Details of deliveries (Pre-occupations – neighbourhood centre units).**

Prior to the occupation of any Unit, hereby approved, details of waste collections, or deliveries for that Unit shall be submitted and approved in writing by the Local Planning Authority. Thereafter, these operational requirements shall be observed and maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the area and to comply with CSDP policies BH1 and HS1.

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**Reference No.:** 19/01559/FUL Full Application**Proposal:** **Erection of apartment block to provide 13 no. residential units.****Location:** Land At James Williams Street Sunderland**Ward:** Hendon**Applicant:** Fit-Out Yorkshire**Date Valid:** 3 December 2019**Target Date:** 3 March 2020

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**PROPOSAL:**

Full planning permission is sought for the erection of an apartment block to provide 13 no. residential units on land at James William Street, Sunderland.

The proposed development affects a plot of land on the east side of James William Street in Sunderland's East End. The application site is roughly rectangular in shape and covers an area of approximately 680 sq. metres. The land is currently covered in rough grass, with some immature tree and shrub coverage along its eastern and northern sides. The land rises both from north to south and from west to east.

The application site is bordered by James William Street on its west side and the side boundary of the residential property at 27 James William Street to the south. Opposite is a row of two-storey terraced dwellings fronting the west side of James William Street. To the north is a lane which runs to the rear of White Lion House, a property of residential flats fronting High Street East. To the east is a row of commercial/industrial units fronting Church Street East. The application site lies within the Old Sunderland Riverside Conservation Area.

The application site has been subject to a series of previous planning approvals, none of which have been implemented. Planning permission for a three-storey, 10-bedroom care home was approved in 2009 and then 2015 (app. refs. 09/00965/FUL and 15/00717/FUL respectively) and prior to this, permission had been approved for the erection of four townhouses (app. ref. 95/1286).

The proposals have been subject to a series of amendments, primarily affecting the scale of the proposed block and the treatment of its front elevation, to ensure it relates acceptably to its surroundings and is of an appropriate design and appearance relative to the Conservation Area. The final proposals involve what will primarily appear as a two-storey block facing James William Street, with the southernmost section appearing as 1 1/2-storeys in scale.

The proposed block is in three distinct sections - the roof of the central section is stepped above that of the northern section to account for the gradient of the street.



The ridge of the 1 1/2 storey southern section is then dropped so that it appears subservient to the main block. The 1 1/2 storey block is designed to provide an underpass through to the parking area at the rear of the block.

The front elevation northern and central sections of the block is characterised by projecting gable features, located centrally within the front of each section and projecting into the eaves of the roof. The upper floor of the 1 1/2 storey section, which over-sails the underpass to the car park, features a peaked window projecting into the eaves. The front elevations are proposed to be finished in red brick, with the projecting gables and upper floor of the 1 1/2 storey section finished in white render. Windows are to feature artstone cills and heads. The roof of the block will be finished in slate. Rooflights will be installed within the front elevation, whilst the rear elevation will feature a series of small, flat-roofed dormer windows.

In terms of the accommodation provided, the development is proposed to feature 13 no. self-contained one-bedroom apartments. 4 no. apartments will be provided to the ground floor, 5 no. to the first floor and 4 no. in the roof space, each affording a single bedroom, a kitchen/living/dining room and a bathroom. All kitchen/living/dining rooms will benefit from windows in the rear elevation, with those in the roof space served by the dormer windows. The ground and first floor bedrooms will benefit from front windows, whilst those to the second floor will benefit from large rooflights within the front roof slope. The aforementioned projecting gables will provide entrance doors and staircases to serve the apartments within each section of the block, with a separate door to the side of the underpass serving the apartment within the 1 1/2 storey section.

The front of the block will be set behind small paved areas, enclosed by 600m-high brick walls. The parking area to the rear of the block is shown as being able to accommodate 5 no. vehicles. A new retaining wall is required along part of the northern boundary of the site, whilst the rear boundary will be defined by the existing retaining wall with the commercial units fronting Church Street East. The underpass will also accommodate a bin store and a meter room for the development.

The application submission advises that the proposed apartments would be operated by a charitable housing association, providing accommodation for vulnerable members of society.

The application has been accompanied by a range of supporting documents, including:

- o Design and Access Statement;
- o Heritage statement;
- o Sustainability statement;
- o Phase I Desk Top study;
- o Ground Investigation Report;
- o Archaeological Assessment;
- o Archaeological Evaluation Report;
- o Transport Statement;
- o Noise Impact Assessment;
- o Habitat Regulations Assessment;
- o Flood Risk Assessment and Drainage Strategy;

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Hendon - Ward Councillor Consultation  
Network Management  
Flood And Coastal Group Engineer  
Nexus  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Environmental Health  
Tyne And Wear Archaeology Officer  
Director Of Childrens Services  
Northumbria Police  
Northumbrian Water  
North Gas Networks  
Northern Electric  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **02.03.2021**

**REPRESENTATIONS:**

**Public consultation** - the application has been subject to public consultation by neighbour letter, site notice and press notice and a total of 2 no. representations have been received, from the occupiers of 13 and 16 James William Street. The objectors both cite concerns regarding the level of parking available for the development, suggesting that the proposals will result in additional car parking on James William Street, which is already heavily parked by existing residents in the area. The objector from no. 16 also expresses concern regarding the loss of trees and suggests that the development will block the property's views and light.

**Member representation** - Hendon Ward Cllrs Michael Mordey and Lynda Scanlan state that whilst residents of James William Street are pleased to see the development of the site, there are concerns about parking issues, potential traffic accidents and noise from the proposed apartments.

**Nexus** - no objections to the proposals as High Street East is served by a bus route and the site is within 800m of Sunderland rail/Metro station and the bus stops within the City Centre.

**Northern Gas Networks** - no objections to the development. Any work to divert apparatus would be done at the applicant's expense.

**Northumbrian Water** - no objections to the development, subject to a condition requiring the development to be undertaken in accordance with the submitted drainage scheme.

**Tyne and Wear Fire and Rescue Service** - no objections to the development.

**Tyne and Wear County Archaeologist** - advises that the application site is located in the medieval borough of Sunderland and that early and late medieval and early modern remains could remain, if not destroyed by later developments. James William Street was developed in 1871 and the application site was partly occupied by a school. The site has not been developed since the school's demolition. The boundary wall to the rear (east) of the site may be the remains of an 18th century market building. The desk-based archaeological assessment undertaken highlights the potential for medieval remains to be present at the site and the County Archaeologist consequently recommended that detailed archaeological evaluations (i.e. trial trenching) should be carried out prior to the application being determined.

In line with the County Archaeologist's recommendations, trial trenching has been undertaken at the site, and the subsequent report advises that a significant depth of un-compacted debris from the demolition of the former school is present at the site, which means it is difficult to establish the full archaeological potential of the site. The report of the trenching recommends that further archaeological monitoring takes place during construction works. The County Archaeologist is satisfied with this recommendation and has advised that the planning application can be approved subject to conditions requiring a watching brief during works associated with the construction of the foundation trenches and the production of a report on the groundworks undertaken.

**Council's Housing Strategy team** - the development should provide affordable housing in line with policy requirements.

**Council's Environmental Health team** - information provided in relation to land contamination/ground conditions and noise has been considered. There are no objections to the development proceeding, subject to conditions requiring the undertaking of Phase II intrusive ground investigations, the submission of a remediation strategy and verification report and a condition covering encountering unexpected contamination.

There are no objections relating to noise, subject to a condition which requires the submission of a ventilation strategy, with an acoustic assessment, to ensure future residents will benefit from a suitable internal noise climate.

**Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)** - initially advised that further information was required before the scheme could be considered as acceptable from a flood risk and sustainable drainage perspective. Additional information and details have been provided by the applicant's consultant and it is advised that the proposals are now acceptable, subject to a condition requiring confirmation that the agreed sustainable drainage measures have been installed in accordance with the submitted details.

**Council's Planning Policy team** - no objections to the development of the site for residential purposes given the primarily residential character of the neighbourhood. The site would be a 'windfall' site in terms of housing delivery (i.e. a site not identified as being available for housing through the Council's Core Strategy and Development Plan or Strategic Housing Land Availability Assessment (SHLAA)); such sites are, however, envisaged as making a contribution to housing land supply in the City.

The Policy team's comments also draw attention to relevant policies relating to built heritage, amenity, highways and archaeology.

**Council's Highways team** - no objections; the proposed level of parking is considered to be sufficient on the basis that the apartments will be for social housing use.

**Council's Ecology team** - note that the submitted Report to Inform a Habitats Regulations Assessment concludes 'no adverse effects' on the integrity of the relevant European sites. Indirect impacts from, for example, dog walking and recreation cannot, however, be screened out and so the applicant must either provide an Appropriate Assessment to properly address this issue or agree to a financial contribution of £271 per dwelling to contribute to an established programme of Strategic Access Management and Monitoring (SAMM) measures.

The submitted HRA report also includes an appraisal of the site itself; it concludes there will be no negative impacts on priority species or habitats. The loss of vegetation at the site may, however, have a localised negative impact given the dense, urban character of the surroundings and the development does not appear to compensate or mitigate for this loss.

**Council's Built Heritage team** - notes that the site is within the Old Sunderland Riverside Conservation Area and was previously occupied by a school, demolished in the 1970s. There is an original Victorian terrace to the west side of James William Street, whilst the housing to the south was built in the 1980s/90s. The street has, however, largely retained its modest domestic character, strong building lines and a strong sense of rhythm. The site is also relatively proximate to a number of Listed buildings (the Grade II Listed 50 High Street East and the Grade I Listed Phoenix Lodge and Holy Trinity Church), although inter-visibility is limited due to intervening development.

The first iteration of the proposed development was considered to be broadly acceptable in terms of its form and scale, however it was requested that further 'streetscene' plans be submitted to enable a better comparison with existing neighbouring buildings. Additionally, it was advised that the originally-proposed front dormer windows should be removed, that further consideration be given to the height and form of the roof of the block, that slate tiles be used for the roof and that the rear elevation be re-appraised to incorporate greater visual interest. More detail on the works required to the rear boundary wall were also requested, although it was accepted that this information could be secured by condition.

The second iteration of the proposed development sought to address these concerns, however in doing so, the appearance and scale of the block was effectively increased

to three-storeys. The Council's Built Heritage considered such an approach to be unacceptable in that the block would appear as disproportionately larger than neighbouring buildings and have a negative impact on the character and appearance of James William Street and the wider Conservation Area.

The third iteration of the proposed development is as described in the preceding section of this report, returning to a two-storey scale, with front rooflights enabling use of the roof space. The Council's Built Heritage officer is of the view that the development is much improved, with the roof design now more appropriate within the context of the existing streetscene and built form of nearby properties. Overall, it is considered that the development will, in fact, serve to enhance the Conservation Area as it will see the appropriate development of a fairly unattractive area of open space. The proposals are therefore considered to accord with the relevant local and national policies relating to development in Conservation Areas and there are no objections to it being approved, subject to conditions requiring agreement of materials, working practices and archaeological investigations.

### **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: SP1, SP7, SP8, HS1, HS2, HS3, H1, BH1, BH2, BH7, BH8, BH9, NE2, NE3, NE4, WWE2, WWE3, WWE4, WWE5, ST2, ST3, ID1, ID2

### **COMMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WWE4 - requires new development to maintain water quality.

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

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

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

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

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



With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map shows the site as forming an area of greenspace (allocation via policy NE15) and as such it is subject to aforementioned policy NE4 of the CSDP. The draft A&D Plan also shows the site as within the Old Sunderland Riverside Conservation Area, as designated by policy BH10 of the A&D Plan, and with direction given to policy BH8 of the CSDP.

Ahead of the adoption of the A&D Plan, saved UDP policy EN10 remains applicable; it states that where a site is not allocated for a specific type of development, proposals should respect the prevailing pattern of land use in the area.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use and housing policy considerations;
3. The implications of the development in respect of residential amenity;
4. Implications in relation to design, amenity and the character and appearance of the Old Sunderland Riverside Conservation Area
5. The impact of the development in respect of highway and pedestrian safety;
6. The impact of the development in respect of ecology and biodiversity;
7. The impact of the development in respect of flooding and drainage;
8. The impact of the development in respect of ground conditions;
9. The implications of the development in respect of archaeology;
10. The implications of the development in respect of affordable housing;
11. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

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

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and

variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

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

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

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA), with the most recent dating from 2020. SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

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

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

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

As highlighted by the Council's Planning Policy team, the site is not subject to an allocation for housing via the CSDP or the draft A&D Plan and is not included in the Council's latest SHLAA. It therefore constitutes a 'windfall' site. Policy SP8 of the CSDP states that windfall sites will contribute to the Council's objective of exceeding its housing delivery target of 745 net additional dwellings per year.

In terms of housing supply and delivery policies, as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 59 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 117 and 118 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

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

On a general level, and in accordance with the objectives of policy EN10 of the UDP, the use of the site for residential development is considered to be appropriate in terms of its compatibility with the prevailing character of the area which, as noted previously, is primarily residential in nature.

The proposals would also make a modest contribution to the supply and availability of new housing in the City through the development of a windfall site and some weight should be given to this positive benefit of the scheme. Whilst the proposals will only deliver one housing type, i.e. one-bedroom flats, this does not give rise to any significant concerns given the limited size of the application site and relatively low number of residential properties being created. The delivery of apartments would appear to be reasonable given that purpose-built blocks of flats and apartments and properties subdivided into flats are common within the locality.

Given the above, it is considered that the proposed residential development is broadly compatible with the prevailing land uses in the locality and that positive weight should be given to the modest contribution the development would make to housing supply in the City. The proposals are therefore considered to address the objectives of UDP policy EN10 and policies H1 and SP8 of the CSDP. Nevertheless, in order to determine the acceptability of the proposals, they must firstly be assessed in the context of all other relevant local and national policies and other material considerations.

### **3. Implications of development in respect of residential amenity**

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

In considering this issue, regard should be given to the spacing recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD), which has been incorporated into an Interim Development Management Planning Guidance document following the adoption of the CSDP. Table 10C of the

SPD states that 21 metres should be provided between elevations containing main living room windows and 14 metres between elevations containing living room windows and blank elevations. The text at section 10.0 makes clear, however, that a flexible approach should be made to the application of these recommended standards and that lesser distances may be appropriate in order to achieve good design which properly reflects the prevailing urban form found at the application site, particularly when considering sites in historic environments.

In this respect, it is evident that the application site is faced by dwellings on the opposing side of James William Street, with a separation distance of only 12.5 to 13 metres to the front of the new building. This is substantially below the 21 metres recommended by the SPD. Additionally, the distance between the south elevation of White Lion House and the north-facing gable of the proposed block is under 11 metres, whereas the SPD recommends a separation distance of 14 metres. It must be taken into account, however, that as with many streets in the locality, the spacing between dwellings on either side of James William Street is typically below the SPD's recommended standards and that the front elevation of the proposed building will only follow the established building line on the east side of the street.

The reduced spacing between the proposed building and existing dwellings opposite is therefore characteristic of the historic arrangement within street and, on this particular occasion, is considered to be appropriate given that it is reflective of the prevailing and established built form of the locality. It is considered that given the particular characteristics and tightly knit urban form of the locality, the development would not cause the properties to the opposite side of James William Street to suffer an unacceptable loss of outlook or privacy or be subjected to unacceptable overshadowing.

It should also be noted that the previously approved three-storey care home building would have stood closer to the dwellings opposite than the development proposed by the current application. This was, however, considered to be acceptable for very similar reasons to those set out above.

In terms of the spacing to White Lion House, the northern gable end of the proposed block is set back from this elevation behind a retained strip of grass, whilst the spacing achieved is not substantially below the SPD's recommendation. As such, and again, taking into account the tight knit urban form of the area, it is considered that the relationship with White Lion House is acceptable.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development broadly comprises good-sized one-bed apartments which will, other than those within the roofspace, benefit from outlook to both the front and rear. Apartments within the roofspace will still benefit from rear windows, although bedrooms will only feature large rooflights. This is considered to be an acceptable arrangement on the basis that all apartments will benefit from at least one window to provide outlook. As stated above, spacing to opposing properties is somewhat below the SPD's recommended standards, but in the context of its surroundings, it is considered that the proposed apartments will provide future residents with an acceptable level of outlook, privacy and natural daylight/sunlight.

It is accepted that the development does not include outdoor amenity space for the use of residents. This would be difficult to achieve given the constrained nature of the application site, which must also include space for car parking. It must also be taken into account that the development is not providing family homes; rather it is providing one-bed apartments and it is not uncommon for apartment buildings to not include outdoor amenity space, particularly in heavily built-up areas such as the application site. The development is close to areas such as the Town Moor and the southern bank of the River Wear, which will provide residents with good quality outdoor amenity space within a short walking distance.

With regard to noise, policy HS2 of the CSDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The application site is within a predominantly residential environment, but there are busy roads and commercial activity within the vicinity. The noise assessment submitted with the application concludes that road noise and noise from the nearby car garage to the north-east of the site do not represent a significant constraint to the development of the site for residential purposes and that there is a 'low' risk of adverse effects if windows of the dwellings are opened for ventilation. The Council's Environmental Health team has considered the noise assessment submitted with the application and confirm there is no objection to the approval of the application, subject to a condition requiring the submission and approval of an appropriate ventilation strategy for the development.

With regard to the above comments, it is considered that given the particular circumstances of the application site and the prevailing urban form of the locality, the development will not give rise to any unacceptable harm to the amenity of existing dwellings in the vicinity of the application site and that, subject to a condition requiring the agreement of a ventilation strategy, the development will also afford future occupiers of the dwellings with an acceptable standard of amenity. The proposals are therefore considered to be compliant with the requirements of the CSDP and NPPF in respect of these matters.

#### **4. Implications in relation to design, amenity and the character and appearance of the Old Sunderland Riverside Conservation Area**

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 122 stating that planning decisions should support development that makes efficient use of land, taking into account matters including the identified need for different types of housing and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives, function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place;

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

Aforementioned policy BH1 of the CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness.

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

In terms of built heritage, a key requirement of the NPPF is that new development should seek to conserve and manage heritage assets, such as Conservation Areas, in a manner appropriate to their significance. Paragraphs 189 and 190 firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 192 then states that in determining planning applications, 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 193, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Paragraph 196 makes clear, however, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also relevant is paragraph 200, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

Policies BH7 and BH8 of the CSDP are pertinent in the consideration of the current application; they build on the guidance of section 16 of the NPPF in terms of requiring new development affecting heritage assets to conserve, manage and enhance their significance as appropriate.

In terms of the design quality and built form of the development, as noted in the 'Representations' section of this report, the Council's Built Heritage officer has been closely involved in the evolution of the proposals and they have been subject to a series of amendments to ensure the development is acceptable given the historic context of the site. The most recent amendments to the scheme have largely addressed the Built Heritage officer's previous concerns and are considered to deliver a development which is acceptable in its design, appearance, built form and use of materials and will have an acceptable relationship with its surroundings. In particular, the roofscape and elevational treatments of the block is now in-keeping with the scale, character, appearance and built form of existing buildings in the locality.

The Council's Built Heritage officer is now of the view that the proposals will actually enhance the Conservation Area, in accordance with the objectives of paragraph 200 of the NPPF and policy BH8 of the CSDP, with the replacement of the open space with a high-quality building considered to be a positive development. There are consequently no objections to the development from a built heritage perspective, subject to the imposition of the conditions recommended by the Council's Built Heritage officer.

Also relevant, however, is policy NE3 of the CSDP, which seeks to retain valuable trees and hedges within development proposals whilst with regard to greenspace provision, whilst policy NE4 states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of usable amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate. Valued existing areas of greenspace will also be protected from harmful development, although the policy sets out that it can be appropriate for open space to be developed subject to the making of a financial contribution towards new or improved greenspace elsewhere in the area.

It is recognised that the development will see the loss of an area of greenspace which is of a minor benefit to the visual amenity of the locality in that it provides a green break within a built-up area. However, as confirmed by the Council's Built Heritage officer, the land is not considered to make a positive contribution to the character and appearance of the Conservation Area and there is no objection to its development from a heritage perspective. The land was also previously developed, and its current condition is largely a result of the treatment of the site following the demolition of the school in the 1970s, rather than it being a 'planned' area of public amenity space. Furthermore, and as noted previously, the site has been subject to a number of other planning permissions and there was no objection to its loss and development for residential purposes.

Notwithstanding the above, it is noted that the site is intended to be allocated as greenspace by the Council's draft A&D Plan, as informed by the Council's latest

Greenspace Audit. The Audit sets out that the Hendon Ward has a 'very low' quantity of greenspace, although the quality of greenspace is 'high', with open space in the Ward having an average score of 92 as opposed to the city average of 81 (the scoring is based on points awarded for the range of positive characteristics that can be attributed to any given area of open space). The application site has a score of 79, meaning its quality is below the city average. Given the intended allocation of the site and its identification by the Audit, it is considered appropriate to compensate for its loss via a financial contribution towards the improvement of existing greenspace in the area. To this end, the applicant has agreed to make a financial contribution of £1774, a figure reached using the calculation method set out in the Council's Planning Obligations SPD. The making of this contribution is considered to address the requirements of aforementioned policy NE4, which sets out that open space can be developed where a financial contribution towards off-site improvements is made.

Members should note at this point that the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. In this case, such a contribution is not considered appropriate given that the proposals are not delivering family housing.

In terms of trees, the site does currently feature some immature trees and shrubs but they are not considered to make a significant contribution to the amenity of the locality and their loss to make way for the development is considered to be acceptable.

With regard to sustainability, the applicant's Sustainability Statement makes it clear that the proposed development has been designed and planned in a manner which gives proper regard to sustainable construction principles. The buildings are designed to be highly insulated and energy efficient and will be constructed to standards which exceed current Building Regulations requirements. Measures to minimise energy and water consumption, such as fully-filled cavity walls, mineral wool insulation, 'air tight' construction methods, restrictions on flow rates to taps and showers and two-part flush systems for toilets, will be integral to the build programme. The dwellings will also be fitted with energy-efficient lights and time- and temperature-controlled heating zones.

With the objectives of the NPPF and CSDP in relation to design quality and built heritage in mind, it is concluded that the proposed development will deliver a scheme which affords a good standard of design and that it will relate well to its historic context and surroundings, with the Council's Built Heritage officer of the view that the development will serve to enhance the Old Sunderland Riverside Conservation Area. Whilst a small area of open space and some trees and shrubs will be lost to the development, this is not considered unacceptable, particularly as the developer has agreed to make a contribution to improving existing greenspace elsewhere. The proposed development therefore satisfies the requirements of the aforementioned sections and paragraphs of the NPPF and policies BH1, BH2, BH7, BH8, NE3 and NE4 of the Council's CSDP.

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

Policies ST2 and ST3 of the CSDP seek to ensure that new development has no unacceptable adverse impact on the Local Road Network, with policy ST3 requiring



new development to incorporate a level of parking which accords with the Council's parking standards.

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

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

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

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

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

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

As set out in the 'Representations' section of this report, the Council's Highways team have raised no objections to the proposed development. The level of parking being provided in the court to the rear of the new block (5 no. spaces) is considered to be appropriate for accommodation which is to be operated by a charitable housing association for vulnerable members of society. Vehicle ownership amongst occupiers is therefore envisaged to be low and it is consequently considered appropriate to apply the Council's parking standard for 'social housing' of 1 space per 3 dwellings. It must also be recognised that the site is accessible from public transport, with a bus route running along High Street East, whilst the extensive services, facilities and public transport options of the City Centre are a short walk away.

It should also be noted that a fairly limited level of parking was provided in respect of the previously-approved care home development at the site, with 5 no. parking spaces for all staff and visitors. Again, it was considered that the nature of the application site and its proximity to the City Centre and public transport options meant a relatively flexible approach to parking standards was justified.

Given the above it is considered that the development will not result in an unacceptable impact on highway safety or the local road network and that it will provide an appropriate amount of dedicated parking. As such, the proposals are considered sustainable from a highways perspective and therefore satisfy the objectives of paragraphs 108, 109 and 110 of the NPPF, whilst the proposals also comply with the aims and objectives of policies ST2 and ST3 of the CSDP.

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

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

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

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

The planning application has been accompanied by a Report to inform a Habitats Regulations Assessment (HRA) (dated October 2019), which is designed to inform the Local Authority's Appropriate Assessment in respect of the development's potential effects on the Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site and the Durham Coast Special Area of Conservation (SAC), collectively 'European sites'. For information, the Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

The submitted HRA Report considers that the anticipated limited car ownership of occupiers and the intention of the operators of the accommodation to prohibit the keeping of dogs in the building means that occupiers of the development are unlikely to visit the protected coastal sites for recreational purposes. As such, and given the relatively limited scale of the development, the report concludes that the scheme is unlikely to increase the impacts on the European and Ramsar sites in any measurable way.

The Council's Ecologist has reviewed the submitted report and essentially considers its assessment and conclusion in relation to impacts on European sites to be overly simplistic. Recreational impacts cannot be so easily screened out and limited opportunities for car ownership and the inability to keep pet dogs does not eliminate the possibility of recreational impacts arising, both alone and in-combination with other similar proposals.

The Council's Ecologist therefore recommends that the applicant should either provide further evidence to inform the Council's Appropriate Assessment or make a financial contribution of £271 per dwelling towards the Council's established programme of Strategic Access Managing and Monitoring (SAMM) measures. The applicant has agreed to make this contribution, which will be secured via an agreement under s106 of the Town and Country Planning Act.

The submitted report also appraises the potential ecological value of the development site, to assist in determining the impacts the proposals may have on ecology and biodiversity, and also considers its potential to effect other designated sites in the wider area. The report concludes that the nearest designated sites are too remote from the application site for impacts to occur. The site survey, meanwhile, shows that at the front of the site is covered in improved grassland, with unmanaged scrub around its northern, eastern and southern margins. The site does not contain any priority species or habitats and no rare or unusual plants were identified. It may be suitable for intermittent use by foraging bats but is not suitable for a bat roost, whilst the trees and shrubs around its periphery would be suitable for breeding birds and the site would also be suitable for use by hedgehog. Overall, there will be a minor habitat loss and potential for disturbance during construction works, but the report concludes that there will be no negative impact on the conservation status of species at a national or local level.

In terms of mitigation and enhancement, the report recommends that clearance of scrub takes place outside the bird nesting season and the hedgehog hibernation season, unless the site is properly checked by an ecologist before clearance takes

place. It is also recommended that bat and bird boxes are incorporated into the development, to be placed in the brickwork of the block's west (front) elevation.

The Council's Ecologist broadly concurs with the report's findings and conclusion that there will be no negative impacts on priority species or habitats. It is observed, however, that the development will result in the loss of a small area of urban greenspace and that the proposals should seek to mitigate for this loss and, in fact, provide measurable gains in biodiversity. In relation to this matter, policy NE2 of the CSDP does state that new development should deliver biodiversity net gain 'where appropriate' and the supporting text advises that a forthcoming SPD will provide greater detail on the policy requirements, with the A&D Plan identifying land where net gain can be delivered. .

It is accepted that, at this stage, the Council's policy framework to secure biodiversity net gain is incomplete and it is also acknowledged that the progress of the primary legislation (i.e. the Environment Bill) which will make the delivery of biodiversity net gain a requirement on a national level has stalled. On this basis and at this juncture and given the limited scale of the development and size of the application site, it is considered that it would not be reasonable to insist that the development delivers demonstrable biodiversity net gain.

It is considered, however, that the ecological mitigation and enhancement measures recommended in the submitted report can, nevertheless, deliver ecological benefits to the development and these can be secured by a condition in the event Members were minded to approve the application.

With regard to the above comments, it is considered that subject to the financial contribution towards SAMM measures, there are no objections to the development in respect of its potential impacts on the European-designated coastal sites and species. Furthermore, subject to the recommended condition, it is considered that the implications of the development in relation to on-site ecological impacts will be acceptable. Consequently, it is considered that the proposals are compliant with the relevant policies of the Core Strategy and Development Plan and NPPF as identified above.

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

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

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.
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Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The submitted Flood Risk Assessment and Drainage Strategy, which has been revised to address issues raised by the Council's Flood and Coastal team (in their capacity as Lead Local Flood Authority), identifies that the application site is located in Flood Zone 1 (lowest risk of flooding) and so its development for residential purposes is appropriate in the context of national and local flood-risk policies. The sustainable drainage strategy for the site states that surface water flows from the development will be restricted by a hydrobrake, whilst the rear parking court will be fitted with permeable paving and attenuation provided by geomodular units to the rear of the block. This will all be maintained by a management company employed by the developer. involves the provision of permeable surfacing to private driveways and parking bays, underground surface water storage in the form of oversized pipes, attenuation tanks and attenuation crates and the provision of a swale for highway drainage along the southern boundary of the site. These measures are designed to ensure that surface water run-off draining from the development into the public sewer network does not exceed the existing greenfield run-off rate for the site and that run-off from the development is also of an appropriate quality.

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

Furthermore, following the revisions to the FRA and Drainage Strategy, there are no objections to the development from a flood risk and drainage perspective, although the LLFA has requested that a condition be imposed which requires confirmation that the agreed sustainable drainage measures have been implemented on site in accordance with the submitted details.

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

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

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

The Council's Environmental Health team have considered the land contamination/ground conditions information submitted with the planning application and do not consider the condition of the site to represent a constraint to its development for residential purposes. There are no objections to the development proceeding, subject to conditions requiring further intrusive investigations, the preparation of a remediation strategy, the submission of a verification report and a condition covering unexpected contamination being encountered during works.

The applicant did submit a Phase II ground investigations report in response to the Environmental Health team's consultation comments, however it was observed that this report dated from 2007 and was not informed by the Phase I report submitted with the current planning application (dated 2019). It could not, therefore, be relied upon as providing an accurate and up-to-date assessment of conditions at the site. Consequently, the conditions recommended by the Council's Environmental Health team are still relevant and applicable.

Given the above, subject to the imposition of the recommended conditions, it is considered that the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 178 of the NPPF.

### **9. Implications of development in relation to archaeology**

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

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

As set out in the 'Representations' section of this report, the site is of potential archaeological interest given its location in an area that was developed in medieval times. The Tyne and Wear County Archaeologist initially requested that trial trenching be carried out prior to the determination of the planning application - such trenching has been carried out and the County Archaeologist is satisfied that the development can proceed subject to conditions requiring the undertaking of a watching brief during construction works and the reporting of the brief's findings.

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

## **10. Affordable housing**

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

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

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

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

As stated at the outset of this report, the applicant is proposing that the housing is 100% affordable and its delivery is subject to grant funding from Homes England. A mix of affordable rent and Rent to Buy tenures will be available, at a ratio which is broadly compatible with the 75:25 affordable rent/intermediate tenure split set out in the Council's most recent SHMA. Clearly, this level of affordable housing is welcomed given the significant contribution it will make to the overall provision, availability and choice of affordable housing in the City.

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

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

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

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

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

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

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

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

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

As set out in the preceding sections of this report, the following financial contributions have been requested from the respective consultees or are a policy requirement and would be secured via a s106 agreement:

- o £271 per dwelling towards Strategic Access and Monitoring Measures;
- o £1774 towards off-site green space improvements;
- o 2 no. affordable dwellings, both of which are to be available for affordable rent;

In many circumstances, the Council would also seek contributions towards education provision and off-site play space; in this case, however, it is considered that such a request would be unreasonable and not justified given the development provides one-bedroom apartments rather than family accommodation.

The requested financial contributions towards ecology and off-site greenspace are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing provision addresses a local and national requirement in respect of new housing development. It is therefore considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

As noted earlier, the applicant has agreed to the financial and affordable housing contributions detailed above and these will be secured via an agreement under s106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal team and is pending completion ahead of the Committee meeting.



## **CONCLUSION**

It is considered that the proposed development gives rise to some modest benefits in terms of housing delivery and its use of a site which is within an established built-up area which is well-connected to public transport, shops, services and other facilities. Additionally, the Council's Built Heritage officer is of the view that the development will actually serve to enhance the character, appearance and significance of the Old Sunderland Riverside Conservation Area, on the basis that the proposals represent a good-quality development of what is considered to be an unsightly area of open space. Positive weight should also be attributed to this benefit of the scheme.

Notwithstanding the view of the Council's Built Heritage officer, it is recognised that the application site has been identified as an area of greenspace by the Council's Greenspace Audit and draft Allocations & Designations Plan; as such, and although there is no significant objection to the development of the land given its limited size and condition and the approval of previous planning applications for its development, it is considered appropriate to require the developer to make a financial contribution towards off-site greenspace improvements. Ultimately, it is considered that the loss of the greenspace is being adequately compensated for through the financial contribution and that its loss is outweighed by the benefits the scheme will bring in terms of housing delivery and the enhancement of the Conservation Area.

Additionally, and for the reasons set out above, the proposed development is considered to offer a good quality of design and layout and is also considered to be acceptable in terms of its impact on the amenity of existing residential dwellings given the particular urban form of the locality. It will also provide future occupiers of the development a good standard of amenity in terms of outlook and privacy. Furthermore, the scheme has been found to be acceptable in relation to flood risk and drainage, archaeology, ground conditions, highway access and car parking and, subject to the receipt of the required financial contributions, is acceptable in respect of its ecology/biodiversity impacts, including its effects on the nearby European-protected coastal sites. In respect of these matters, the proposals are considered to be compliant with the aims, objectives and detailed policies of the NPPF, the relevant saved policy EN10 of the UDP, the draft policies of the Council's Allocations and Designations Plan, the up-to-date policies of the Council's Core Strategy and Development Plan and the Council's adopted 'Residential Design Guide' SPD, as referenced within this report.

It is ultimately considered that the proposed development is acceptable and that it will deliver housing at a sustainable location and with appropriate respect to the local environment and amenity. It is consequently recommended that Members be Minded to Approve the application subject to the completion of an agreement under s106 of the Town and Country Planning Act and subject to the draft conditions below.

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** APPROVE subject to the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions below.

## **Conditions:**

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

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

the location plan, drawing no. AL (90) 0010;  
the existing site plan, drawing no. AL (90) 0020;  
the proposed site plan, drawing no. AL (90) 0030 rev C;  
the proposed roof plan, drawing no. AL (00) 0400 rev. C;  
the proposed retaining wall detail, drawing no. AL (00) 0401 rev. A;  
the proposed western boundary wall, drawing no. AL (00) 0402 rev A;  
the amended proposed streetscene elevation, drawing no. AL (00) 0410, rev A;  
the amended proposed floorplans, drawing nos. AL (00) 0200 rev C, 0201 rev C and 0202 rev C;  
the amended proposed elevations, drawing nos. AL (00) 0300 rev C, 0301 rev C, 0302 rev C and 0303 rev C;

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including roof slates, rainwater goods, bricks, render finishes, windows and doors and stone for the rear boundary wall, have 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 policies BH1 and BH8 of the Core Strategy and Development Plan.

4 The construction of new boundary walls at the site shall not commence until details of the materials to be used in their construction has been agreed in writing with the Council as Local Planning Authority. The construction of the walls shall then take place in full accordance with the agreed details, in the interests of visual amenity and built heritage and to comply with the requirements of policies BH1 and BH8 of the CSDP.

5 No works to the existing rear boundary wall shall take place until a method statement and specification for the required in-filling and repair works has been agreed in writing with the Council as Local Planning Authority. The in-filling and repair works shall then proceed in complete accordance with the agreed details, in the interests of

maintaining the heritage significance of the wall and to comply with the requirements of policy BH8 of the CSDP.

6 Prior to the commencement of construction of the apartment buildings, a ventilation strategy, complete with an assessment of the sound reduction to be achieved by the proposed strategy, shall be submitted for the approval of the Local Planning Authority. The proposed development shall then be undertaken in full accordance with the approved strategy, in the interests of ensuring future residents benefit from acceptable levels of amenity and to comply with the requirements of policies HS1 and BH1 of the CSDP.

7 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 HS1 of the CSDP.

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

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

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

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

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

out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

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

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

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

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

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

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

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

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

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

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

12 No groundworks or development shall commence in the compound and crane areas of the site 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 approved by the Local Planning Authority after the submission of the geotechnical investigation results. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

13 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (13) has been submitted to and approved in writing by the Local Planning Authority.

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

14 The area indicated on the submitted plans for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the apartments hereby approved are occupied. The area shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy ST3 of the CSDP.

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

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

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2, WWE3 and WWE4 of the CSDP.

16 The development hereby approved shall be undertaken in accordance with Section E, 'Mitigation, compensation and enhancement' of the 'Report to Inform Habitat Regulations Assessment, Land at James William Street, Sunderland' (by Barrett Environmental Ltd, October 2019). The enhancement measures must include the installation of bat and bird boxes of the type and at the location recommended by section E of the report. Compliance with section E of the report is required to ensure species are not harmed during construction works and that ecological enhancements can be delivered through the development, to accord with the objectives of policy NE2 of the CSDP.

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**Reference No.:** 20/00492/FUL Full Application**Proposal:** **Erection of car preparation centre ( Retrospective)****Location:** Wearside Auto Park Hendon Street Sunderland**Ward:** Hendon**Applicant:** Wearside Auto Park**Date Valid:** 4 February 2021**Target Date:** 6 May 2021

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**PROPOSAL:**

Full planning permission is sought retrospectively for the erection of a large commercial building on land at Hendon Street, Sunderland. The building is located within the extent of Hendon Industrial estate and is bound by employment/commercial uses.

The largely rectangular site which measures some 1616sqm in area, was formerly utilised as a salvage/scrap yard prior to a large green metal clad building being erected on the land towards the end of 2019. The new building covers the entirety of the site as demarked by the accompanying red lined location plan and is understood to be operated as a car preparation centre serving the company 'Wearside Auto Park'. The floor plans illustrate that the building has been split into 4 separate units, each served by ancillary kitchen and W.C facilities. The largest unit, unit 4, exhibits offices and a reception area.

The application, which was submitted to the Local Planning Authority (LPA) following proactive enforcement investigations, constitutes major development based on the size of the new floor area created.

Given that the scheme constitutes major development, the submission would be expected to be accompanied by a number of technical documents to support the application. As such, on initial receipt of the application in March 2020, the agent was requested to provide the following information;

- o A Flood Risk Assessment/Drainage Strategy
- o Design and Access Statement
- o Land Contamination Assessment
- o Noise Assessment
- o Transport Assessment
- o Archaeological desk-based assessment.

With regard to the above and despite attempts to obtain this information, there has been no further contact from the agent. In this respect, the LPA has made the decision to validate the application without the supporting documentation with a view to determining the retrospective development based on the level of detail and



information that has been submitted. This includes the completed application form, the redlined location plan, an existing and as built site plan and as built floor plans and elevations.

**TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

**CONSULTEES:**

Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **17.03.2021**

**REPRESENTATIONS:**

The application has been publicised by way of site notice and no representations have been received.

**Northumbrian Water** -. No observations offered

**County Archaeologist** - The County Archaeologist has noted the proximity of the site to an archaeologically sensitive area but has confirmed that it is unlikely that the structure would have involved the excavation of foundation trenches that would have gone to a depth that would have impacted earlier archaeological remains associated with this part of Hendon. As such, it is not considered that an Archaeological desk-based assessment is required.

**Council's Transportation Engineer** - It is considered that for a development of the type and size proposed, a Transport Statement should have been submitted in support of the application.

The Transport Statement would be required to cover the following issues:

- o Details of vehicular and pedestrian access arrangements.
- o Details of on-site parking arrangements for staff, customers and visitors. This should include details of disabled, electric vehicle and cycle parking.
- o Servicing details.
- o Hours of operation and likely trip generation.

Until this information has been submitted Transportation Development are unable to provide a full response to the application and therefore object to the application in its current form.

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

In accordance with Sunderland City Council (SCC) validation checklist (see part 15) a Flood Risk Assessment and Drainage Strategy should be submitted with any major application. As this information has not been provided it is not possible to consider the implications and effect of flood risk and water run-off within and off site.

**Council's Environmental Health team** - In terms of noise, it would generally be expected that a noise assessment should accompany an application of this nature to allow for an understanding of the potential noise implications of the operation within the local environment.

**Ground contamination** - A Desk Top Study has not been submitted with the application therefore it is not possible to consider the level of risk that contaminants pose in relation to the end use.

## **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies; BH1, HS1, HS3, ST2, ST3, EG2, WWE2, WWE3

## **COMMENTS:**

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

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

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

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

- c) Approve applications that accord with an up to date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

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

1. Land use considerations;
2. The implications of the development in respect of amenity;
3. The impact of the development in respect of highway and pedestrian safety;
4. The impact of the development in respect of flooding and drainage;
5. The impact of the development in respect of ground conditions;

#### 1. Land use considerations

Section 6 of the NPPF seeks to encourage sustainable economic growth and help create the conditions in which businesses can invest, expand and adapt. Locally, CSDP Policy EG2 looks to safeguard Hendon Industrial Estate which is designated on the Policies Map under KEA1) as a Key Employment area, for B1(Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. As has been noted above, the application has not been accompanied by a Design and Access Statement or even a brief supporting statement outlining the operations and activities that are being conducted from within the building. Nonetheless, the description of the proposal sets out that the building is being utilised as a car preparation centre and it is reasonable to deduce that this would involve the undertaking or repairs, cleaning, the preparation of vehicles for sales and after sales care.

This type of commercial operation would broadly accord with the accepted uses for the estate, whilst providing economic growth and the expansion of an existing business on formerly vacant industrial land. In this regard from a land use perspective the LPA are satisfied that the principle of the development is considered to be acceptable and in accordance with the CSDP policy EG2.

Nevertheless, in order to fully establish the acceptability of the proposed development, an assessment must firstly be made of all other relevant material planning considerations raised by the scheme and these are discussed below.

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

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

The building occupies the entirety of the land in question, presenting a depth of just over 25m, a street fronting length of around 68m and a ground to ridge height of approximately 6.7.

Although large, based on observations made during the officer site visit, the scale and massing of the building sits relatively comfortably within the confines of the commercial/industrial locality and has been finished in appropriate materials and to a good standard.

In terms of noise impact the LPA have not been furnished with a noise assessment or even a breakdown of the individual operations that are being carried out from within the building. Nonetheless and as has been noted above, it is reasonable to consider that the general type of operation associated with car preparation would be unlikely to have a significant noise related impact within an industrial/commercial locality such as this. The developed site is also bound by roads/access routes on three sides and thus does not have any immediate physical interaction with any adjoining uses. Consequently, whilst a noise assessment should have been submitted to demonstrate this, on balance it is not considered that there are sufficient reasonable grounds to warrant refusal on this issue.

Overall, the impact of the development on the amenity of the industrial estate is considered to be acceptable and in accordance with the requirements of CSDP Policy BH1

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

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

- o new vehicular access points are kept to a minimum and designed in accordance with adopted standards;

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

Policy ST3 of the CSDP advises that development should not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other road users and include a level of vehicle parking in accordance with the Council's parking standards.

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

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

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

As set out in the 'Representations' section of this report, the Council's Transportation Officer has set out that they are unable to appraise the highway impacts of the development on the area as insufficient detail has been provided with the application. In this respect they have outlined that a Transport Statement should be provided which covers;

- o Details of vehicular and pedestrian access arrangements.
- o Details of on-site parking arrangements for staff, customers and visitors. This should include details of disabled, electric vehicle and cycle parking.
- o Servicing details.
- o Hours of operation and likely trip generation.

As this information has not been provided, they have confirmed that they are not in a position to offer an informed response and therefore must object to the application. Consequently, as the submission does not provide any assurances that the development accords with national and local policy, the LPA cannot contend that it is acceptable from a highway safety perspective.

#### 4. Implications of development in respect of flooding/drainage

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

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

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

Flooding is a key factor in determining the scale and location of development in Sunderland. It is important that inappropriate development is avoided in areas currently at risk from flooding, or likely to be at risk as a result of climate change, or in areas where development is likely to increase flooding elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where it is necessary, without increasing flood risk elsewhere.

As has been set out at the start of the report, despite attempts to obtain a Flood Risk Assessment and Drainage Strategy from the agent, none has been forthcoming. Consequently, it has not been possible for the Council's Lead Local Flood Authority to consider the impacts of the development in terms of flood risk. In this regard as insufficient detail has been submitted, the proposal fails to satisfy the requirements of Para's 155 and 165 of the NPPF and local policies WWE2 and WWE3.

#### 5. Implications of development in respect of land contamination

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

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

As has been set out at the start of the report, despite attempts to obtain a Desk Top Study (as minimum) from the agent, none has been forthcoming. Consequently, it has not been possible for the Council to consider whether the land poses a level of risk

from contaminants to people, buildings, services or the environment as is required by CSDP Policy HS3.

#### Conclusion

The LPA are satisfied that the proposal represents an appropriate land use within Hendon Industrial estate, whilst the size, scale and appearance of the building raises no significant adverse impacts on the amenity of the area.

However, as has been set out above, there are significant deficiencies in the level of supporting information that has been submitted with this application. As the LPA has not been appropriately informed as to the impacts of the development on matters pertaining to highways, flood risk/drainage and land contamination, it is not possible to qualify that the impacts arising from the development are appropriate. Consequently, as the proposal fails to satisfy the requirements of CSDP policies ST2, ST3, WWE2, WWE3 and HS3, the principle of the development is considered to be unacceptable and Members are therefore recommended to refuse planning permission for the reasons set out below.

Members should note that as the development subject to this application has already been undertaken, the refusal of planning permission means the development is liable to enforcement action from the Council as Local Planning Authority. The nature and scope of any action to be taken will be determined by the Council's Planning Compliance team following the issuing of a decision on the current planning application.

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** REFUSE, for reasons set out below.

### **Reasons:**

1 The application has not been accompanied by Transport Assessment. In the absence of this information, the Council, as Local Planning Authority, is unable to appropriately appraise the highway safety implications of the development. The proposal is therefore contrary to the requirements of policies ST2 and ST3 of the adopted Core Strategy Development Plan.

2 The application represents major development for which a Flood Risk Assessment and Drainage Strategy is required to be submitted. In the absence of this information, the Council, as Local Planning Authority, are unable to determine that the impacts of the development with regards to flooding and water runoff are acceptable. The proposal is therefore contrary to the requirements Paragraph 155 and 165 of the NPPF and policies WWE2 and WWE3 of the adopted Core Strategy Development Plan.

3 The application has not been accompanied by an assessment into the ground conditions of the site. In the absence of this information, the Council, as Local Planning Authority, is unable to establish whether the land poses a level of risk from contaminants to people, buildings, services or the environment. The proposal is



therefore contrary to the requirements Paragraph 178 of the NPPF and policy HS3 of the adopted Core Strategy Development Plan.

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**Reference No.:** 20/02391/LP3 Local Authority (Reg 3 )**Proposal:** **Construction of a high-level pedestrian and cycle bridge across the River Wear, linking the north and south sides of the river between the 'Vaux' site and the Sheepfolds area.****Location:** River Wear Sunderland**Ward:** Southwick**Applicant:** Sunderland City Council**Date Valid:** 22 December 2020**Target Date:** 23 March 2021

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**PROPOSAL:**

Full planning permission is sought for the construction of a high-level pedestrian and cycle bridge across the River Wear, linking the north and south sides of the river between the 'Vaux' site and the Sheepfolds area, in central Sunderland.

The proposed bridge will cross the River Wear gorge at a high level and provide a pedestrian and cycle connection between the 'Vaux' regeneration site on the south side of the river and the Sheepfolds area to the north side of the river. The bridge will have a span of 260 metres and will stand 30 metres above river level, thus maintaining the existing navigational channel.

The southern end of the proposed bridge will land immediately adjacent to the north-east corner of 'The Beam' building within the Vaux site, whilst its northern end will land immediately to the south of the Grade II Listed former North Eastern Railway Stables on Easington Street in the Sheepfolds area. The bridge will follow the alignment, and enable the completion, of the 'Keel Line' public artwork, which extends northwards in the ground through the Vaux site from Keel Square.

The location of the bridge is within the setting of a number of key heritage assets - downstream to the east are the Grade II Listed Monkwearmouth Rail Bridge and the Wearmouth Bridge, whilst at the bridge's northern end is the aforementioned Grade II Listed former NER stables. To the north-west of the bridge, at river level, are the Grade II Listed former Wearmouth Colliery Coal Staithes. To the south of the Vaux site is the Bishopwearmouth Conservation Area, the north-eastern part of which contains landmark buildings such as Sunderland Magistrates Court and The Peacock public house.

The new bridge is a key element and centrepiece of the planned regeneration and revitalisation of Riverside Sunderland and it is designed to align with the objectives of the Riverside Sunderland Supplementary Planning Document (SPD), which was adopted by the Council in December 2020. The bridge will connect the Vaux and

Sheepfolds areas of Riverside Sunderland, which are split by the Wear, and will provide a more attractive pedestrian- and cyclist-friendly crossing than the Wearmouth Bridge, which is car-dominated and peripheral to the Riverside Sunderland area. The delivery of the bridge is considered integral to the SPD's objective of developing a successful residential community within the Sheepfolds, for it will establish a direct route southward to the Vaux site and the wider City Centre beyond.

The conceptual design approach to the new bridge has been developed through the establishment of a series of key objectives, namely:

- o Improvement of the north-south connection within central Sunderland, to establish better links between Sheepfolds and the Stadium of Light to the north and High Street West and the wider City Centre to the south;
- o Provide a modern, reductive and unobtrusive structure;
- o Provide an alignment that acts as a visual marker at the completion of the Keel Line and a continuation towards the Stadium;
- o A design that blends the footbridge with its surroundings, by drawing characteristics of the existing river crossings whilst respecting site-specific qualities;
- o Ensuring that the bridge responds to the design moves made with the Vaux site, Keel Line and wider masterplan developments;
- o Ensure views from the riverside and gorge edges towards the historic rail and road bridges are maintained;
- o Ensure views back from the historic bridges are not negatively impacted;
- o Create a safe passage for pedestrians and cyclists whilst maintaining a sense of connection to the river and parkland below;
- o Light the bridge in a way that ensures the safety of users but is sensitive to ecology and future residents and businesses on either side of the river

The objectives set out above have led to a simple, streamlined and sleek design approach, which is intended to minimise the bridge's visual complexity and ensure it respects and enhances the surrounding built heritage, the existing and forthcoming developments to the Vaux site and Sheepfolds and the parkland along the banks of the river.

The bridge's supporting structure takes the form of an under-deck haunched steel-box girder with an arched span, split into five sections, with concrete piers cast into the parkland at river level and a new abutment on the north side to accommodate the bridge's northern landing. None of the bridge's supporting structure affects the riverbed. The concrete deck will have a width of 10 metres and run the length of the crossing. It is intended to feature a central 'ribbon', which can accommodate planting, seating and integrated lighting and will respond as a continuation of the Keel Line.

The bridge will incorporate a balustrade and parapet system of between 1.8 and 2.1 metres in height, designed to fix onto the concrete deck slab. Details of the design of the balustrades and parapets are still to be finalised, although the application includes a series of options under consideration. The parapets will, however, be designed in order to minimise suicide risks. In terms of lighting, the bridge will incorporate that necessary for public safety and internal lighting is intended to be

faced onto the deck to minimise light pollution. The bridge does, however, also offer opportunity for sensitive up-lighting to contribute to the bridge's materiality, character and visual identification.

The construction phase for the bridge is anticipated to last 91 weeks and it is envisaged as supporting 149 direct temporary construction jobs and 226 indirect temporary jobs during the construction period.

The planning application has been supported by a wide range of statements, reports and technical surveys, namely:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Involvement;
- Preliminary Ecological Appraisal;
- Ecological Enhancement and Mitigation proposals;
- Habitat Regulations Assessment;
- Geotechnical and Geo-environmental Desk Top Study (with National Quality Mark Scheme (NQMS) certification);
- Construction Environmental Management Plan (updated during consideration of the application);
- Construction Noise Assessment;
- Noise Assessment;
- Lighting Planning Statement;
- Landscape visual appraisal;
- Heritage Statement;
- Arboricultural Survey and Appraisal Report;
- Transport Statement;
- Construction Transport Management Plan;
- Sustainability statement;
- Flood Risk Assessment and Drainage Strategy;
- Air Quality Assessment;
- Archaeological Desk-Based Assessment;
- Archaeological Watching Brief Written Scheme of Investigation;

**TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

**CONSULTEES:**

Southwick - Ward Councillor Consultation

Millfield - Ward Councillor Consultation

Network Rail

Nexus

NE Ambulance Service NHS Trust

Fire Prevention Officer

Northumbria Police

Tyne And Wear Archaeology Officer  
The Coal Authority  
The Crown Estate  
Flood And Coastal Group Engineer  
Natural England  
Network Management  
Historic England  
Northern Electric  
North Gas Networks  
Northumbrian Water  
Environment Agency  
Environmental Health  
Marine Management Organisation  
Port Manager  
Public Rights Of Way Officer  
Wear Rivers Trust

Final Date for Receipt of Representations: **28.01.2021**

## **REPRESENTATIONS:**

**Public consultation** - no comments received from members of the public.

**Historic England** - supports the application on heritage grounds. It is considered that the thin visual profile of the bridge will complement the arched structures of the adjacent Listed Wearmouth road and rail bridges by minimising visual obstruction to them. The new bridge would combine with the existing historic bridges to form a very distinctive area of the City. The presence of the bridge may also mean the currently vacant NER stables become a more attractive development proposition.

The opportunities offered by the bridge in terms of the interpretation and celebration of the City's heritage are also welcomed, including the continuation of the Keel Line and references to industrial heritage in the design options. A more vertical final design to the parapets is encouraged as it will allow for greater visibility towards existing heritage assets.

In planning terms, Historic England advise that the proposal does not directly impact upon designated heritage assets but will, as explained above, affect how some listed structures are experienced and valued. These changes to setting are considered to be well managed and promise to be positive and are in line with government guidance and policy which requires great weight to be given to conserving the significance of designated heritage assets and recognising their value in our economic and cultural lives (paragraphs 192 and 193 of the NPPF).

**Natural England** - no objections to the development. It is accepted that the development will not have likely significant effects on the Northumbria Coast Special

Protection Area or the Durham Coast Site of Special Scientific Interest. The commitment to delivering biodiversity net gain through the development is welcomed.

**Environment Agency** - the supporting documents submitted with the planning application give some confidence that risks to controlled waters can be managed and mitigated, but some queries remain in relation to some of the data and results provided within the reports. Controlled waters are particularly sensitive at this point as the application site is located upon a Principal Aquifer (the Wear Magnesian Limestone Aquifer). It is considered that the additional information required can be secured via appropriately worded conditions and provided the Council, as Local Planning Authority, imposes the recommended conditions in the event the planning application is approved, the Environment Agency have no objection to the development. The requested conditions relate to the submission of a remediation strategy and verification report, a long-term monitoring and maintenance plan, the prohibition of piling and the handling of unexpected contamination.

Advice is also provided to the Council and developer in relation to Environmental Permitting, Water Quality Discharge permitting, drainage, fisheries and biodiversity, the need for a Water Framework Directive Assessment (process administered by the EA), water abstraction, dewatering, impounding a watercourse and the re-use of waste materials. These matters can be brought to the attention of the applicant via informative notes attached to any planning approval.

**Marine Management Organisation (MMO)** - comments received highlights that at its landward extent, the MMO's Marine Plan will apply up to the mean high-water springs mark, which includes the tidal extent of any rivers. It is advised that the draft North East Inshore and Offshore Marine Plans were published on the 14th January 2020, becoming a material consideration for public authorities with decision making functions.

Section 58 (1) Marine and Coastal Access Act requires all public authorities that take authorisation or enforcement decisions, for example on an approval, confirmation, consent, licence, or permission which affect or might affect the UK marine area, to do so in accordance with the marine plans unless relevant considerations indicate otherwise. Therefore, any marine licence applications must consider the relevant Marine Plan.

**The Coal Authority** - confirms that the application site does not fall within the defined Development High Risk Area. As such, there is no requirement for the applicant to prepare a Coal Mining Risk Assessment and the Coal Authority does not need to provide formal comment. The Coal Authority's Standing Advice for developing in Low Risk Areas should be provided as part of the decision notice.

**Network Rail** - no objections to the proposals, advice is provided to the developer in relation to ensuring vehicle movements during construction works do not damage Network Rail's infrastructure and in relation to land ownership (the 'red line' of the planning application initially included Network Rail land; the matter has now been rectified).

**Tyne and Wear County Archaeologist** - the bridge application site is archaeologically sensitive, with numerous sites listed in the Historic Environment Record (HER) present to both sides of the river at plateau and riverbank level. These include remains of shipbuilding yards, coal staithes, waggonways, other industrial archaeology and even areas of potential prehistoric interest. The County Archaeologist initially advised that before the bridge could be approved, further intrusive archaeological investigations were required in areas which had not been archaeologically evaluated, including the site of the construction cranes to the north and south banks of the river and the northernmost site compound. At other locations, it is recommended that works proceed with an archaeological watching brief.

Following further discussions between the County Archaeologist and the applicant's archaeology consultant and the provision of additional information, including details of the extent of intrusive works within the site compound areas and the submission of a watching brief working scheme of investigation (WSI), the County Archaeologist has agreed that the additional archaeological investigations required can be undertaken in phases at specific locations, so as not to prevent the commencement of development in less sensitive areas of the application site. The County Archaeologist has recommended a series of conditions which secure the necessary additional archaeological investigations at the appropriate times, together with the publication of reports into the findings of the investigations.

**Northern Gas Networks** - no objections to the development.

**Northumbrian Water** - no comments to make.

**Tyne and Wear Fire and Rescue service** - no objections to the development.

**Northumbria Police** - no general issues with the bridge design, recommends that the final design of the parapets takes into account most up-to-date advice, guidance and best practice in relation to incorporating suicide prevention measures.

**Nexus** - supports the principle of a new footbridge over the Wear gorge as it will encourage active travel by cycling and walking. Advice is provided in relation to ensuring construction works do not affect the operation of the nearby St. Peter's Metro station and recommendation that Network Rail are consulted in respect of ensuring the safe operation of adjacent rail infrastructure.

**Council's Planning Policy team** - consider the development to be acceptable in land use terms. It is noted that the delivery of the bridge would assist with improving pedestrian and cycle links in the urban core, in line with the objectives of policies SP2, ST1 and SS1 of the Council's Core Strategy and Development Plan (CSDP) and the Riverside Sunderland SPD. These all support development which will improve linkages with the urban core and Vaux site. Consideration should also be given to CSDP policies relating to the development's visual impact given its scale and setting, as well as those relating to ecology and biodiversity, built heritage and archaeology.

**Council's Ecology team** - no objections to the development. It is noted that the information submitted within the Habitats Regulations Assessment enables the Local Planning Authority to conclude no adverse effect on the integrity of the European

coastal sites, subject to the implementation of the recommended avoidance and mitigation measures (section 6.3 of the report). Recommendations for species and habitat protection set out within the submitted Preliminary Ecological Appraisal should also be adopted and implemented. Recommendations for the delivery of biodiversity net gain should be adopted and implemented in full and it is recommended that conditions are imposed which require confirmation that these measures can be delivered and maintained and monitored thereafter.

The comments received also note that construction works could have an effect on river flora and fauna due to noise and disturbance and it recommended that specialist advice is sought from expert bodies (e.g. CEFAS (the Centre for Environment, Fisheries and Aquaculture Science), the Department for the Environment, Food and Rural Affairs (DEFRA), the Environment Agency (EA) and Marine Management Organisation (MMO)) in relation to this matter. Members should note that the EA and MMO have been consulted on this planning application whilst the developer is also engaged in separate discussions with these bodies as part of the licensing process.

**Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)** - initially advised that further information was required before the approval of the application could be recommended. The information requested relates to ground conditions at the site of the bridge's northern pier and the headwalls to the River Wear.

**Council's Built Heritage officer** - no objections to the development. It is noted that the development will have direct inter-visibility with a number of Grade-II Listed buildings, including the Wearmouth road and rail bridges, the former North Eastern Railway stables and, to a lesser extent, the Wearmouth Colliery coal staithes. Consideration must therefore be given to the development's impact on the setting of these buildings.

The application has been accompanied by a comprehensive Heritage Statement which properly assesses setting issues and concludes that the development will not have a harmful effect on the setting or significance of any of the heritage assets identified. The Council's Built Heritage officer agrees with the Statement's assertion that the bridge will, in fact, deliver some positive heritage impacts, as it will afford new public views of the iconic road and rail bridges and improve access to, and appreciation of, the NER stables. Additionally, it will help to create new views along the Keel Line artwork into the Bishopwearmouth Conservation Area.

The Council's Built Heritage officer also considers the bridge's sleek, modern design to be appropriate and that it will add positively to the existing bridges which are a fundamental aspect of the of the riverside corridor's distinctive character.

The Council's Built Heritage officer concludes that subject to the final design of the parapet, abutments and approaches to the bridge, the proposed bridge will enhance the settings and significance of the listed Wearmouth Road and Rail Bridges and former NER stables, and make a positive contribution to the local character and distinctiveness of the Riverside, satisfying the requirements of CSDP Policies BH7 and BH8 and NPPF paragraphs 192, 193 and 200.



**Council's Environmental Health team** - advises that the application has been accompanied by appropriate noise, air quality and construction assessments and that extensive discussions have taken place in relation to possible environmental impacts and suitable mitigation measures.

The submitted noise assessment considers noise generated from the use of the bridge by crowds attending events at the Stadium of Light. Some local impacts may occur, although this would likely be qualified by background noise also increasing during such events from, for example, additional traffic on surrounding roads. Developers of future housing at the Vaux site and Sheepfolds should, however, be aware of the bridge as a potential source of noise.

Local air quality will not be negatively impacted by the operation of the bridge; indeed, it could be improved as it may encourage a reduction in car travel across the Wearmouth Bridge.

The submitted Construction Environmental Management Plan (CEMP) incorporates guidance within the air quality assessment and noise and vibration assessment and the mitigation measures set out in sections 4 and 5 are noted and endorsed.

**Council's Highways team** - the Transport Statement (TS) and Construction Traffic Management Plan (CTMP) submitted with the application have been thoroughly reviewed. The modelling used by the TS shows that the bridge can cope with daily pedestrian and cyclist demand, as well as higher volume usage on Sunderland AFC matchdays. The TS's recommendation that marshalling is considered for the northern end of the bridge on matchdays is supported and should be discussed with the Stadium Safety Advisory Group and Northumbria Police. The TS's advice on the management of street traders on matchdays is also endorsed.

The submitted CTMP is also considered generally satisfactory, although it is noted that the document is essentially in outline form, pending the appointment of a contractor and a Transport Coordinator. It is therefore recommended that in the event the application is approved, a condition is imposed requiring the appointed Transport Coordinator to undertake monitoring and review of the CTMP in consultation with the Local Highway Authority.

It is also advised that additional details should be provided as to how to control access in terms of major incidents, including the provision of any counter terrorism measures, and access for maintenance purposes.

**Council's Urban Design officer** - considers that the development will enhance views across the river corridor and establish new views to Listed structures in the vicinity. The development will increase permeability and connectivity across the river corridor, in accordance with the aspirations of the Riverside Sunderland SPD. All options provided for the final detailed designs of certain elements of the bridge (i.e. the balustrades, lighting, landscaping etc.) are considered to be of high- quality contemporary design that would complement the built form of the Vaux development and the wider Riverside Sunderland area. Conditions are recommended requiring the submission and agreement of final materials/designs and lighting.

**Council's Landscaping team** - considers that the design of the bridge means that it will sit well within the prevailing landscape and will be an impressive structure and a dramatic feature when viewed from the riverbanks. Some further information is requested in relation to final landscaping proposals, the treatment of the access route from Easington Street to the northern riverbank, final design of the bridge's parapets and the treatment of the landscaping strip and planters along the centre of the bridge.

#### **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: SP1, SP2, SS1, SP7, HS1, HS2, HS3, BH1, BH2, BH3, BH7, BH8, BH9, NE1, NE2, NE3, NE4, NE9, NE11, WWE2, WWE3, WWE4, WWE5, SP10, ST1, ST2, ST3.

#### **COMMENTS:**

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

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

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

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

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
  - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland). Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP, UDP Alteration No. 2 and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

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

SP1 - sets out the Council's sustainable development strategy for the Plan period, including ensuring that sufficient social, physical and environmental infrastructure is in place to meet needs. The spatial strategy seeks to deliver this growth by, amongst other means, supporting the sustainability of existing communities and delivering the majority of development in the existing urban area.

SP2 (Urban Core) - states that the Urban Core of the City, which includes the Vaux site and Sheepfolds, will be regenerated and transformed into a vibrant and distinctive area. Development in the Urban Core should make improvements to connectivity and pedestrian movement, provide a high quality of public realm, protect and enhance heritage assets and ensures a high standard of design that integrates well with the existing urban fabric.

SS1 (The Vaux) - supports the development of offices, residential and a hotel; new development should improve linkages to St. Mary's Boulevard and the rest of the Urban Core and provide new public space, active streets and maximise movements for pedestrians.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures, including promoting and facilitating active and healthy lifestyles and ensuring that new developments promote active travel and other physical

activities and promote improvements and enhance accessibility to the city's natural, built and historic environments.

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

HS2 - proposals which could generate noise should demonstrate that existing and proposed noise-sensitive development will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where necessary.

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

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

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

BH3 - seeks that proposed areas of public realm should create attractive, safe, legible, functional and accessible public spaces. Development will be constructed of quality, sustainable and durable materials which enhance the surrounding context; and where appropriate, incorporate public art in development.

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

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

BH9 - the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

NE1 - the Council will maintain and improve the green and blue infrastructure network.

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

sites and wildlife corridors. Proposals must respect the integrity of European-protected sites.

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

NE4 - development should seek to protect, conserve and enhance valuable greenspace; proposals which have a negative effect on the amenity, recreational and nature conservation value of greenspace and wildlife corridors will not be supported unless certain circumstances apply.

NE9 - proposals should incorporate high quality landscape design, implementation and management.

NE11 - proposals should take into account views into, out of and within the development. Proposals should preserve or enhance key local views and create new public views where possible. Particular consideration should be given towards views of landmark buildings, including heritage assets.

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

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

WWE4 - requires new development to maintain water quality.

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

SP10 - sets out that improving connectivity and the transport network is a key principle to support the growth of the City.

ST1 - supports the enhancement of accessibility and movement through the Urban Core by, amongst other measures, improving the cycle network.

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

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

With regard to retained UDP and UDP Alteration No. 2 policies, it should be noted that the Sheepfolds area is subject to UDP Alteration No.2 policy NA3A.2, which sets out that the Council will seek to deliver (iii) pedestrian and cycle links to the Stadium of Light, Sheepfolds and the Riverside. In addition, on the north bank, the proposal would be located within an allocated area of existing open space via the UDP; aforementioned policy NE4 of the CSDP is therefore applicable.

With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map shows the site as forming part of the Riverside Sunderland area, with policy SS8 advising that the area is allocated for residential-led mixed use development. The policy sets out the range of uses considered to be acceptable in the Riverside Sunderland area and advises that any planning applications must accord with the Riverside Sunderland SPD.

Areas to the north and south banks of the riverside are identified through the draft A&D Plan as forming public open space (by policy NE15) and are, in part, designated as the Wearmouth Riverside Local Wildlife Site (by policy NE13). The river corridor also forms a 'wildlife network' (as per policy NE14), referred to as a 'wildlife corridor' by CSDP policy NE4. Meanwhile, policy NE16 of the draft A&D Plan states that key local views and vistas, as shown on the draft A&D Plan policies map, will be preserved and enhanced. The policies map highlights a view northward across the river from the Vaux site, a view eastward along the river corridor from Farrington Row and a view west along the river corridor from the north end of the Wearmouth Bridge. A further view south-eastward along the river corridor from elevated land off the B1291 Southwick-Monkwearmouth road is also identified by the draft A&D Plan.

The Riverside Sunderland SPD (as referenced by draft A&D Plan policy SS8) has been adopted by the Council and it sets out that over the next 20 years, the Riverside Sunderland area will be established as a successful business location, a popular place to live and a focal point for civic, cultural and community life. The key elements of Riverside Sunderland will include:

- o a new central business district;
- o new city centre residential neighbourhoods;
- o civic buildings, community facilities and cultural attractions;
- o an enhanced and restored riverside park;
- o new bridges across the River Wear as part of an improved walking and cycling network;
- o the transformation of St Mary's Boulevard into pedestrian-friendly city street; and
- o digital (5G) infrastructure and sustainable urban drainage systems (SuDS).

The SPD provides the planning policy framework for the consideration of development proposals within Riverside Sunderland, which will support the desired delivery of approximately 1000 new homes for 2,500 residents, 1 million sq. feet of office space and 8,000 - 10,000 jobs.

The delivery of the bridge is referenced throughout the SPD as being a key driver of the success of Riverside Sunderland. It will have an important role to play in enhancing connections between existing and new communities, attractions and other important facilities and institutions on both sides of the Wear. In this regard, a primary role of the

bridge will be to connect the Vaux site with Sheepfolds and the Stadium of Light beyond. The bridge also has an important role to play in improving and encouraging cycling and walking opportunities within the urban core of the City and providing improved connections to the wider existing cycling and footpath network.

Building on the relevant CSDP policies, the SPD also sets out a series of 'principles' for new development in the Riverside Sunderland area. To this end, new development should: be informed by sustainable development principles (to help achieve the Council's ambition for carbon neutrality); help to achieve a distinctive layout and environment which is accessible to a variety of users; help to create an attractive environment for walking and cycling and enhance footpaths and cycle routes; help to achieve biodiversity net gain and preserve the area's existing ecological and biodiversity value; and respect and enhance the historic character and cultural heritage of the area.

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

- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

Also relevant is the draft North East Marine Plan (NEMP), which is applicable to the tidal extent of the River Wear. The NEMP has been subject to public consultation and so is a material consideration in the decision-making process, although it does not have statutory weight until adoption. The NEMP contains a series of policies which are relevant to the River Wear at the development site, including those which seek to protect the biodiversity of the river, limit cumulative effect of proposals, minimise disturbance of species, minimise littering, minimise noise, protect water quality, support proposals which assist with the effects of climate change and maintain existing navigational channels.

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

1. The principle of the proposed development;
2. The implications of the development in respect of the amenity of the area;
3. The implications of the development in respect of design, visual amenity and built heritage;
4. The implications of the proposals relative to sustainable development objectives;

5. The implications of the development in respect of highway and pedestrian safety;
6. The implications of the development in respect of ecology, biodiversity and trees;
7. The implications of the development in respect of flooding and drainage;
8. The implications of the development in respect of ground and groundwater conditions;
9. The implications of the development in relation to archaeology.

## **1. Principle of the proposed development**

As set out above, the provision of a new high-level footbridge across the Wear between Vaux and Sheepfolds is fully aligned with the objectives for the Riverside Sunderland area as set out by the SPD. The construction of the bridge is considered to be integral to the successful delivery of the Council's development and regeneration aspirations for the Riverside Sunderland area, as detailed in the Riverside Sunderland SPD and supported by policies SP1 (which supports sustainable development focused on the existing urban area of the city), SP2 (which supports the positive development of the urban core) and SS1 (which supports the regeneration of the Vaux site specifically) of the CSDP.

It will provide a key pedestrian and cycle connection between the new residential and business communities being created on both banks of the river. The bridge will also provide wider improved links and enable greater movement between the north and south banks of the river, creating an attractive pedestrian and cyclist-friendly route within the urban core, linking the city centre with the Stadium of Light and other attractions and institutions and allowing for improved connections with the wider existing footpath and cycling network.

Notwithstanding the above, it is observed that the proposed bridge does affect land which is identified as public open space by both the UDP and draft A&D Plan and so policy NE4 of the CSDP must be engaged. Specifically, the bridge piers will stand in the riverside parkland to the north and south banks of the Wear. These areas will also be affected during construction works. Clearly, the construction works will only affect the amenity and recreational value of the designated open space for a temporary period whilst the bridge is being built. Meanwhile, the presence of the piers within the riverside parkland will, it is considered, have a negligible impact on the ability of the public to access or enjoy the open space in the long-term and nor will the proposed arrangement be of detriment to the open space's quality and amenity value.

The development is therefore considered to address policy NE4's objectives in that it will not cause harm to the amenity or recreational value of the riverside parkland. Policy NE4 does also require consideration to be given to the nature conservation value of areas of open space; the impact of the proposed development on ecology and biodiversity is considered in more detail later in this report.

With regard to the above comments, it is considered evident that the construction of the bridge is fully supported by the Riverside Sunderland SPD and policies SP1, SP2 and SS1 of the CSDP and it will play an integral role in the delivery and success of the new residential and business communities to be created on either side of the river.



The bridge will also deliver wider benefits in improving pedestrian and cycle connections and movement within the urban core and creating links to further afield. Additionally, it is considered that the development will not materially conflict with the objectives of policy NE4 of the CSDP, which seeks to protect valuable areas of greenspace from inappropriate development.

The principle of the proposed development is therefore considered to be acceptable.

## **2. Implications of development in respect of the amenity of the area**

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

Also relevant is policy HS1 of the CSDP, which sets out a general requirement for development to avoid causing adverse impacts from sources of pollution and nuisance, such as air quality, noise, dust and vibration. With specific regard to noise, policy HS2 of the CSDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses.

At present, the Vaux site is under development, with the nearest completed building being The Beam, which provides office accommodation and stands at the southern landing point of the bridge. The Sheepfolds area is currently primarily characterised by commercial and light industrial uses, although the Riverside Sunderland SPD envisages a residential-led community being created. The bridge is clearly planned to support the redevelopment proposals to either side of the river and will provide a safe, attractive pedestrian and cycling route, increasing accessibility to and from Vaux and Sheepfolds, to the benefit of those living and working in these areas. The bridge will connect these communities and will have a highly positive role to play in their development and future success.

It is considered that the bridge is integral to, and can coexist with, the residences and businesses being created in Riverside Sunderland and there are no evident detrimental impacts to be caused by the bridge's presence. The potential for the bridge to give rise to significant noise levels, from crowds using the bridge on, for example, Sunderland AFC matchdays, has been considered by the Council's Environmental Health team and does not give cause for concern - any forthcoming noise-sensitive development should, however, have regard to the bridge's presence and capacity for noise generation.

Similarly, the Council's Environmental Health team are satisfied with the development's effect on air quality; the presence of the bridge could, in fact, have a

long-term beneficial impact as it may reduce the number of vehicle journeys required between the south and north banks of the river.

The application has also been accompanied by a comprehensive Construction Environmental Management Plan (CEMP), which sets out recommended measures and practices designed to minimise impacts on the amenity of the area during the construction phase. The CEMP has been updated during the consideration of the application in response to advice received from consultees (including advice obtained outside the planning application process); the updates have effectively added further restrictions on working practices. The CEMP includes details of proposed working hours (7am - 7pm Monday - Friday, 7am - 2pm on Saturdays and no noisy working on Sundays or Bank Holidays), the routes to be taken by construction traffic, measures to control noise and vibration and measures to maintain air quality. The CEMP has been reviewed by the Council's Environmental Health team, who are satisfied that the document demonstrates a commitment to undertaking construction works in a sensitive manner and endorse the mitigation measures it sets out, particularly in relation to noise, vibration and air quality.

Members should note that in the event the application is approved, a condition can be imposed which would require the development to be undertaken in accordance with the measures set out within the CEMP.

With regard to the above comments, it is considered that the bridge does not give rise to any significant impacts in relation to the amenity of the residential and business communities being developed on either side of the river. Rather, the erection of the bridge will be highly beneficial to the development of these communities and their attractiveness to future residents and businesses. The CEMP demonstrates that impacts during construction works can be adequately addressed, to ensure that the amenity of the locality is reasonably protected during the build programme. The proposals are therefore considered to be compliant with the requirements of the CSDP and NPPF in respect of these matters.

### **3. Implications in relation to design, visual amenity and built heritage**

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 118 advising that planning decisions should encourage multiple benefits from urban land.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives, function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

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

Aforementioned policy BH1 of the CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. Policy NE9 requires new development to incorporate high quality landscaping proposals as appropriate.

In terms of built heritage, a key requirement of the NPPF is that new development should consider the effect of a development proposal on the significance of heritage assets, such as Listed Buildings. Paragraphs 189 and 190 firstly require Local Planning Authorities to give consideration to the significance of the heritage asset affected by a development proposal, with paragraph 192 then stating that in determining planning applications, 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 193, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Paragraph 196 makes clear, however, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also relevant is paragraph 200, which states that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

Policies BH7 and BH8 of the CSDP are pertinent in the consideration of the current application; they build on the guidance of section 16 of the NPPF in terms of requiring new development affecting heritage assets to conserve, manage and enhance their significance as appropriate. The Riverside Sunderland SPD also sets out a commitment to ensuring development successfully integrates with key heritage assets.

In terms of views and landscapes, paragraph 170 of the NPPF states that new development should protect and enhance valued landscapes, with policy NE11 of the CSDP seeking to protect key views within the city, as identified by the draft A&D Plan.

As noted in the 'Representations' section of this report, Historic England and the Council's Urban Design and Built Heritage officers all endorse the approach taken to the bridge's design and appearance. The simple, sleek design and thin profile of the bridge is considered to be appropriate in the context of the new bridge's relationship with the Grade II Listed Monkwearmouth rail and Wearmouth road bridges, which are

landmark buildings within the city and wider region. The design will ensure the new bridge visually complements, rather than competes with, the existing historic bridges and will not obstruct views along the river gorge towards them. The new bridge will contribute positively to the character and appearance of the river gorge and combine with the existing historic bridges to form a very distinctive area of the City.

Both Historic England and the Council's Built Heritage officer also highlight that the presence of the new bridge will result in heritage benefits, in terms of providing a new opportunity for the existing historic Wear bridges to be viewed and experienced by members of the public. The Council's Built Heritage officer also points out that the bridge will enable the creation of new views towards the Bishopwearmouth Conservation Area to the south of the Vaux site. There may also be indirect benefits in that the erection of the bridge may mean the vacant NER stables building at its northern end becomes a more attractive proposition and opportunity for a prospective developer.

Overall, the relevant heritage consultees are of the view that the new bridge will actually enhance the setting of the existing historic bridges and other Listed buildings (i.e. the NER stables and former Wearmouth Colliery coal staithes) and have a positive impact in terms of the appreciation of heritage assets around the new bridge. It is considered that the bridge will become a new landmark structure for the city which will contribute positively to the character and appearance of the urban core and the river gorge and which will improve key views along the river corridor from all directions.

Some detailed elements of the bridge's final design are still to be determined, including the design of parapets and balustrades, treatment of materials, lighting proposals and landscaping proposals are still to be finalised. The documentation supporting the planning application does provide details of design options being considered for the parapets and balustrades, which are largely inspired by the area's industrial heritage, and it is clear that the intention is for the bridge to integrate with the wider landscaping scheme for the Vaux site and incorporate a linear planting feature into its deck. It is recommended to Members that in the event they are minded to approve the application, conditions be imposed requiring that final details of the parapets, balustrades, lighting scheme and landscaping are submitted for the approval of the Council as Local Planning Authority.

With the objectives of the NPPF and CSDP in relation to design quality and built heritage in mind, it is concluded that the proposed development will deliver a bridge which complements and actually enhances the setting of the Grade II Listed Wearmouth Bridges, the NER Stables building and the Wearmouth Coal Staithes and will allow for greater opportunities for the public to experience these heritage assets. The design approach for the bridge is considered to be appropriate and it will contribute positively and distinctively to the character and appearance of the river gorge and within key views along the river corridor, with the capacity for the bridge to become a new landmark for the city.

The proposed development therefore satisfies the requirements of the aforementioned sections and paragraphs of the NPPF, policies BH1, BH7, BH8, NE9 and NE11 of the Council's CSDP and the Riverside Sunderland SPD.

#### **4. Sustainable development objectives**

A key requirement of the NPPF (as set out at section 14) is that new development is sustainable and is cognisant to the potential effects of climate change and the role it can play in achieving local and national targets on emissions, renewable and low carbon energy and other sustainability objectives. Policy BH2 of the Council's CSDP, meanwhile, requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works. The Riverside Sunderland SPD also requires sustainability principles to be at the heart of development proposals in the area.

The Council also declared a climate emergency in 2019 and is committed to being 'carbon neutral' by 2030.

The planning application has been accompanied by a Sustainability Statement, in line with the requirements of policy BH2. Inevitably, the construction of the bridge does involve a relatively intensive use of materials and resources, including steel and concrete, the production of which does have a relatively high carbon footprint. The Statement does, however, set out how impacts on carbon emissions can be reduced by, for example, using recycled materials as opposed to 'virgin' steel and concrete, limiting the use of imported fill materials, using energy-efficient construction machinery and limiting and re-using construction waste. The planning submission sets out a commitment to integrating these reduction measures into the final design and construction programme for the bridge.

Once operational, the energy consumption of the bridge is very limited and would effectively amount to the energy consumed by the lighting scheme. It must also be taken into account that the bridge is designed to provide a traffic-free route which will encourage the use of sustainable modes of transport, most notably journeys made on foot and by bicycle, rather than the use of the car. In this way, it is considered that in the long-term, the development of the bridge will help to contribute towards the Council's sustainability targets and support its sustainability agenda.

In summary, whilst it is recognised that the construction phase of the bridge will not be carbon neutral, it is considered that the development of the bridge will ultimately have a positive effect on sustainability given that it will provide a more direct, traffic-free crossing of the river and encourage the undertaking of journeys by sustainable modes of transport. The proposed development is therefore considered to satisfy the sustainability objectives set out by the NPPF, policy BH2 of the CSDP and the Riverside Sunderland SPD.

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

Policies SP10 and ST1 of the CSDP support the enhancement of accessibility and movement through the wider City and the Urban Core by, amongst other measures, improving the cycle network, whilst policies ST2 and ST3 seek to ensure that new development has no unacceptable adverse impact on the Local Road Network. Policy SP7 aims to encourage good health and wellbeing by promoting development which

encourages active travel and lifestyles. Retained UDP Alteration No.2 policy NA3A.2 also seeks to improve cycle links to the Sheepfolds area.

The erection of the bridge is also supported by the Riverside Sunderland SPD as providing a direct, traffic-free route across the river to link the Vaux and Sheepfolds development areas.

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

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

Paragraph 110 goes on to advise that applications for development should:

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

As set out in the 'Representations' section of this report, the Council's Highways team have raised no objections to the proposed development. Ultimately, it is considered that the development of the bridge supports the Council's aspirations for improving accessibility and movement within the urban core and between the two banks of the river, supporting the redevelopment and regeneration objectives of the Riverside Sunderland SPD. The development of the bridge will enable journeys made on foot and by cycle, thus supporting the drive to encourage the use of sustainable modes of transport.

The documentation submitted with the planning application demonstrates that the bridge will be able to accommodate anticipated levels of usage, including before and after events held at the Stadium of Light. Additional information has been supplied in relation to security and public safety, which advises that the ends of the bridge will be fitted with bollards, which are designed to prohibit unauthorised vehicle access and withstand vehicle impacts but are retractable to allow for service, maintenance and emergency vehicles to access the bridge deck when required. The Council's Highways officer considers these measures to be acceptable.

The submitted Construction Traffic Management Plan is also considered to be acceptable, subject to the imposition of a condition requiring monitoring and review by the appointed Transport Coordinator, in consultation with the Local Highway Authority

Given the above it is considered that the proposed development fully aligns with local and national planning policies which encourage the use of sustainable modes of transport, with the bridge forming an integral, traffic-free connection between the banks of the Wear and the Vaux site/City Centre on its south side and Sheepfolds/the Stadium of Light to the north. As such, the proposals are considered to be sustainable from a highways perspective and therefore satisfy the objectives of paragraphs 108 and 110 of the NPPF, policies SP10, ST1, ST2, ST3 and SP7 of the CSDP, UDP Alteration No.2 policy NA3A.2 and the Riverside Sunderland SPD.

## **6. Implications of development in respect of ecology and biodiversity and trees**

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Ancient woodlands and veteran trees should also be protected. Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

Policy NE3, meanwhile, seeks to ensure valuable trees, hedgerows and woodlands are protected from development, unless any harm can be justified or mitigated.

The Riverside Sunderland SPD also sets out a commitment that development will achieve biodiversity net gain to enhance the ecological and biodiversity value of the river corridor and ensure that impacts on important habitats and species are adequately addressed.

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

and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

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

The planning application has been accompanied by a Habitats Regulations Assessment (HRA) report (dated December 2020), which is designed to inform the Local Authority's Appropriate Assessment in respect of the development's potential effects on the Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site and the Durham Coast Special Area of Conservation (SAC), collectively 'European sites'. For information, the Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

The submitted HRA Report notes that whilst the application site is some 2.5km from the nearest qualifying features of the European sites, the River Wear does represent a direct pathway to them. The application site is therefore functionally linked to the designated sites and harm could be caused to species using this functionally linked land. However, given the distance from the bridge to the designated sites, it is considered that the development will not result in additional recreational pressures occurring and nor will there be actual habitat loss or harm to species.

The assessment evaluates that the main potential impacts to qualifying/notable species from the project will be the following:

- o Noise/vibration disturbance to notable species and local wildlife, in particular aquatic species, by machinery during the construction phase;
- o Pollution of water, and therefore habitats and food sources;
- o Air pollution during the construction phase;
- o Increased urban edge effect - increased littering;
- o Introduction of invasive species.

The Report provides a mitigation strategy, to ensure that any impacts from the development remain as low as possible; recommended measures primarily involve working practices to minimise negative effects from noise and vibration, dust and air pollution, the pollution of water and habitats, litter and waste management and the introduction of invasive species. Subject to these measures being adopted, the Report concludes that the likely significant effects identified will be reduced to a suitable level and the integrity of the European sites will be protected.



Natural England and the Council's Ecologist have reviewed the HRA Report and there are no objections to the development in relation to its potential effects on the European sites and species. The Council's Ecologist notes that the information submitted within the Habitats Regulations Assessment enables the Local Planning Authority to conclude no adverse effect on the integrity of the European coastal sites, subject to the implementation of the recommended avoidance and mitigation measures (section 6.3 of the report).

The application has also been accompanied by a Preliminary Ecological Investigation (PEA), which considers the value of habitats affected by the development and its potential to affect protected and other species. The construction of the bridge will affect scrub woodland and grassland habitats to the banks of the river, although the PEA considers these to be of limited quality, importance and value, despite being located within the Wearmouth Riverside Park Local Wildlife Site. Of greater importance is the River Wear itself, which has a major role to play as a wildlife corridor and a feature which connects a range of habitats and greenspaces, including the nearby LWSs to either bank. Whilst the river will not be directly affected by the bridge, the PEA makes recommendations to ensure works do not result in run off and pollution and it also highlights that there will be some loss of habitat within the wildlife corridor and the potential for additional recreational pressure given that the bridge may encourage greater use of the riverside parks.

The development is considered unlikely to affect species such as bats, breeding birds, otter and hedgehog, providing appropriate precautions during construction works are taken. It is recommended that further advice is obtained from CEFAS and DEFRA, along with the MMO and EA, in relation to the potential impact on river fish.

Members should note at this stage that the development is also subject to a separate licensing process administered by the MMO, through which impacts on the river and wider marine environment, including during the construction phase, are being considered in greater detail, with regard to the policies contained within the draft North East Marine Plan. The MMO has already confirmed that the scheme does not require an Environmental Impact Assessment, given the nature of the development and the mitigation measures embedded into the construction works to minimise impacts on the river environment. A licence application has also been submitted to the MMO and it is anticipated that a decision will be issued shortly. It is also noted, however, that the MMO has not objected to the planning application. Overall, it is considered that the application demonstrates that the development can proceed without causing material harm to the river environment or conflicting with the relevant objectives of the draft NEMP.

The PEA provides recommended measures for pollution control and species and habitat protection, in the form of an Ecological Enhancements and Management Plan. The Plan's strategy involves:

- o Creation of species-rich grassland, native scrub planting and woodland management, to increase the ecological value of the site post construction.
- o Use of trees, scrub and grassland seed of local/UK provenance (where possible) in the landscaping scheme.

- o Removal and management of non-native and invasive species, throughout the site.
- o The adoption of the habitat management plan to ensure appropriate long-term management of the habitats of ecological value created on the site.
- o Development of an ecological monitoring programme to assess the success of the mitigation and enhancement scheme in relation to key habitats and species.

The Plan also recommends measures targeted towards delivering enhancements to protected and target species, such as bat boxes, breeding bird boxes and hedgehog shelters. The Plan proposes these interventions on areas of land to both sides of the river. The proposed enhancement measures are designed to achieve Biodiversity Net Gain, which, according to the metric submitted with the planning application, can be measured as a gain of 12.99%.

The Council's Ecologist advises that the recommendations for species and habitat protection set out within the submitted Preliminary Ecological Appraisal should also be adopted and implemented. Recommendations for the delivery of biodiversity net gain should be adopted and implemented in full and it is recommended that conditions are imposed which require confirmation that these measures can be delivered and maintained and monitored thereafter.

With regard to trees, whilst the proposed development will see the clearance of some trees within the woodland to the banks of the river, the Arboricultural Report submitted with the planning application does not consider the affected trees to be of significant value. None of the trees affected by the development have been surveyed as being of high amenity value and their loss will be compensated for by the additional woodland planting within the proposed Ecological Enhancement and Management Plan. The Report makes recommendations for measures to protect retained trees during construction works, through measures such as the erection of protective fencing.

With regard to the above comments, it is considered that the implications of the development in relation to ecology and trees are acceptable. Subject to the adoption of the recommended mitigation measures, it is considered that the development will not have a negative effect on European-designated sites, and nor will it unacceptably affect habitats and species within the river corridor. The proposed enhancement measures will serve to deliver biodiversity net gain, meaning the development will create measurable improvements to the habitats present within the river corridor. Additionally, whilst there will be some loss of trees through the development, none of the trees to be lost are of high amenity value and the proposed woodland management and planting proposals will adequately compensate for their removal. Subject to the conditions recommended by the Council's Ecologist to secure the recommended mitigation and enhancement measures, it is considered that the implications of the development in relation to biodiversity and ecology and trees are acceptable, in accordance with the objectives of the NPPF, policies NE2 and NE3 of the CSDP and the Riverside Sunderland SPD.

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

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development

away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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

The submitted Flood Risk Assessment and Drainage Strategy, which has been revised to address issues raised by the Council's Flood and Coastal team (in their capacity as Lead Local Flood Authority), identifies that whilst the River Wear channel is within Flood Zone 3 (highest risk of flooding), the plateaux and banks to either side of the river are within Flood Zone 1 (lowest risk of flooding). The bridge oversails the area classified as within Flood Zone 3, with physical works contained within Flood Zone 1 areas and on this basis, it is considered that the development is acceptable in the context of national and local flood-risk policies and compatible with the risk of flooding at the site. The FRA also notes that the proposed piers stand above the Mean High Water Spring (MHWS) and that the bridge will be at low risk from fluvial and surface water flooding.

The proposed drainage strategy will feature two linear drainage channels down the centreline of the bridge deck, connecting to a surface water carrier drain beneath the deck which in turn connects to a downpipe at the bridge's northern end. A new outfall would then be constructed to discharge into the River Wear, with scour protection provided to prevent scouring of the tidal flats.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development. The proposals have been considered by the Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) and some further details have been requested in order to provide confirmation that the proposed drainage strategy is acceptable.

It is anticipated that the required information will have been received and reviewed by the LLFA prior to the Committee meeting and Members will be provided with an update on this matter ahead of the meeting.

## **8. Implications of the development in respect of ground and groundwater conditions**

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or

being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178, meanwhile, states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Policies HS1 and WWE4 also seek to ensure new development will not be of detriment to water quality, including both surface water features, such as rivers, and groundwater sources, such as aquifers.

The proposals have been considered in detail by the Environment Agency, who note that the site is sensitive due to the presence of a Principal Aquifer, namely the Wear Magnesian Limestone Aquifer. In response to consultation, the EA has advised that the Geotechnical and Geoenvironmental report submitted with the planning application indicates that it will be possible to manage risks to controlled waters posed by the development, although some further detailed information is required before development can commence.

Some further information is also requested in relation to ground conditions and pollution risks arising from previous uses of land affected by the proposed development. Given that land on both banks of the Wear have been subject to historic heavy industrial activity, risks from pollution and contamination are relatively high. Again, mobilisation of these contaminants could present a risk to the condition of controlled waters.

The EA does not, however, consider it necessary for the requested information to be supplied before the determination of the planning application and has therefore recommended that a series of conditions be imposed in the event the application is approved. These conditions would require:

1. The submission of a remediation strategy, to include the undertaking of additional site investigations and the production of a verification plan;
2. The submission of a verification report to demonstrate the completion and effectiveness of the agreed remediation works;
3. The agreement of a long-term monitoring and maintenance plan, in respect of contamination;
4. Restrictions on the use of piling during construction works;
5. The preparation of a remediation strategy in the event unexpected contamination is encountered;

The discharge of the conditions set out above would be subject to further consultation with the Environment Agency and it is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

With regard to the above, it is considered that subject to the imposition of the recommended conditions, the implications of the development in respect of pollution and ground and groundwater conditions are acceptable, in accordance with the

requirements of policies HS1, HS3 and WWE4 of the CSDP and paragraphs 170 and 178 of the NPPF.

### **9. Implications of development in relation to archaeology**

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

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

The Riverside Sunderland SPD also seeks to ensure historic and cultural heritage, including archaeology, is conserved and enhanced as appropriate.

In response to consultation, the Tyne and Wear County Archaeology officer notes that the archaeological desk-based assessment submitted with the planning application recommends that further archaeological work will be required, as archaeological resources are likely to be affected by the development.

To this end, the County Archaeologist has advised that an archaeological excavation will be required at both the north and south landing points of the bridge. This work is required at the Northern Landing point as the proposed works will potentially impact Priestman and Co Shipbuilding Yard (Historic Environment Record 4692) and any surviving remains of the Thrylstanhugh coal staith (HER 75). An archaeological excavation is also required for the Southern Landing point as this is located in an area where evidence of a prehistoric settlement dating from the Mesolithic through to the Iron Age has previously been identified on the southern bank (HER 7111, see Events 2447, 4364, 6484 and 4924).

At the Sheepfolds compound it is envisioned that groundworks will be kept to a minimum as the floor slabs from the demolished buildings will be used. Groundworks may be required for the installation of drainage connections. Archaeological monitoring should be undertaken if below ground drains are installed in the Sheepfolds compound area because early modern structural remains survive at a low depth within the compound's site boundary (see Events 4642, 4780, 4781 and 4928). Archaeological monitoring as a watching brief is also recommended at the crane lifting sites and compound areas subject to the results of the phase 2 geotechnical investigation report.

The County Archaeologist has requested the imposition of a series of conditions in order to secure the additional excavations required at the application site. The conditions would require the undertaking of a programme of archaeological fieldwork at the bridge's northern and southern landing points, followed by the preparation and publication of a report into the findings. Watching brief conditions are recommended in relation to the areas to be used for site compounds.

Subject to such conditions, it is considered that the requirements and objectives of the NPPF, policy BH9 of the CSDP and the Riverside Sunderland SPD have been addressed and the proposals are acceptable in respect of archaeological considerations.

## **CONCLUSION**

The development of the proposed high-level footbridge across the River Wear between the Vaux site and Sheepfolds is a key element of the Council's vision for the Riverside Sunderland area, as set out within the Council's adopted Riverside Sunderland SPD and supported by policies SP2 and SS1 of the Council's adopted Core Strategy and Development Plan. It will connect the new residential and business communities being created on both banks of the river and will have a wider role to play in improving connections within the urban core of the City and creating links between the facilities, attractions and institutions on both sides of the river, including the University campuses and the Stadium of Light. The delivery of the bridge will provide an attractive, traffic-free crossing of the river, thus encouraging the undertaking of journeys on foot and by cycle and improving the provision of pedestrian and cycle routes in the urban core.

The erection of the bridge is therefore considered to be integral to the delivery and success of the social, environmental and economic regeneration objectives and opportunities set out within the Riverside Sunderland SPD and it will also support the Council's wider sustainability agenda by creating a new and direct pedestrian- and cyclist-friendly route across the river.

The proposals for the bridge have been developed with clear regard to the environmental sensitivity of the site, including its proximity to key heritage assets and the ecological value of the river corridor. The simple, sleek design of the bridge is considered to be appropriate in the context of the setting of the Grade II Listed Monkwearmouth rail and Wearmouth road bridges, the former NER stables and the Wearmouth Colliery coal staithes and, as highlighted by Historic England and the Council's Built Heritage officer, the bridge will create opportunities for these heritage assets to be viewed and experienced in new ways. The bridge will contribute positively to the character and appearance of the river gorge and add to key views along the river corridor.

The ecological reports and surveys submitted with the application demonstrate that the bridge can be developed without resulting in unacceptable harm to habitats and species found within the river corridor and that the development will serve to deliver biodiversity net gains through contributions to habitat improvements. Through the submitted Habitats Regulations Assessment, the application has also demonstrated that it will not have a significant adverse effect on the European-protected coastal sites and species, which are functionally connected to the application site via the river.

It is also evident that the bridge will be able to satisfactorily co-exist with the business and residential communities being created on both banks of the river and that impacts on amenity and the local environment during construction works can be satisfactorily

minimised and mitigated, as set out in the comprehensive Construction Environmental Management Plan submitted with the application.

The proposals have been carefully considered by the Environment Agency in respect of issues relating to ground and water pollution. There are no objections in relation to these matters, subject to the submission of additional information and restrictions on certain working practices, as set out by the recommended conditions.

Additionally, it is considered that the development can address issues relating to the archaeological sensitivity of the site, with further archaeological investigations secured via the conditions recommended by the Tyne and Wear County Archaeology officer.

The sustainable drainage proposals for the development are still being considered by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority. It is envisaged that this will be resolved prior to the Committee meeting and an update will be provided to Members ahead of the meeting.

It is considered clear that the development of the bridge will bring about significant benefits in that it will help to support and deliver the social, economic and environmental regeneration objectives of the Riverside Sunderland area. Additionally, it will support the Council's sustainability agenda by providing a traffic-free river crossing, thus encouraging journeys made on foot and by bicycle. The construction of the bridge will also deliver economic benefits in terms of direct and indirect job creation, albeit on a temporary basis.

Taking into account the comments and advice from the wide range of consultees who contributed to the planning application process, it is considered that the impacts and implications of the proposed development in relation to amenity, built heritage, ecology and biodiversity, ground and groundwater conditions, pollution, highways and transport, flood risk and drainage and archaeology are acceptable, subject to the imposition of the recommended conditions.

It is considered that the proposed bridge fully aligns with the policies and objectives of the Riverside Sunderland SPD and key policies SP2 and SS1 of the Core Strategy and Development Plan and is also in accordance with the other relevant policies of the CSDP, the relevant retained policies of the UDP and UDP Alteration No. 2 and the draft policies of the Allocations and Designations Plan. The proposals are also considered to satisfactorily address the relevant policies and objectives of the draft North East Marine Plan and the NPPF.

It is considered that the bridge represents the sustainable development sought by the NPPF and the Council's Core Strategy and Development Plan. It is therefore recommended that Members Grant Consent for the development, under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the satisfactory resolution of sustainable drainage contribution and subject to the conditions below.

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

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

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

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

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

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

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

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

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

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



**RECOMMENDATION:** GRANT CONSENT, under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to outstanding drainage issues being satisfactorily addressed and subject to the draft conditions below:

**Conditions:**

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

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

- o Planning Application Boundary and Site Layout SCC-NWF-ATK-SBR-XX-DR-CB-000100 P05.1
- o Constructions Sequence Sheet 1 SCC-NWF-ATK-SBR-XX-DR-CB-000101
- o Construction Sequence Sheet 2 SCC-NWF-ATK-SBR-XX-DR-CB000102
- o Construction Sequence Sheet 3 SCC-NWF-ATK-SBR-XX-DR-CB-000103
- o Haunched Steel Box Girder General Arrangement SCC-NWF-ATK-SBR-M3-CB-000001
  
- o Drainage Layout Drawing SCC-NWF-ATK-SBR-XX-DR-CD-000104 P02
- o Drainage Strategy SCC-NWF-ATK-SGN-RP-CD-000102 dated 16 December 2020
- o Flood Risk Assessment SCC-NWF-ATK-SGN-RP-LW-000101 dated 16 December 2020
  
- o Arboricultural Appraisal Report DEV201111-618 REV1 dated 01/03/2021
- o Tree Protection Plan MWA TPP 002 dated 01/03/2021
- o MWA Tree Survey Schedule DEV-180719-322
  
- o Geotechnical and Geoenvironmental Desk Study Report SCC-NWF-ATK-SBR\_BN-RP-CB-000005 dated 16 December 2020
  
- o Construction Noise Assessment NJD20-0190-003R dated December 2020
- o Noise Assessment NJD20-0190-002R dated December 2020
- o Air Quality Assessment NJD20-0190-001R dated December 2020
- o Transport Statement SCC-NWF-ATK-SGN-RP-TR-000104 dated 16 December 2020

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

3 The development hereby approved will be carried out in accordance with the Construction Environmental Management Plan NB047-SCC-LSI-B-DOC-ZM-0001 P02 and the Construction Transport Management Plan and Pedestrian & Cycle Route Closures and Diversions Report by Atkins dated 16 December 2020, unless other minor variations are agreed in writing with the Local Planning Authority. The development must then be carried out in accordance with any such minor variations as agreed with the LPA.

Reason: in order ensure construction works respect the local environment, amenity and transport network and to accord with the objectives of policy HS1 of the CSDP.

4 The development hereby approved shall be carried out in accordance with the recommendations for species and habitat protection and mitigation outlined in Section 5 of the Preliminary Ecological Appraisal December 2020 report by DWS Ecology and all recommended measures should be adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

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

5 The development hereby approved shall be carried out in accordance with the recommendations for biodiversity net gain outlined in Section 5.6 of the Preliminary Ecological Appraisal December 2020 report and detailed in the Ecological Enhancement and Mitigation Plan by DWS Ecology and should be adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure the delivery of biodiversity net gain and comply with the objectives of policy NE2 of the CSDP.

6 Prior to commencement of development, details of a sustainable long-term maintenance and monitoring programme for ecological mitigation and enhancement measures, including details of ownership organisation should be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless other minor variations are agreed in writing with the Local Planning Authority.

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

7 Prior to construction of the bridge deck, full details of the final design of the bridge deck, including parapet, materials and colour finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: in order to ensure final details of the bridge design are acceptable and comply with the objectives of policies BH1 and BH8 of the CSDP.

8 Prior to construction of the bridge deck, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; planting plans including written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees, plants, noting species, sizes and proposed numbers/ densities. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure final landscaping details are acceptable and to comply with the objectives of policy BH3 of the CSDP.

9 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the 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. It is expected that a remediation strategy will include a plan for the decommissioning of any ground investigation boreholes.
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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10 Prior to any part of the permitted development being brought into use, a verification report demonstrating the 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.

Reason: to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

11 The development hereby permitted shall not be brought into use until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason :To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

12 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details which should be in the form of a Piling Risk Assessment, as highlighted in the Initial Conceptual Site Model, in table 9-2, within the desk study.

Reason: To ensure that piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N: 'Groundwater Resources', of the 'The Environment Agency's approach to groundwater protection'.

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution

from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

14 Prior to the installation of any external lighting to the bridge deck, full details of the bridge deck lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved detail unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure that the lighting scheme has an acceptable impact on the local environment and to comply with the objectives of policy HS1 of the CSDP.

15 No groundworks or development shall commence at the north and south bridge landing points until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

16 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (15) has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

18 No groundworks or development shall commence in the compound and crane areas of the site 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 approved by the Local Planning Authority after the submission of the geotechnical investigation results. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

19 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (18) has been submitted to and approved in writing by the Local Planning Authority.

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

20 Within one month of the commencement of development, the appointed Transport Co-Ordinator for the development shall undertake a review of the submitted Construction Transport Management Plan (CTMP), in consultation with the Council as Local Planning Authority. The CTMP shall then be subject to ongoing monitoring and review in accordance with a programme to be determined as part of the initial review with the LPA.

Reason: in order to ensure the CTMP properly addresses potential effects on the local highway network for the duration of construction works, in accordance with policies ST2 and ST3 of the CSDP.

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**Reference No.:** 21/00112/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of a building to form a multi-storey car park containing 12 split levels with vehicular access from Farrington Row, with associated earth works, landscaping, drainage and infrastructure provision (amended plans received 19 March 2020, including amendment to red line boundary shown on the location plan)**

**Location:** Land Bounded By Farrington Row To The West And The A1231 To The South Sunderland

**Ward:** Millfield  
**Applicant:** Sunderland City Council  
**Date Valid:** 22 January 2021  
**Target Date:** 23 April 2021

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## **PROPOSAL:**

The application seeks full planning permission for the construction of a car park at Farrington Row, Sunderland.

The site lies to the south west of the former Vaux site in the City Centre. The site has an irregularly shaped plan form and covers around 0.81 hectares. The surrounding land uses include the wider Vaux site (including Galley's Gill Riverside Park immediately to the east), a retail park to the west on the other side of Farrington Row and residential to the south west.

The proposed car park would have a broadly rectangular plan form covering circa 3,650 square metres and provide 601 parking spaces across 12 levels. The proposed building would be around 21.5 metres in height; finished with cladding panels and a green wall. There would be landscaping around the site and proposed main pedestrian and vehicular access would be off Farrington Row.

The application initially included a sustainable urban drainage system (SUDS) to the north east in Galley's Gill. The agent has recently amended the red line boundary on the location plan to remove this area.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Neighbour Notifications

## **CONSULTEES:**

Northumbria Police  
Marine Management Organisation  
Natural England

Millfield - Ward Councillor Consultation  
Flood And Coastal Group Engineer  
Northumbrian Water  
Flood And Coastal Group Engineer  
Environmental Health  
Land Contamination  
Network Management  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Northumbria Police  
Northumbrian Water  
Nexus  
Tyne And Wear Archaeology Officer  
Northumbrian Water  
North Gas Networks  
Northern Electric  
Historic England  
Environment Agency  
Port Manager  
Marine Management Organisation  
The Highways England  
Environment Agency

Final Date for Receipt of Representations: **05.04.2021**

## **REPRESENTATIONS:**

There has been a representation received from a local Elected Member which has been given consideration in the relevant sections of the report below.

## **POLICIES:**

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

Draft Allocations and Designations Plan (2020)

City of Sunderland: Low Carbon Framework

City of Sunderland: Landscape Character Assessment (2015)



## **COMMENTS:**

### **Principle of the Development**

The Core Strategy, at policy SP1, states that to

"support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will... ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs". The proposed development would make a contribution towards the above policy by providing a car park to support the redevelopment of the former Vaux site and the wider city centre.

The Core Strategy, at policy SP2, identifies the site as lying within the "Urban Core". The policy says that "The Urban Core will be regenerated and transformed into a vibrant and distinctive area". The proposed development would make a contribution towards the above policy by providing car parking to support the development of the wider Vaux site and the city centre.

The Core Strategy, at policy ST1, says that "Accessibility to and movement through the Urban Core will be enhanced by... improving the provision of car parks around the ring road". The proposed development would make a contribution towards the above policy by providing a car park near the ring road.

Officers therefore consider that the principle of the proposed development would accord with the development plan.

The Council, subsequent to Core Strategy, adopted a Supplementary Planning Document entitled "Riverside Sunderland". The Document, at section 2.1, describes the area covered as

"It is a large (approximately 38 ha) site, which overlaps with and extends beyond the traditional commercial core of the City Centre. The site, which straddles the River Wear, extends from High Street West in the south, across St Mary's Boulevard to the former Vaux Brewery site which overlooks the Wear. On the south bank of the river, the site also includes the riverside, Galley's Gill, Farringdon Row and Ayre's Quay. On the north bank it includes the riverside and the Sheepfolds area, which lies adjacent to the internationally recognised Stadium of Light, home to Sunderland Association Football Club."

The Document, at paragraph 1.1, says that

"Sunderland City Council has bold ambitions and aspirations for Riverside Sunderland which, over the next 20 years, will be established as a successful business location, a popular place to live and a focal point for civic, cultural and community life"

The Document continues by providing, at Section 3.8, a "Strategic Masterplan" which shows the provision of a car park towards the south west of the Riverside Sunderland area.

The Document subsequently identifies six localities within Riverside Sunderland; with the site forming part of an area termed "Farrington Row / Ayres Quay". The Document describes the area as

"The Farrington Row / Ayre's Quay site wraps around the western edge of Galley's Gill and follows the river upstream as far as the timber yard. It is contained to the west by the street of the same name. Most of this area was occupied by the former coal-fired Sunderland Power Station, which was demolished in 1979. Other historic uses include a coal depot and a scrap yard. It is connected to The Vaux site by Galley's Gill footbridge. The area is partly cleared and areas have been remediated, but it has become overgrown. The site is bordered to the west by commercial and retail outlets and much of the southernmost part of the site, where it is bounded by the A1231, has also been cleared and levelled, with significant infrastructure improvements as part of the city-wide Sunderland Strategic Transport Corridor (SSTC) project. Whilst the area is relatively level, there is a considerable drop along its eastern side, down to Galley's Gill, and to the north down towards the river"

The Document continues, at Section 5, by providing "Site Specific Design Guidance". The relevant subsection, 5.2, says that for the Farrington Row / Ayres Quay

"It is anticipated that this will be developed in three parcels: the south end of the site, adjoining the SSTC, will consist of parking facilities..."

The subsection also specifically includes a table which includes a column entitled "Design Element" stating that there should be "Parking to support Riverside Sunderland and the wider City Centre".

Officers therefore consider that the material consideration above, i.e. the Riverside Sunderland SPD, should be given significant weight in the decision making process and indicates that a decision should be made in favour of the proposed development.

The Council has also recently undertaken consultation for a draft Allocations and Designations Plan (A&D Plan). The consultation expired on 12 February 2021 and the planning policy team are currently given consideration to the representations which have been received. Given that the Plan remains in the early stages of preparation, officers consider that the A & D Plan should be given very limited weight in the determination of the application in question.

Officers would, notwithstanding the paragraph above, draw to attention that the A & D Plan does identify the site as forming part of Riverside Sunderland. The relevant policy, SS8, says that "Development within Riverside Sunderland must be in accordance with the Riverside Sunderland SPD, this includes the required and acceptable land uses for each neighbourhood". Officers would draw to attention that consideration of the SPD can be seen in the paragraphs above.

In terms of other material considerations the Council, subsequent to the adoption of the Core Strategy and the Supplementary Planning Document, adopted a "Low Carbon Framework". The Framework says "Sunderland is committed to playing its part in tackling the global climate change emergency" and that "We are proposing to

embed climate change and carbon neutrality throughout our city". The Framework specifically says that

"local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy"

In summary, officers consider that the principle of the development would accord with the development plan through making a contribution towards policies SP1, SP2 and ST1 of the Core Strategy.

In terms of material considerations, officers consider the proposed car park would closely align with the adopted Supplementary Planning Document entitled "Riverside Sunderland" by providing car parking within Farrington Row / Galleys Gill which would support Riverside Sunderland and the wider City Centre.

In terms of other material considerations, officers also consider that determining the proposed development using the policies within the Core Strategy would ensure accordance with the recently adopted "Low Carbon Framework" given the comment within the Framework that

"local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy"

Officers therefore consider that the principle of the proposed development can be supported and that consideration should be given to any detailed impacts. These can be seen below.

## **Amenity**

The proposed car park would not appear to lead to a material loss of day light or privacy for the occupiers of existing buildings and land.

The Environmental Health Officer, in terms of air quality, has advised that

"A site wide Air Quality Assessment was submitted with the hybrid application (15/02557/HY4) for the Vaux site. The hybrid application considered car parking associated with the new development as a whole.

The AQ assessment used a dispersion model to assess the impact of the increase in car parking and the results indicated that none of the Air Quality Objectives would be exceeded by the redevelopment of the Vaux site."

The Environmental Health Officer has also advised, in terms of noise, that

"The closest sensitive receptors are considered to be the existing dwellings on Hylton Road and Rose Street and the proposed new homes on the Vaux site. The development is not expected to increase traffic numbers on the adjacent roads and for this reason, an associated increase in noise will not arise. Hence, a full noise assessment was not requested for this specific development."

The Environmental Health Officer has further advised that there should be a condition ensuring the provision of a Construction Environment Management Plan.

The Environmental Health Officer has, in conclusion, advised that they have "considered the submitted documentation and considers that ; The development is acceptable".

In the absence of any material considerations to the contrary, officers consider the proposal accords with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033); subject to the recommended conditions.

## **Design**

The submitted Design and Access Statement says that

"The MSCP has been designed to reflect its prominent position as a gateway to the Riverside Sunderland regeneration area.

A limited palette of materials has been designed to wrap and enhance the functional nature of the building.

The narrative of the façade has been developed from exploration into the car park precedents and a series of options have been explored.

The facade aims to maximise light into the spaces and to allow views out across Galley's Gill. The mesh facade itself has been articulated into panels to allow for the inclusion of a large graphic spanning across them on the east and west facades. There is an opportunity to commission specialist artwork for these areas.

The car park has been considered both during the day and at night. Painted soffits could allow the car park levels a coloured glow from the building at night and provide a warm welcoming environment internally for car park users.

A lower podium is expressed as a green wall which sets a level across the building and links it to the surrounding landscape to encourage biodiversity and help the building bed into the environment and reflect the relationship and proximity to Riverside Park.

The green wall is continued up the circulation cores to the north and south providing an anchor and focal point especially at the southern gateway signifying the commitment to a sustainable design and future ready city."

The Council's Design Officer has advised that they "have no objections to the proposal". They have further stated that

"The site is located on a gateway into Sunderland Riverside and a Strategic Transport Corridor.

The built form will primarily consist of a mesh façade with graphic illustrations interspersed with vertical sections of 'green walls.' The striking contemporary design for a functional building is a welcome approach and a positive response to the site's prominent location.

The vertical emphasis introduced through the green walls serves to break up the overall massing of the structure. The proposed development also responds to the sloping topography of the site whilst retaining an appropriate scale.

The pedestrian and cycle connections are considered appropriate and increase levels of permeability into the wider Riverside Sunderland Masterplan area".

Recommend that materials, including graphic illustrations to the metal cladding, and lighting are conditioned."

In terms of material considerations, a local Elected Member has expressed support for the artwork to be incorporated into the design. They have asked whether there will be a requirement for an open commission for a public art piece to be incorporated into the building.

The agent has advised that they are currently reviewing the incorporation of public art into the building. Officers would draw to attention that the Design Officer has sought a condition for details of the graphic illustrations to the metal cladding.

The Police Architectural Liaison initially raised some queries; such as the details of the proposed lighting scheme and whether there would be CCTV. The agent subsequently prepared a response and the Police Architectural Liaison have confirmed that "I acknowledge and accept the response from the Agent and feel that discharges our concerns". Officers have recommended conditions accordingly.

The Tyne & Wear Fire and Rescue Service have said "The Fire Authority have no objections, subject to the provisions detailed in the enclosed report". The report in question comprises an excerpt from the Building Regulations; which would not be a matter for consideration during the determination of the planning application.

The response from the Tyne & Wear Fire and Rescue Service also says "Please advise if this is to be a timber framed construction". Officers would advise that the construction material for the frame of the proposed building would not be a planning matter and can be given consideration at the Building Regulations stage.

Northern Gas Networks have provided advice concerning the construction phase of the proposed works. Officers would advise that these documents have been uploaded onto the public access website and can be viewed by any contractor in due course.

In the absence of any material considerations to the contrary, officers consider the proposal accords with policies BH1 and BH2 of the Core Strategy and Development Plan (2015-2033); subject to the recommended conditions.

## **Drainage**

The submitted Flood Risk Assessment identifies that the site lies within Flood Zone 1 (i.e. land with a low risk of flooding from rivers or the sea). The Assessment also says that the site "is located to the south of the River Wear with no associated flooding incidents recorded" and "no recorded incidents of sewer flooding or overland flooding".

Officers would advise that matters relating to drainage are still under consideration and an update will be provided for Members in due course.

## **Ecology**

The submitted Preliminary Ecological Assessment identifies that there are no statutory designated sites within 2km of the site. The Assessment continues by saying there are four records of non-statutory Local Wildlife Sites within 2km, namely Wearmouth Riverside Park (adjacent), Sunderland South Docks (2km east), Mowbray Park (0.9 metres south east) Mowbray Park (0.9 metres south east) and North Dock Tufa (2km north east). The Assessment further states that "the site of the proposed carpark is mostly dominated by bare ground, bordered by hardstanding. Patches of scrub, and introduced shrubs are found at the edges of the bare ground. These habitats are relatively widespread and common throughout the UK".

Officers would advise that matters relating to ecology are still under consideration and an update will be provided for Members in due course.

## **Groundworks**

The submitted Phase II Intrusive Investigation states that there would be "no risk to the site is posed by coal mining instability and that "groundwater was not encountered during investigation of the site". The Investigation subsequently states that a "Detailed Remediation and Verification Strategy will be subsequently required".

The Council's land contamination consultant has advised that they "consider the submitted evidence adequate to discharge any contaminated land planning conditions relating to site/ground Investigation and submission of remediation strategy only". They have recommended conditions for a verification report.

The Environment Agency has also advised that they "have no objection to the application as submitted".

In the absence of any material considerations to the contrary, officers consider the proposal accords with policy HS3 of the Core Strategy.

## **Health**

The Core Strategy, at policy SP7, says that an applicant should "submit a Health Impact Assessment as part of any application for large-scale development". The glossary within the Core Strategy defines a Health Impact Assessment as "An assessment of the potential impacts of a plan or project upon the health of a population and the distribution of those effects within the population".

The submitted Health Impact Assessment identifies that the health impacts of the proposed development would either be neutral or positive. The Assessment gives thorough consideration to the potential health impacts, in accordance with the definition above. Officers would advise that there would not appear to be any reason to disagree with the conclusions presented within the Assessment.

In the absence of any material considerations to the contrary, officers consider the proposal accords with policy SP7 of the Core Strategy.

## **Heritage**

The submitted Archaeological Desk-Based Assessment which covers the wider Vaux site says that "It is recommended that appropriate programmes of mitigation are agreed where there is likely to be an impact on the archaeological resource".

The Tyne & Wear Archaeologist has advised that for the "Multi-storey car park area-No further archaeological work required". The Archaeologist has made further comments; but these relate to areas of land that are no longer include within the red line boundary on the amended site location plan.

The Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The Planning (Listed Buildings and Conservation Areas) Act 1990 also states, at Section 72, that "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The submitted Heritage Impact Assessment identifies the heritage assets whose setting could be affected by the proposed development. These include Bishopwearmouth Conservation Area, Monkwearmouth Bridge (Grade II), Wearmouth Bridge (Grade II), the Ship Isis (Grade II) to the south east of the site and the Church of St Michael (Grade II\*). The Assessment concludes by saying "Overall, the proposed development on the site will have a neutral impact on the setting of the heritage assets and will have no impact on their significance".

The Council's Conservation Officer has advised that the heritage assets selected for consideration by the Assessment are "considered proportionate and appropriate to the impact of the proposals". The Conservation Officer has stated that "The proposed development will make a positive contribution to local character and distinctiveness and will have some minor beneficial impacts on the settings of Sunderland Minster, ISIS public house and Bishopwearmouth Conservation Area". The Conservation Officer has recommended conditions for the landscaping and details of the materials.

Historic England have also advised that they "do not wish to offer any comments".

In the absence of any material considerations to the contrary, officers consider the proposal accords with policies BH7 and BH8 of the Core Strategy; subject to the recommended conditions.

## **Highway**

The submitted drawings show a proposed pedestrian / vehicular access off Farringdon Row and a further pedestrian access of Silksworth Road. The submitted Transport Statement says that the proposed development would provide 500 parking spaces for development on plots 16, 17 and 18 (a triangular piece of land to the east of the site) and 150 spaces for "Vaux Residential and future Farringdon Row residential developments". The Statement continues by saying that it "is forecast to result in a re-assignment of trips associated with the Vaux masterplan development as opposed to generating any new trips". The Statement concludes by saying "The development is forecast to have a minimal impact on the operation of the adjacent highway network".

The Local Highway Authority have advised that "It is considered that the site is situated in a very accessible location close to the City Centre and the wider Riverside proposals", the "vehicular access from Farringdon Row is appropriate to serve the proposed development" and "Having reviewed the TA (Transportation Assessment) Transportation Development considers this conclusion acceptable".

The Local Highway Authority have also advised that matters relating to detailed design of the proposed access would be dealt with via a Section 278 agreement under the Highway Act. They have recommended conditions for a parking management plan to encourage car sharing by future employees at the adjacent commercial developments.

The operator of the A19, Highways England, have advised that they "would not wish to offer any objection to the proposals".

Nexus have also advised that they have

"no comments on the principle of this proposal, other than to assume that the scale of the proposed facility is the minimum commensurate with the principle of development in city centre locations affording priority to modes of travel by residents other than the private car".

Nexus have further stated that



"On the specifics of the site, bus stops are close enough to the site to enable any onward travel by bus, but far enough away not to be directly affected by construction traffic. Also, the proposed development is close enough to Sunderland station to encourage 'park and ride' by Metro and local rail, should users wish to do so during evenings and weekends when some public parking is proposed"

There has been a representation from a local Elected Member asking if the proposed 20% electric car parking spaces (115) could be increased to 40% given the City's commitment to a lower carbon footprint. The agent has advised that the

"building infrastructure has been sized to accommodate the future expansion of electric vehicle charging points and therefore, the car park is enabled to allow additional electric bays to be incorporated at a later date. This would require an additional application to Northern Power Grid for a new, increased power supply at the appropriate time."

Officers therefore consider that the proposed development includes the relevant infrastructure to increase the proportion of electric parking spaces if necessary.

The same representation also says

"In the planning / documentation for the housing of the Riverside Development, the car park was mentioned as the location for residents who had / required a vehicle to use this car park. What is the walking/journey time from the proposed properties. Is there planning for improving existing the foot bridge access to have it covered. If this the journey time is excessive, or troublesome, this could impact the viability of the project.

Can the journey time be clarified, and methods, modes of reducing this / providing cover be clarified. Can it also be clarified if existing residents (as mentioned in point a) will be able to claim/hold a resident bay."

The agent has responded by saying

"In accordance with the Riverside Sunderland Masterplan aspirations, the Vaux development is intended to have minimal vehicular traffic, with parking for residential properties contained within the proposed MSCP. We understand that the Vaux housing planning application contains further details on short stay drop off and mobility parking facilities, however, we cannot comment further as this does not form part of the MSCP planning application. There are currently no plans to cover the route between the MSCP and residential development.

The Vaux residential Transport Statement sets out that future residents of the Vaux housing development (and Farrington Row in due course) will be advised that when renting or purchasing properties, they will not be allocated a parking space in the proposed MSCP. They will however be able to apply for a permit to park at one of the 150 available spaces which can be accessed within a convenient three-minute walk (approximately 200m).

Individual bays will not be assigned to a particular property in order to optimise the space usage, however, it is the intention that residents will be able purchase permits, replicating the existing SCC system operated for other city centre residents, but will have the added capability to pre-book spaces via the smart systems being installed.

In addition, whilst 500 spaces have been allocated for commercial uses within the proposed MSCP, it is proposed that these spaces will be made available to both residents and members of the public during offpeak periods including evenings, weekends and bank holidays. This will provide additional capacity for residents or visitors who may require a parking space during these times."

The same representation has also queried whether there would be bays for car sharing organisations. Officers would draw to attention that the Local Highway Authority have recommended a condition for a parking management plan to encourage car sharing by future employees at the adjacent commercial developments.

In the absence of any other material considerations to the contrary, officers consider the proposal accords with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

## **Landscape**

The Landscape Character Assessment identifies the site as lying within an "Urban Limestone Gorge" which has key characteristics including a "mix of old heavy industry and docks, with new land uses introduced by regeneration", "busy communication routes along the river" and "series of landmark bridges carrying road and rail links". The Assessment continues by identifying that the area has a "largely industrial and commercial context". The Assessment specifically says that for vacant land the Council should "Promote reuse of empty sites" and "ensure new development addresses the riverside rather than turns away from it".

The proposed development would add to the regeneration noted within the description of the Urban Limestone Gorge and would sit within the largely industrial and commercial context of the area. The proposed development would also use an empty site and the northern elevation facing the riverside would have a green wall and multi-coloured panels.

Although made within the context of design, officers consider that the comments from the Urban Design Officer are relevant. They have said that

"The site is located on a gateway into Sunderland Riverside and a Strategic Transport Corridor.

The built form will primarily consist of a mesh façade with graphic illustrations interspersed with vertical sections of 'green walls.' The striking contemporary design for a functional building is a welcome approach and a positive response to the site's prominent location.

The vertical emphasis introduced through the green walls serves to break up the overall massing of the structure. The proposed development also responds to the sloping topography of the site whilst retaining an appropriate scale."

Although made within a heritage context, officers also consider that the comments from the Conservation Officer are relevant. They have said that

"In design terms the car park is high quality for such a functional building, with interesting features such as the Green Wall, perforated metal cladding and graphic artwork. It is considered it will make a positive contribution to the townscape and urban landscape of this part of the City, which is important at one of the key gateways into both the City Centre and Riverside Sunderland area."

In the absence of any material considerations to the contrary, officers consider the proposal accords with policies NE9 and NE11 of the Core Strategy and Development Plan (2015-2033).

## **Procedure**

There has been a representation from a local Elected Member asking if neighbourhood notification letters could be sent to the flower streets (i.e. Rose St, Violet St, May St, Lily St), Alliance Place and Gilhurst Grange ( Johnson St, Gilhurst Grange).

Officers would, however, draw to attention that the relevant Order - The Town and Country Planning (Development Management Procedure) (England) Order 2015 - says that a notice should be served on "any adjoining owner or occupier". Officers did arrange for 48 properties to be notified; including the three easternmost dwelling houses for each of the flower streets. The application has also been advertised in the local press (Sunderland Echo) and sites notices have been displayed. Officers therefore consider that there has been a widespread notification exercise, in excess of that required by the above Order.

## **Trees**

The submitted Arboricultural Impact Assessment identifies that the proposed development would involve the removal of one group of trees and six individual trees. The Assessment identifies that the "all of these 7no elements fall into Category C and are unremarkable trees / tree features who's retention is not desirable in the context of the development and its surroundings". The Assessment defines Category C trees as being "Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm".

Officers would also draw to attention that the applicant has submitted an illustrative landscape masterplan which shows that there would be tree planting upon completion of the proposed development.

Officers therefore consider that the loss of Category C trees and their replacement with new trees as part of a landscaping scheme means that the proposal would not have a material impact upon the tree stock with the site and wider area.

In the absence of any material considerations to the contrary, officers consider the proposal accords with policy NE3 of the Core Strategy and Development Plan (2015-2033).

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

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

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

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

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

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

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

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

- a. tackle prejudice, and

- b. promote understanding.

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

## **CONCLUSION**

The principle of the development would accord with the development plan through making a contribution towards policies SP1, SP2 and ST1 of the Core Strategy.

In terms of material considerations, the proposed development would closely align with the adopted Supplementary Planning Document entitled "Riverside Sunderland" by providing car parking within Farringdon Row / Galleys Gill which would support Riverside Sunderland and the wider City Centre.

In terms of other material considerations, determining the application using the policies within the Core Strategy would ensure accordance with the recently adopted "Low Carbon Framework".

In terms of detailed impacts, the proposed development would accord with the relevant development plan policies for amenity, design, groundworks, health, heritage, highways, landscape and trees.

Officers would advise that matters relating to drainage ecology are still under consideration and an update will be provided for Members in due course.

## **RECOMMENDATION:**

To **APPROVE** the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to

The satisfactory resolution of matters relating to drainage to the satisfaction of the Environment Agency, Lead Local Flood Authority and Northumbrian Water (including any additional / amended conditions).

The satisfactory resolution of matters relating to ecology to the satisfaction of the Council's Ecologist and Natural England (including any additional / amended conditions).

The draft conditions below.

## **Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of

the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

Proposed Site Plan FRMSC RYD 00 ZZ DR A 1001 P11  
Landscape Site Plan FRMSC-ONE-ZZ-XX-DR-L-0001 P03  
Planting Strategy FRMSC-ONE-ZZ-XX-DR-L-0201 P02  
Indicative Levels DWG No FRMSC-ONE-ZZ-XX-DR-L-0401 P03  
GA Plans Levels 00 - 05 FRMSC RYD 00 ZZ DR A 3012 P10  
GA Plans Levels 06-13 FRMSC RYD 00 ZZ DR A 3013 P9  
GA Elevations Sheet 1 FRMSC RYD 00 ZZ DR A 3600 P6  
GA Elevations Sheet 2 FRMSC RYD 00 ZZ DR A 3601 P6  
GA Sections Sheet 1 FRMSC RYD 00 ZZ DR A 3800 P5  
Strip Section AA Lift & Stair Core FRMSC RYD 00 ZZ DR A 3900 P4  
Strip Section BB FRMSC RYD 00 ZZ DR A 3901 P5  
Item 5 and 7 within the letter dated 11 March 2021

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

3 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include operating hours for the construction phase and have regard to the impact upon nearby sensitive receptors of noise and vibration, lighting, dust and other airborne pollutants. The development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not result in unacceptable adverse impacts.

4 No development shall take place above damp proof course until details and / or samples of the hard and soft landscaping materials have been submitted to and approved in writing. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design and conserves the historic environment.

5 No development shall take place above damp proof course until details and / or samples of the construction materials have been submitted to and approved in writing. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design and conserves the historic environment.

6 No development shall take place above damp proof course until details of the illustration to the metal cladding have been submitted to and approved in writing. The approved details shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design and conserves the historic environment.

7 No development shall take place above damp proof course until details of the internal and external lighting have been submitted to and approved in writing. The approved lighting shall thereafter be provided before the development hereby approved is first brought into use.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design, designs out crime and conserves the historic environment.

8 No development shall take place above damp proof course until details of any CCTV has been submitted to and approved in writing. The CCTV shall thereafter be provided before the development hereby approved is first brought into use.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design, designs out crime and conserves the historic environment.

9 The development hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall cover the entire site and be prepared in accordance with YALPAG by a suitably qualified and competent consultant/engineer. The report shall include all recommendations as detailed in the Cundall Ltd Remediation Strategy and validation of clean cover layer. The report shall further include chemical testing; photo evidence of cover layer installation; details of all soils disposed of or brought into site, including appropriate testing; and details of any watching brief.

Reason: To ensure, in accordance with policy HS3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved demonstrates the site would be suitable for the proposed use.

10 The development hereby approved shall not be brought into use a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall show that some of the standard parking spaces would be allocated as car share spaces to encourage car sharing. The development hereby approved shall thereafter be operated in accordance with the approved Plan.

Reason: To ensure, in accordance with policy ST1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved improves the car parks around the ring road.

11 The planting shown within the approved Planting Strategy (FRMSC-ONE-ZZ-XX-DR-L-0201 P01) shall be undertaken in the first planting season following completion of the development hereby approved. The planting shall be maintained for a period of at least five years; including watering during dry periods.

Reason: To ensure, in accordance with policy of the Core Strategy and Development Plan (2015-2033), the development hereby approved.



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<b>Reference No.:</b>	21/00225/FU4 Full Application (Reg 4)
<b>Proposal:</b>	<b>Detailed planning application comprising 132 no. residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b))) suitable for cafe, retail or community enterprise, and a community allotment known as 'Kingsley Gardens' on land to the North of St, Mary's Way, Sunderland, including parts of the former Vaux Brewery Site and Galley's Gill (amended plans received 17 March 2021, including amendment to red line boundary shown on the location plan).</b>
<b>Location:</b>	Land north of St Marys Way/ former Vaux Brewery Site and Galleys Gill, Gill Bridge Avenue, Sunderland
<b>Ward:</b>	Millfield
<b>Applicant:</b>	Siglion Developments LLP
<b>Date Valid:</b>	9 February 2021
<b>Target Date:</b>	11 May 2021

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## PROPOSAL:

Siglion Developments LLP ("the Applicant") is seeking full planning permission for the erection of 132no. residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b)) suitable for café, retail or community enterprise; and a community allotment/ garden known as 'Kingsley Gardens'. New public realm, landscaping and mews spaces also feature within the development proposals

The 132 homes within 5 tailored individual clusters will comprise a mix of property types:

### Terraced Houses:

- 4no. 1 bed;
- 3no. 2 bed;
- 38no. 3 bed.

### Stacked Maisonettes:

- 2no. 1 bed;
- 44no. 2 bed.

### Apartments:

- 13no. 1 bed;
- 25no. 2 bed;
- 3no. 3 bed.

## **Kingsley Gardens and public spaces**

The application proposal includes a community driven garden space called Kingsley Gardens. The aim of this aspect of the development is to connect new residents of Vaux with existing communities via a space that is occupied by allotment style beds, communal store facility, composting and orchard parkland.

The layout of the housing area also includes five key landscape spaces through the site linked and coordinated through their design, material selecting, trees and planting. Two of these will be public spaces - Gill Square to the immediate south-east of Galley's Gill Bridge and Lambton View adjacent to The Beam and proposed new high-level Wear Crossing. In view of the permeability of the development the other spaces i.e. the Mews courtyards, will also be accessible to the public with only the internal courtyard to Cluster 5 (southern-most block within the site) being a secured communal garden space.

## **Car parking**

Most of the parking for the proposed houses, 150 spaces in total, will be delivered via the proposed 650 space Multi Storey Car Park (MSCP) proposed on Farringdon Row, which Members are considering via planning application ref. 21/00112/LP3. No parking (other than disabled, visitor and service spaces) will be provided within the site. The submitted Planning Statement highlights that future residents will be advised when renting or purchasing the property that they will not be allocated parking space within the MSCP, instead they will be eligible to apply for a permit to park at one of the 150 identified spaces.

## **Galley's Gill Sustainable Urban Drainage System (SUDS)**

The application site initially included part of Galley's Gill as a proposed sustainable drainage/ water feature. However, as will be discussed in the '7. Water and flood risk considerations' section of this report, the Sustainable Urban Drainage System (SUDS) within the housing area itself is considered to satisfactorily deal with the development's surface water flows. The housing on-site SUDS scheme includes permeable paving and geocellular crates which provide the necessary attenuation and source control measures. The acceptability of this application is not dependent on the wider SUDS proposals.

In addition, the proposed Galley's Gill drainage scheme is still to be fully designed and detailed and will be advanced by the Lead Local Flood Authority (LLFA) under their Permitted Developments rights (Class C, Part 13 of The Town and Country Planning (General Permitted Development) (England) Order 2015). Consequently, it is not considered relevant or appropriate to include reference to the Galley's Gill SUDS as part of this application and as such, the red line has been amended accordingly so that it now only includes the residential development platform and Kingsley Gardens.

The Planning Submission is extensive and includes:

- Detailed plans;

- Planning Statement, including heritage and affordable housing;
- Air Quality Assessment;
- Arboricultural Impact Assessment;
- Arboricultural Method Statement
- Biodiversity Net Gain Assessment;
- Design & Access Statement;
- Economic Impact Assessment;
- Flood Risk and Drainage Compliance Statement;
- Geotechnical Assessment;
- Habitat Regulation Assessment Screening;
- Health Impact Assessment;
- Inclusive Design and Access Statement;
- Landscaping Plans;
- Lighting Design;
- Noise Assessment;
- Plans;
- Phase 1 Geotechnical / Geoenvironmental Assessment;
- Phase 1 Habitat Assessment;
- Phase 2 Site Investigation Report;
- Statement of Scheme Benefits;
- Sustainability Statement;
- Transport Statement;
- Wind/ Daylight & Sunlight Assessment.

## **Application Site**

The site is bound by steep cliffs to the north and western edge, to the east is The Beam, a 6-storey commercial building constructed via the detailed element of the Vaux Hybrid approved (ref. 15/02557/HY4). To the south is currently being used for informal car parking and green space until development comes forward within these areas of the Vaux Hybrid, which were approved as commercial development by the Vaux Hybrid. The site has vehicular access from St Mary's Boulevard via Plater Way, which was constructed as part of The Beam development. Several pedestrian routes adjoin the site, connecting Keel Square via the Keel Line and onto the cliff edge path, which again were delivered as part of the Vaux Hybrid.

The site is generally flat at around 34.05 AOD and gently slopes away from south to north, towards the cliff edge. The site for Kingsley Gardens site is down a steep bank approx. 3-4m below the top plateau. The garden site slopes gently from 32.00 to 29.03AOD before steeply dropping off onto another bank down into Riverside Park at around 20.00 AOD. The site is generally unbounded, or bounded by natural features such as cliffs, banks and trees. The cliff edge public realm to the residential area of the site is being delivered by another application proposal, please see ref. 21/00121/FU4.

## **Planning History**

The Vaux site has seen a number of significant planning approvals in recent times.

1. 12/02578/LAP, 'St Mary's Way', approved 7 December 2012

Approved by Committee at the 27 November 2012 meeting.

Approved description

Realignment of St. Mary's Way / Livingstone Road and formation of new public space & associated development plots. To include associated landscaping / public realm improvements, including demolition of nos. 5-10 Crowtree Road. (Amended Description 18 October 2012).

2. 15/02557/HY4, 'Vaux Hybrid', approved 24 August 2016

Approved by Committee at the 19 April 2016 meeting.

Approved description:

The development will comprise a first (detailed) phase (7319 sq. m Gross External Area) to include 6319 sq. m (GEA) Office Accommodation (B1) and ground floor uses (1000 sq. m GEA) including leisure (D1, D2), food and drink (A3, A4) and retail uses (A1), stopping up of existing highways and creation of associated infrastructure including internal access roads, landscaping, public realm and the continuation of the Keel Line landscape feature.

The application also seeks outline consent for up to 201 residential units, commercial uses including Offices (B1), Hotel (C1), Leisure (D1, D2), Food and Drink (A3, A4) Car Parking (Sui Generis) and Retail (A1) (maximum of 2499 sq. m for retail developments across the entire site) together with associated landscaping, car parking, public realm and creation of extended promontory to support the Keel Line beyond the upper site plateau. All matters apart from access to be reserved in relation to the outline element of the proposals. Stopping up of highway.

3. 17/01848/FU4, 'Vaux Temporary Uses', approved 10 November 2017

Approved under delegated powers.

Approved description:

Application for temporary uses on the Vaux site for a period of no more than 7 years. Uses to include, Retail (A1), Restaurants / cafes A3, Assembly and Leisure (D2) and Urban Allotment (Sui Generis).

Other Sui Generis uses may include ice rink(s), performance stage(s), Outdoor Cinema(s), market(s), temporary games court(s) / play space(s) with sand/turf, installation of shipping containers, new boundary / screen fencing, floodlighting and associated infrastructure. (AMENDED DESCRIPTION)

4. 19/00188/FU4, 'City Hall', approved 13 May 2019

Approved by Committee at the 1 April 2019 meeting.

Approved description:

Application for detailed planning permission for the erection of 18,075sqm (GEA) business hub on plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising

of civic related uses, office space (use class B1), medical centre (use class D1), creche (use class D1), cafe/ restaurant (use class A3) roof terrace, implementation of road link to Cumberland Street, ancillary buildings and infrastructure and landscaping. Amended Description.

5. 20/00734/FU4, 'City Hall 2', approved 20 November 2020

Approved by Committee at the 20 November 2019 meeting.

Approved description:

Application for detailed planning permission for the erection of 18,075sqm (GEA) business hub on plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising of civic related uses, office space (B1), education space, (D1), financial and professional services (A2), cafe/restaurant (use class A3), roof terrace, implementation of Cumberland road and ancillary landscaping.

6. 20/01842/FU4, 'Landid Office developments', approved 20 November 2020

Approved by Committee at the 20 November 2019 meeting.

Approved description:

Construction of two new buildings for office use (Use Class E) with a range of ancillary uses (Use Class E/F.1/Sui Generis) and associated landscape works.

## **Environmental Impact Assessment**

The proposed residential development and Kingsley Gardens have been screened as to whether it constituted Environmental Impact Assessment development, please see Screening Opinion ref. 20/00745/SCR.

In summary, having taken into account the selection criteria within Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Screening Opinion (dated 8 July 2020) considered that the proposal was not likely to have significant effects on the environment so as to require the preparation and submission of an Environmental Statement. The screening exercises involved consultation with the Council's Public Health, Highways, Built & Natural Heritage and Lead Local Flood Authority.

## **TYPE OF PUBLICITY**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES**

Flood and Coastal Group Engineer  
Millfield - Ward Councillor Consultation

Network Management  
Environmental Health  
Northumbrian Water  
North Gas Networks  
Northern Electric  
Flood and Coastal Group Engineer  
Northumbria Police  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Natural England  
Port Manager  
Marine Management Organisation  
Tyne And Wear Archaeology Officer  
Historic England  
Land Contamination  
Environment Agency  
Nexus  
Director of Children's Services

## **REPRESENTATIONS:**

In accordance with the Town and Country (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by neighbour notification letters, press and site notices.

A number of correspondences have been submitted by two Members of the Public objecting to the application proposal over sewerage concerns, an issue of concern well known to Members of this Committee. These detailed correspondences are available for review on the public planning file via <https://www.sunderland.gov.uk/planning-applications> using the application reference 20/00225/FU4.

Referring to the Whitburn and St Peter's Combined Sewer Overflows (CSO) one of the objectors submitted several correspondences from 1992 onwards to assert that the application's Drainage Strategy is seriously flawed and that there is not the capacity in the sewerage network to take the flows from the proposed development.

Referring to a 2001 Public Inquiry and 2012 European Court of Justice judgement the objector considers that the additional storage at Seaburn and St Peter's is way short of what the European Court required of the UK in its judgement. The result being that untreated sewerage discharges to sea at Whitburn. The objector refers to the existing Gill Cemetery CSO alleging that it is not only the sea that is an open sewer but also the Wear. The objection culminates by stating that there must be a condition attached to the planning permission that requires an independent assessment showing capacity in the sewerage system.

The other objector submitted an 18-page document discussing the roles of Northumbrian Water, the EA and Council, as the Local Planning Authority (LPA); it

provided data in respect of the CSO outfalls; and asserted that as the LPA has been presented with prima facie evidence the concerns over sewerage and public health are material to the consideration of the application proposal.

It concluded, citing the various CSOs in the City, that the whole of the Waste Water Treatment system fails to comply with the Urban Waste Water Treatment Directive and it is not capable of collecting and treating all flows in 'ordinary' conditions. It asserts that capacity only exists as Northumbrian Water relies on the CSOs to routinely dispose of untreated water. It states that when the Environment Agency (EA) have been asked to review the CSO permits they respond by stating that they only have the resources to review where significant changes to the system are proposed.

The objector's document considers the Ecological Impact Assessment (EclA) and Habitat Regulations Assessment have failed to consider the impact of untreated sewerage discharges into the environment.

Drawing reference to how the LPA will likely rely on Paragraph 183 of the National Planning Policy Framework (NPPF) i.e. "...Planning decisions should assume that these regimes will operate effectively"; the objector considers that as the LPA has been provided with evidence in respect of the CSOs it is irrational to assume the relevant regime is operating effectively.

Commentary is also provided on how the Bathing Water sampling at Seaburn and Roker is not an appropriate tool to identify potential impacts to the environment. That the bathing water sampling regime employed by the Environment Agency in Sunderland gives the objector cause to doubt its effectiveness in preventing harm to the environment and fails to alert the Local Authority to the reality of the risks to public health from sewerage pollution.

The document highlights that the homes planned for Riverside will add considerable volumes of foul water to flows going to Hendon via an antiquated combined sewer network and be liable to be discharged into the River Wear and North Sea (at Hendon) when it rains; and that the flows from the Roker and Seaburn seafronts will be more regularly pumped out to sea.

The objecting document ends with a series of questions:

- Full independent review of the sewerage treatment system;
- Will the planning assessment consider treatment and dry weather flow capacity versus consent;
- Statement asking for the Council to recognise that extra untreated sewage discharges will emanate and have a deleterious effect on health of residents, fauna, flora, soil, water, air and landscapes and on the Natura 2000 sites at the coast;
- Can the Council upgrade the Ecological Impact Assessment and the Information to Inform a Habitats Regulations Assessment;
- Will the Council undertake an independent study of the level of pathogens that are present in the CSO discharges and the data should be made available to the Director of Public Health;
- Due to public health implications can public health be recognised by the

LPA as a material consideration and can the LPA review any advice the Director of Public Health may provide and given appropriate weight as a material planning consideration.

**Officer response:**

Responses to the objections received and where considered material to the consideration of the application proposal are considered in detail in the subsequent section '7. Water and flood risk considerations'.

**CONSULTEES**

**Environment Agency**

The Environment Agency responded by stating that after carefully considering the application, as submitted, they have no objections. The development is more than 20m from a main river (River Wear), and foul drainage has been confirmed as mains.

**Northumbrian Water**

In making their response Northumbrian Water assessed the impact of the proposed development on their assets and assessed the capacity of their network to accommodate and treat the anticipated flows arising from the development. Having assessed application proposal accordingly they provided the following by way of a response:

"We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled 'Drainage Strategy 1021955 revision B'. In this document it states foul water flows are proposed to discharge to the existing foul water sewer in the existing road which bisects the north and south sites via manholes 3214 and 3209 for the north and south sites respectively. These discharge locations are part of the new foul water sewer specifically constructed to take future flows from the wider Vaux redevelopment scheme. Surface water flows generated by the proposed development are proposed to discharge to existing adopted surface water sewers via manhole 2202 temporarily for the north site until further works at Galley's Gill are undertaken at a maximum allowable rate of 100 l/s and via manhole 3208 for the south site at a maximum allowable rate of 10 l/s."

Northumbrian Water therefore requested the following condition be attached to any planning approval:

*Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "29th January 2021". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3214 and 3209 and ensure that surface water discharges to River Wear via the surface water sewer at manhole 2202 and 3208.*

*Reason:*



*To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

## **Nexus**

Nexus consider the site to be well connected for public transport, with access by bus and Metro/ local rail within Nexus Planning Policy accessibility guidelines.

As the development includes dwellings, Nexus request that the following text from the Nexus Planning Liaison Policy 2019 is given consideration:

"For larger residential developments of 50 or more dwellings, Nexus will request via the local planning authority that the applicants meet the costs of two introductory tickets per dwelling to the equivalent of four week's travel per ticket. These tickets should be offered to residents as part of the Welcome Pack with the onus on residents to apply for these through the necessary process. What form the tickets take and the process of providing it to residents can be agreed with Nexus as part of the discharge of conditions process.....At the time this policy was published, the tickets required are two Pop Pay As You Go cards per dwelling with £50 of credit preloaded onto each of them; these to be provided by the developer to new residents subject to residents applying for the cards. The process of applying for the cards must be promoted as part of the homebuyer's welcome pack. This is to encourage a greater take-up of public transport from the outset".

## **Northern Powergrid**

Northern Powergrid responded by confirming no objections on the proviso that their rights are not affected, and they will continue to enjoy rights of access to their apparatus for any maintenance, replacement or renewal works necessary. These comments have been relayed to the Agent.

## **Historic England**

Historic England responded by stating that based on the information supporting the application they did not wish to offer any comments and suggested that the views of the Council's specialist conservation and archaeological advisors be sought.

## **Northumbria Police**

Northumbria Police responded by confirming a no objection but provided a number of detailed comments. The comments culminated in two recommendations. The first is a request to the Planning Authority to consider making the achievement of Secured By Design Silver accreditation a condition of planning, with the second recommendation being that hardwired networking to a minimum of Cat6a cabling be included in all SmartHomes and run via wider conduit to all relevant rooms. The Applicant is presently considering the request and a response is awaited and will be reported to Members at the Committee meeting.

## **Internal Consultees**

Consultation responses were received from Education, Transportation Development (Highways), Lead Local Flood Authority (LLFA), Natural Heritage (Council Ecologist), Council's Landscape Architect, Environmental Health, Built Heritage Officer and the Tyne and Wear County Archaeologist. All consultees offered no objections to the application proposal, however, their comments, requests for additional information and conditions, as well as planning obligations in respect of Ecology and Education, are detailed in their following considerations section of the report.

## **COMMENTS:**

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

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

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

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

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

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

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

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

SS1 - The Vaux, allocates and earmarks the site for a new sustainable urban neighbourhood and a new gateway into the Urban Core (Strategic Policy SP1). The Vaux is allocated for a minimum of 200 new homes and development should improve linkages to St Mary's Boulevard and the rest of the Urban Core and provide new public space, active streets and maximise movement for pedestrians.

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

SP2 – The Urban Core will be regenerated and transformed into a vibrant and distinctive area. A revitalised Urban Core will be the catalyst for the City's wider economic growth and will help Sunderland retain and attract more highly skilled workers and increased population and visitor numbers.

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

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

HS2 – proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 – development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 – residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 – accessible and adaptable dwellings.

H2 – proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality. The Applicant will be expected to submit a Viability Assessment if Affordable Housing is said to be unviable.

BH1 – development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 – sustainable design and construction should be integral to major development proposals.

BH3 – requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH7 – the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

BH8 – development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

NE1 – development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 – where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 – development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 – requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

WWE2 – requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 – requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 – requires new development to maintain water quality.

WWE5 – requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 – states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 – development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 – development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 – the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

In terms of the guidance within the NPPF considered relevant to the current application, these are:

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);

- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

With reference to the above national and local planning policy background and considering the characteristics of the proposed development and the application site, it is considered that the main issues to examine in the determination of this application are as follows:

1. Land use policy considerations
2. Highway engineering considerations
3. Design, Heritage and Archaeology considerations;
4. Amenity considerations;
5. Ecology, Arboriculture and Landscaping considerations;
6. Sustainability considerations;
7. Water and flood risk considerations;
8. Ground Conditions;
9. Section 106 (planning obligations) and Viability;
10. Equality Act 2010 – 149 Public Sector Equality Duty.

## **1. Land use policy considerations**

In terms of assessing the land use policy considerations regard has been had to the adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP) and Unitary Development Plan Alteration No.2. This section focuses predominately on the principle of development as a residential led development on land (the Vaux) allocated as a sustainable urban neighbourhood. Given the site's location within Riverside Sunderland, the proposal should also align to the guidance contained within the adopted Riverside Sunderland Supplementary Planning Document (SPD).

The site is situated within the Urban Core. CSDP Policy SP2: Urban Core indicates that it will be regenerated and transformed by (criterion 6) diversifying the residential offer. The policy states that development in the Urban Core should make improvements to connectivity and pedestrian movement, provide a high quality of public realm, protect and enhance heritage assets and ensure high standards of design.

As the site is located within the Vaux, CSDP Policy SS1: The Vaux is relevant. The CSDP allocates the Vaux (as a strategic site) for a range of uses. Criterion 2 states that the Vaux is allocated for a minimum of 200 new homes. CSDP Policy SP8: Housing Supply and Delivery, sets out that the housing target will be achieved by the development of strategic and housing growth areas. Consequently, it is considered the principle of a residential scheme is acceptable.

It is noted that the proposed housing capacity is lower than the minimum threshold (as the permission only comprises 132 homes). The dwelling number set out in CSDP policy was based on the outline planning permission which had been approved on the site at the time (Vaux Hybrid 15/02557/HY4) and reflected a high-density scheme incorporating a significant number of apartments. However, more

recent evidence regarding housing needs within the City (Strategic Housing Market Assessment 2020) indicates there is limited demand for apartments and the proposed housing mix would be better aligned to the latest evidence on housing need. Taking this into consideration and the fact that the development proposal would still represent a high-density scheme within a highly sustainable location, it is considered that the level of housing proposed is acceptable.

CSDP Policy H1: Housing Mix, sets out (inter alia) that developments should provide a mix of house types, tenures and sizes which are appropriate to its location. In addition, development should achieve an appropriate density for its location which takes into account the character of the area and the level of accessibility. In relation to this, as set out above, the proposal is considered appropriate. The supporting Planning Statement indicates that 41 of the 132 homes would be 3-bedroom and it is considered that the proposals would offer an appropriate mix between home sizes and typologies.

CSDP Policy H2: Affordable Homes states that all development of 10 dwellings or more should provide at least 15 percent affordable housing. Where affordable housing is not provided in full a viability assessment should be submitted in-line with the requirements of the Planning Practice Guidance.

In relation to the above, it is noted that the proposal does not provide any affordable housing. An Affordable Housing Statement has been submitted by the Applicant as part of the Planning Statement. It indicates that as there is no market for residential development in this location of the City at a price that would be viable.

Notwithstanding the points set out within the Planning Statement the Applicant has, as per CSDP Policy H2, submitted a Viability Assessment which is discussed in further detail in the subsequent 'Section 106 (planning obligations) and Viability' section of this report.

It is noted that the proposal includes 154 square metres of development falling within Use Classes E(a), E(b), E(g) and F2(b). This is considered acceptable as the site is allocated for small scale ancillary leisure and retail development (CSDP Policy SS1)

## **Conclusion**

The application relates to the development of a residential led development on the Vaux Site. The principle of the development is acceptable by virtue of it being an acceptable use in relation to Strategic Site Allocation Policy SS1. In addition, it is considered that the quantum of development is acceptable.

However, for the proposal to be fully in alignment with CSDP Policy H2: Affordable Housing, a Viability Assessment has been submitted to demonstrate that affordable housing would not be viable on the site. Notwithstanding the need to assess viability, it is acknowledged that the proposal would provide a 'market intervention' into an area with a relatively shallow rental market and it is recognised that the viability of brownfield sites is challenging in the Urban Core, as evidenced through the Council's whole plan viability assessment update recently published as part of the evidence base for the emerging Draft A&D Plan

## **2. Highway engineering considerations**

A focus of the NPPF (Paragraph 108) is on sustainable transport, with planning applications needing to ensure that impacts on the transport network in terms of capacity, congestion and highway safety are acceptable. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CSDP Policy ST2 states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must demonstrate that:

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Policy ST3 requires that development should provide safe and convenient access for all road users; should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. Development should incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network; and include a level of vehicle parking and cycle storage in accordance with the Council's parking standard.

A Transport Statement (TS) and a Travel Plan (TP) have been submitted in support of the application which has been fully reviewed and the following comments are made.

### **- Transport Statement**

The site forms part of the wider Vaux masterplan development. The previously approved Hybrid application (Vaux Hybrid 15/02557/HY4) was for a mixed-use scheme, comprising a detailed planning application for the first phase of office accommodation and ancillary uses, and an outline application for further office accommodation, residential units, leisure development, hotel and associated landscaping.

The overall development of the Hybrid comprises:

- Approximately 59,027m<sup>2</sup> of office space;
- Approximately 201 residential units;
- Approximately 2,460m<sup>2</sup> hotel;
- Exhibition centre 5,260m<sup>2</sup>;



- Car parking; and,
- Infrastructure and public realm.

It should be noted that the construction of one office development is already completed and another is currently under construction.

#### **- Site Location**

The submitted TS concludes that the location of the site provides excellent opportunities for future residents to travel to and from the development using sustainable modes of travel in accordance with local and national planning policy.

The Council's Highway Engineers in Transportation Development accept this conclusion and concur that the site is in very accessible location close to the City Centre and the wider Vaux and Riverside proposals.

#### **- Vehicular Access**

The site will be accessed from the Livingstone Road car park access to the west via a one-way road link with vehicles leaving the site via Cumberland Street to the east. These proposed access arrangements were approved in association with the wider Vaux Hybrid's planning consent (15/02557/HY4) and it is anticipated that it will accommodate limited vehicle movements on a daily basis.

These are likely to be associated with residents accessing the five accessible spaces which are to be provided within the site and larger vehicles associated with servicing the residential and non-residential elements of the proposed development. The highway link has been designed to accommodate fire tenders accessing the site.

The submitted TS states that the proposed development site provides convenient access to the local and strategic road networks.

Transportation Development considers the proposed vehicular access arrangements are acceptable.

#### **- Pedestrian Access**

Transportation Development requested that consideration be given to the provision of a pedestrian refuge or other appropriate crossing points on Farringdon Row where it is anticipated that there will be future demand and desire lines. These facilities would enable safe crossing of this road by pedestrians from the proposed residential dwellings wishing to access the retail park and as such, recommended a suitably worded condition requiring routes to and crossing points of Farringdon Row to be agreed.

The Agent, acting on behalf of the Applicant, responded by highlighting that Farringdon Row is part of the wider regeneration scheme which will incorporate pedestrian crossing and access as part of forthcoming planning applications. The Applicant has requested that rather than a condition that an informative note is attached highlighting the requirement for crossing points/ access to Farringdon Row

for future development proposals. This suggestion is currently being considered by Transportation Development and an update will be provided to Members at the Committee Meeting.

#### **- Parking**

The submitted TS states that it was confirmed during scoping discussions held between the Applicant and Transportation Development in December 2020 that 150 spaces would be allocated within the proposed Multi Storey Car Park (Application Ref. 21/00112/LP3) to accommodate both the Vaux Housing Development and future Farringdon Row Residential Development.

It is therefore confirmed that no parking (other than disabled, visitor and service spaces) will be provided on the proposed site and instead the scheme will promote its accessibility by sustainable transport. This is considered to accord with the Riverside Sunderland SPD, which states that "...development should support car-free environments wherever feasible, minimising vehicular movement and supporting safe and clean air environments".

The TS also states that future residents of the proposed dwellings (and Farringdon Row in due course) will be advised when renting or purchasing the property they will not be allocated a parking space within the MSCP, instead they will be able to apply for a permit to park at one of the 150 spaces which can be accessed within a convenient three-minute walk (200m) of the site at the MSCP. It is proposed that only those homes with 2 bedrooms or above will be able to apply for a permit.

In addition to this, the TS considers that whilst 500 spaces have been allocated for commercial uses within the MSCP, these spaces will be made available to the residents and public during off-peak periods including evening times, weekends, and bank holidays, which will provide additional capacity for residents or visitors which may require a parking space.

Whilst the above is acceptable in principle it is requested that should planning approval be granted a condition be imposed that requires the proposed MSCP to be fully operational prior to the occupation of any of the proposed residential units.

In addition, a further planning condition is requested that requires the submission and approval of a Parking Management Plan prior to the first occupation of the proposed development. This Parking Management Plan will provide full details as to how the allocation of spaces to future residents will be implemented and monitored.

A Traffic Regulation Order (TRO) is required for the parking restrictions required on the roads within the site. The TRO would require a statutory consultation process, the outcome of which cannot be pre-determined. The estimated cost of a TRO is approximately £8,000.00, excluding any physical works. The actual cost of the TRO and the required physical works, such as kerbing, provision of new lining and signage would need to be met by the Applicant.

It is noted that it is proposed to provide 5 accessible parking spaces within the site, however, for the number of residential units proposed it is considered that this

number is too low and the Applicant is requested to review the proposals to provide additional accessible parking spaces. Subsequent amended plans have been submitted for consideration that detail two additional parking spaces. This is currently being reviewed by Transportation Development and an update of their response will be provided to Members at the Committee Meeting.

In respect of cycle parking the TS confirms that the proposed development has been designed to accommodate at least 1 cycle space per unit, whilst all 2 & 3 beds have been designed to accommodate 2 spaces, which are provided in a mix of internal and/ or secure stores. Short stay visitor cycle parking for up to 20 cycles will be provided in the form of 10 Sheffield style racks located throughout the site in well-lit communal areas providing good surveillance.

This proposed cycle provision is considered acceptable.

- **Servicing**

The submitted TS confirms that the site will be serviced from the proposed internal highway links, with loading bays provided on the western and eastern boundary of the main access road. Further north of the main access road there are two more loading bays on the western and eastern boundary of the minor loop road serving the residential units.

A Delivery Service Management Plan has been submitted in support of the application which is considered acceptable. This will be conditioned should Members be so minded.

- **Traffic Impact**

The submitted TS states that the impact of the proposed residential development on the adjacent highway network was assessed as part of the consented scheme and therefore no further analysis has therefore been undertaken to support this application.

Transportation Development considers this acceptable.

- **Travel Plan**

Whilst the submitted TP is acceptable in principle the following issues need to be addressed.

Travel Plan Coordinator (TPC)

The TPC should be appointed 3 months prior to 1st occupation of any residential units on the site to ensure that all measures are satisfactorily implemented and the name and contact details of the TPC should be provided to the Council's Sustainable Transport Officer upon appointment.

The proposed Welcome Pack must be submitted to and approved by the Council's Sustainable Transport Officer prior to issue to residents.

## **- Public Transport Initiatives**

It is noted that for larger residential developments of 50 or more dwellings Nexus request that applicants meet the costs of two introductory tickets per dwelling to the equivalent of four week's travel per ticket. These tickets should be offered to residents as part of the Welcome Pack with the onus on residents to apply for these through the necessary process. What form the tickets take and the process of providing it to residents can be agreed with Nexus as part of the discharge of conditions process.

Transportation Development considers this commitment should be included within the Travel Plan to encourage public transport use. The Agent has confirmed the agreement to the provision of the two introductory tickets per dwelling.

## **- Travel Surveys**

It is considered that an initial residential travel survey should be undertaken within 3 months of occupation of 50% of the residential dwellings. The details of the travel survey should be submitted to and approved by the Council's Sustainable Transport Officer prior to being undertaken.

Within 3 months of the initial travel survey being undertaken a Monitoring Report should be issued to the Council's Sustainable Transport Officer detailing the results of the survey and outlining any further measures that need to be introduced to ensure targets are met and the TP updated accordingly.

A further travel survey should be undertaken within 3 months of full occupation of the development and with a Monitoring Report issued within 3 months of the survey being undertaken and the TP updated accordingly. Further travel surveys to be undertaken 3 years and 5 years after full occupation.

## **Conclusion**

With regards to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. Through the imposition of the requested conditions and following the clarifications in respect of the travel planning observations of Transportation Development, the proposed access, parking and layout arrangements are acceptable.

The development will provide appropriate pedestrian and cycle connections to local facilities, services and public transport options by the delivery of new pedestrian links. The proposal is considered to accord with the Riverside Sunderland SPD and in the absence of material considerations to the contrary the application proposal is considered acceptable and in accordance with the national and location planning policies.

### **3. Design, Built Heritage and Archaeological considerations**

The NPPF states at paragraph 127 that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (NPPF Paragraph 189) and assess the impact of development on the significance of designated heritage assets (Paragraph 193). Any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. Where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 194).

With regard to archaeology, Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policies BH1, BH2 and BH3 require development to achieve a high-quality standard of design and where possible incorporate sustainable design and construction methods and ensure that existing and proposed areas of public realm are well designed and accessible.

Policies BH7 and BH8 requires development to respect and respond positively to the historic environment and any heritage assets, whilst policy BH9 seeks to preserve, protect and enhance, where possible, the City's archaeological heritage.

The application proposal involves a mix of 132 1-bed, 2-bed and 3-bed dwellings, across a range of typologies incorporating houses, maisonettes and apartments, as well as 2 commercial units. All of the proposed dwellings exceed Nationally

Described Space Standards by between 20%-30% and are designed with flexibility to accommodate home working, changing lifestyles post-pandemic, and maximise physical and mental health and wellbeing. A significant proportion of the new dwellings will meet accessibility standards, with all the apartments satisfying M4(2) criteria and three achieving M4(3) requirements.

New public realm, landscaping and mews access will form a high-quality extension of the public realm of Keel Square and the Keel Line. Kingsley Gardens is a new community garden adjoining the residential development. Vehicle movement is integrated into the development with drop off servicing space for larger vehicles, and parking and drop off spaces within the Mews for cars.

The site is divided into 5 clusters:

Cluster 1 (Wearside Edge) is an arrangement of terraced houses, stacked maisonettes and a Pele House. The cluster is raised above the cliff edge promenade to support private raised terraces for the houses, whilst upper level terraces provide further amenity space and are orientated to the north (for views) or to the south (for sun). The profiled and alternating silhouette maximise views and provide privacy amenity. The 7 storey Pele House mediates the housing development with the adjacent Beam building, whilst 4 storey stacked maisonettes are used on key corners and pedestrian routes.

Cluster 2 (Galley's Gill View) includes 6 Edge Houses to the west overlooking Riverside Park. The Cluster also incorporates town houses and maisonettes with a Pele House located to the north adjacent the Galley's Gill bridge. As with Cluster 1, the entrances are from within the Mews, and this cluster also incorporates a raised platform to the cliff top promenade, whilst homes also have upper level terraces.

Cluster 3 (The Hub) is located in the centre of the site and has frontages in all directions. It includes stacked maisonettes and terraced houses and is organised around a courtyard garden.

Clusters 4 and 5 (Vaux Gateway) create a different character of development by having the public entrances facing externally to the street, enclosing the communal garden internally within each cluster.

## **- Design and Built Heritage**

The proposed development site is on the west part of Vaux and is located across St Mary's Way from Keel Square, a short distance to the north east of Bishopwearmouth Conservation Area. The proposed development is slightly further away from the Conservation Area than the Vaux developments of The Beam and Business Hub and has less inter-visibility with the Conservation Area and listed buildings within it. The site is within the wider setting of the listed Wearmouth Road and Rail bridges. It is also of known archaeological interest.

It is considered that additional impacts on the settings of the Bishopwearmouth Conservation Area and Wearmouth Bridges will be minimal, having regard to the relatively modest domestic scale of the proposed development compared to the

significantly larger commercial developments approved and constructed or under construction on the wider Vaux site.

There will be very limited inter-visibility between the development and the Bishopwearmouth Conservation Area and the listed buildings within it, other than perhaps glimpses from the site of the roofscape features of the Magistrates Court, Empire Theatre, and Peacock and Dun Cow public houses. The Council's Built Heritage team have confirmed that this relationship will not result in any impact on the significance of these listed buildings and Conservation Area as a whole.

The part of the proposed development fronting the River on the cliff edge will be visible in views to and from the listed Wearmouth Bridges along the River Corridor. The form and design of these riverside dwellings respond well to their context, the cliff-top silhouette of the development will make a positive contribution to the townscape and skyline of this part of the City. Along with adjacent Riverside developments they will help frame views along the River Wear Corridor and create new views from where the significance of the listed bridges can be appreciated.

Overall the Council's Built Heritage Officer considers the design of the proposed houses to be impressive, varied yet cohesive they will create a development of character and quality. The inspiration in the design approach from the historic City skyline and regional and local historic identity is particularly welcomed, for example the courtyard houses being inspired by Sunderland Cottages will reinforce local character and distinctiveness. The Council's Urban Design Officer has also commented on the high-quality contemporary nature of the development and considers that it sets the standard for future residential development within Riverside Sunderland. The variety of house types, scale and massing creates an interesting built form which responds to the site's prominent location.

The ultimate design quality of the development will be dependent on the quality of the materials for the houses and landscaping. The proposed palette of materials is very encouraging in this respect, but the final choice of bricks and tile cladding will be crucial to the development's overall townscape impact. The Council's Urban Design Officer has provided observations in respect of the dark grey hung tile on the north elevation of Cluster 1 and whether an alternative shade of material could be used. It is considered however, that this level of detail could be agreed via condition, in consultation with Conservation and Urban Design colleagues, should Members be so minded.

## **- Archaeology**

The site boundary includes areas of known archaeological interest. Advice should be sought from the Tyne & Wear Archaeology Officer on potential archaeological impacts and the requirements for any archaeological excavation and/or watching briefs.

The housing portion of the proposed development is located within areas 1, 2 and 5 of Archaeological Services Durham University's Written Scheme of Investigation (WSI) phasing plan that was secured via condition 13 of the Vaux Hybrid. These areas are identified as having archaeological potential and it is recommended that

these locations are stripped and archaeologically recorded prior to the undertaking of the proposed works. Areas where cellars and or truncation have been identified do not require stripping and areas of the site where the ground level is not being lowered can be excluded also, but a watching brief may be required for isolated deeper groundworks, as described in the WSI.

The southern extent of the submitted redline boundary encompassed an area of Galley Gill's cemetery (HER 5010). On the basis of watching briefs previously undertaken within the area of the former cemetery (Events 2339, 2650 and 3320) and in addition to limited archaeological evaluation (Event 4943) undertaken at the south of the site, the proposed works are unlikely to impact any surviving remains associated with the cemetery. The County Archaeologist has advised that an archaeological watching brief will only be required for this element of the proposed works if it transpires that any groundworks greater than 2m in depth or works located in the vicinity of the vaults are required.

However, in view of the proposed depths of works and site history the County Archaeologist considers it unlikely that human remains will be encountered. Nevertheless, as a precautionary measure, the County Archaeologist advises that an archaeological watching brief is undertaken during groundworks in case human remains are unexpectedly revealed. Records suggest that this area of the site is consecrated ground and the Applicant is advised to seek further advice from the Diocesan Advisory Committee (DAC) as they may prefer that an alternate approach is undertaken.

The County Archaeologist has recommended a series of conditions that should be included in the event that Members are so minded. The conditions include archaeological excavation and recording, archaeological post excavation report, archaeological watching briefs, watching brief report and archaeological publication report.

## **Conclusion**

It is considered that the proposed development will make a positive contribution to local character and distinctiveness and will have some minor beneficial impacts on the settings of the Wearmouth Road and Rail Bridges, satisfying the requirements of CSDP Policies BH1, BH2, BH3, BH7 and BH8, as well as NPPF Paragraphs 192, 193 and 200. If Members are minded to approve it is recommended that conditions are included requiring the full details and samples of all external materials, including bricks, tile cladding, glazed tile brick, roofing materials, window frames, balustrades and hard and soft landscaping materials; as well as the archaeological conditions recommended by the County Archaeologist.

## **4. Amenity considerations**

The NPPF, at Paragraph 181, requires development to comply with relevant air quality limit values or national objectives for pollutants, whilst Paragraph 180 seeks to ensure that development proposals should not contribute to unacceptable levels of noise and that they reduce to a minimum, potential adverse impacts.



NPPF Paragraph 178 requires decision taking to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, whilst Paragraph 179 highlights that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

CSDP Policy HS1 requires development to take into account the amenities of adjoining properties and Policy HS2 requires that any noise generating development close to noise sensitive uses will be assessed to determine the impact on existing uses.

CSDP Policy HS3 seeks to ensure appropriate remediation is undertaken when developing contaminated land.

CSDP policy BH1 aims to ensure high quality design is delivered through new development and retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

The adopted Riverside Sunderland SPD highlights at Section 4.3 Layout and Built Form that development should ensure that a satisfactory level of amenity for existing and future residents can be maintained/ created when considering layouts and separation distances between residential properties.

## **Air Quality**

The supporting air quality technical note, dated 11 Dec 2020, reviews earlier work on air quality impacts of the wider Vaux Hybrid site and the susceptibility of the development to existing local air quality (Ref J2329/1/F1 7/12/2005). The note concludes that the mitigation measures provided within the original assessment remain fit for purpose, and no further detailed assessment is necessary. Given the nature and location of the development and current knowledge the Council's Environmental Health Service accepts this conclusion.

Short term air quality impacts associated with site clearance, preparation and construction should be addressed within the Construction Environmental Management Plan (CEMP) that is recommended for inclusion as a condition.

One advisory comment is also raised, namely that the potential for nuisance impacts associated with the burning of vegetation and other materials at the proposed allotments should be addressed at an early stage prior to occupation. This practice is not desirable and has potential for adversely impacting nearby properties. It should be prohibited as part of any management plan.

## **Odour Control**

The provision of any café or other commercial food preparation premises to the ground floor of any part of the development should be subject to a condition requiring the submission and implementation of a suitable scheme to adequately deal with cooking odours and other emissions. A standard condition is proposed.

## Noise

A supporting noise impact assessment has been provided which incorporates earlier data from surveys undertaken in 2015 and 2018. A computational noise model has been utilised as part of the assessment. In their consultation response Environmental Health confirmed the methodology adopted to be acceptable.

The assessment examines measured and modelled noise levels affecting the residential accommodation, concluding that the development is acceptable in noise terms and specifying the glazing standards required to meet relevant guidance. Acceptable glazing specifications are set out in Table 5 and are linked to the appropriate dwelling facades in Table 4 and Figure 12.

Environmental confirmed that this scheme is accepted subject to a review of an updated noise assessment that considers the impact of the use of the proposed Wear Pedestrian Bridge (ref. 20/02394/LP3) and that this shall set out a suitable scheme of sound insulation, specifying glazing specifications and appropriate ventilation into each dwelling.

However, in response, the Agent, acting on behalf of the Applicant, has highlighted that given the City Centre location of the development triple glazing and mechanical ventilation is proposed. To achieve the required U-values, triple glazing systems are to be specified throughout the scheme which will provide a sound reduction performance in the range of 33-50 dB Rw. This is higher than standard thermal double-glazing systems which are typically in the range of 29-31 dB Rw. In addition, homes are to be ventilated mechanically. Full Mechanical Ventilation with Heat Recovery systems provide much greater resistance to external noise than natural ventilation as they remove the need for trickle/ through-wall vents in residential spaces.

The Agent highlights that such vents are often major weak points in the sound insulation of a building envelope (acoustically) as they provide a direct path for external noise to break into residential spaces. It has therefore been suggested that a condition should be included that agree the glazing specs rather than a pre-commencement assessment of noise from the bridge that would be very difficult to undertake, particularly given both development's construction timelines. These comments have been relayed to Environmental Health and a response is awaited with the outcome of these discussions reported to Members at the Committee.

The proposed development incorporates external fixed plant or equipment; for example, air source heat pumps and ventilation equipment to food premises. The original site-wide noise assessment recommended design criteria and specific noise limits for such plant. Reference is made to Condition 30 of the Hybrid permission and to Table 7 and section 7.2 of the Hybrid's site-wide noise assessment. The proposed noise limits should be applied in relation to this development, and a condition is recommended.

## **Residential amenity**

- Daylight, sunlight and overshadowing

A Daylight and Sunlight Study has been submitted in support of the application. Building Research Establishment (BRE) Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) was used to assess the potential daylight and sunlight levels in the proposed housing development. Two criteria, as set out in the BRE document have been selected; the Annual Probable Sunlight Hours (APSH) for sunlight and the Vertical Sky Component (VSC) for daylight.

The results of the submitted assessment demonstrates that 76% of the windows meet the APSH requirements and 60% of the windows meet the VSC requirements. The Study thus concludes that the proposed development has a good daylight potential. The lower levels of daylight are located below balconies at ground floor level where they represent a trade-off of amenity as they block some of the available daylight but provide occupants with private outdoor areas.

Similarly, the internal sunlight assessment indicates that 76% of all south-facing windows meet both the recommended sunlight hours annually (APSH), with 89% of all applicable windows meeting the recommended sunlight levels for winter. Regarding the sunlight availability in the open spaces, the allotments as well as five out of the seven assessed open spaces meet or exceed the recommended levels of direct sunlight for the 21st of March. The Study explains that the two areas falling short of the recommendation do so because of their location in the centre of a courtyard. The occupants of the proposed residential development can therefore expect to have good sunlight amenity in a wide array of proposed open spaces.

In conclusion, the Study considers that overall the development proposal has good indoor daylight and sunlight potential, as well as good sunlight availability in the majority of the open spaces.

- Privacy amenity and outlook

Given the dense nature of the proposed development and urban core location it is considered that the proposed layout will deliver a good degree of privacy amenity and outlook for the proposed residents.

When approaching this aspect of the development the site's proximity to the central business district and Keel Square is noted. This context is considered to lend the site to high density city living. The supporting text to CSDP Policy HS1 highlights that the Council will seek to ensure that all new housing developments are delivered to a density which is appropriate for its location, taking into consideration the character and accessibility of an area. Higher densities will be encouraged in sites which have good public transport accessibility such as metro, rail and frequent bus service and located in proximity to centres (Policy SP1). Higher density development will be particularly encouraged within the Urban Core.

It is also noted that the off-site parking in the MSCP enables the creation of an intimate, people centred development designed around communal and public

spaces. It is clear therefore that the high density envisaged for the site via the CSDP and carried forward into the recently adopted Riverside Sunderland SPD requires a development that is tightly knitted in its urban grain. Thus, the more 'suburban' spacing required by the Residential Design Guide is not considered to be the appropriate assessment tool to consider the amenity of the proposed development.

Rather, it is noted that the development will consist of dual aspect homes, maximising light and views within each property so that none are reliant on one source of daylight and outlook. Every house will have its own front door, with courtyards and terraces providing further amenity spaces. The proposed homes all meet the National Technical Housing Standards with the predominant being M4(1) and M4(2), along with 3 units designed to M4(3) standards. The proposed development therefore exceeds the requirements of criterion 1iv. Of CSDP Policy H1, which from the 1 April requires 10% of dwellings to meet building regulations M4(2). The proposed homes have open plan spaces providing flexibility of use. Home working, accessibility for wheelchair users and additional storage space have been considered and where possible have been integrated within specific typologies, helping to accommodate a range of uses.

It is noted that the Pele Towers will benefit from elevated views over the development. Nevertheless, it is considered that the careful approach to the development's fenestration arrangement and locations of window openings minimises direct interfacing and overlooking. It is also noted that various external terraces to the proposed homes will have in-built privacy screens, whilst the design of the townhouses are such that they have been alternatively oriented so as to provide further privacy amenity and shelter, whilst adding interest to the massing and townscape qualities of the development. The ground floors of the townhouses will also benefit from elevated terraces, thereby providing additional private amenity space and natural surveillance to the public areas of the development.

Given the policy requirements for a high-density form of development, as stated above, it is considered that the design led approach has created a contextual and imaginative form of development that provides for a good level of residential amenity.

## **Wind assessment**

As with the 2015 Hybrid and the more recent approvals for the office development at the Vaux site, the application submission has been supported by a pedestrian wind comfort assessment. The wind assessment concludes that most locations within the proposed development should be suitable for pedestrian sitting or standing. Overall wind conditions for the proposed development are said to be unlikely to impact negatively on pedestrian comfort.

Out of the 75 test points located within and around the development an improvement is observed at 24 locations, with only 11 locations showing a deterioration of pedestrian comfort, mainly at the perimeter of the site. Various solutions are proposed to mitigate local adverse wind effects. Since the exposed north-east passage seems to frequently generate wind accelerations, planting trees or shrubs in this location should result in partial dispersion of the accelerating wind and thus benefit the comfort of pedestrians in this area.

Following this assessment work the report has been able to confirm that the overall wind conditions on the site, as a result of the proposed development, should not significantly change and are unlikely to negatively impact on pedestrian comfort. As such, most of the space at the site for pedestrians is classified as being suitable for walking.

## **Conclusion**

In the absence of any material considerations to the contrary, officers consider the application proposal has appropriately considered amenity considerations and is an acceptable form of development and in accordance with relevant local and national planning policy.

## **5. Ecology, arboriculture and landscaping considerations**

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible (Paragraph 170). It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats (Paragraph 174) and addresses the conservation and enhancement of biodiversity in planning applications (Paragraph 175). The presumption in favour of sustainable development does not apply when an Appropriate Assessment under the Habitat Regulations has determined there will be an adverse effect on the integrity of a habitats site.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces.

### **Habitat Regulations Assessment**

In their response to the development proposal Natural England advised they consider that without appropriate mitigation the application would have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar site. Natural England advised that in order to mitigate these adverse effects and make the development acceptable a per-dwelling contribution of £535.35 to Strategic Access Management and Monitoring (SAMM) measures should enable the Council, as the Competent Authority, to conclude no adverse effect at the Appropriate Assessment stage of the Habitat Regulations Assessment. Natural England advise that an appropriate planning condition or obligation should be attached to any planning permission to secure these measures.

The Council's Natural Heritage Officer also considered the submitted 'Vaux Housing Information to Inform a Habitats Regulations Assessment' (Version 2.0 Ref. 20-040/02 19/01/2021) provided the detail necessary to enable the Council, as the Competent Authority, to undertake an Appropriate Assessment and conclude no

likely significant effects on the qualifying features of the coastal European Sites and Ramsar Site.

As with Natural England, the Natural Heritage Officer highlighted that a conclusion and recording of no significant effects is subject to the commitment to a pre-commencement per dwelling contribution of £539.35 towards SAMM measures, as part of a Section 106 Agreement or similar undertaking. This equates to a total contribution of £71,194.20 for the proposed 132 units.

In this respect, and as will be discussed in the subsequent 'Section 106 (planning obligations) and Viability' section of this report, the Applicant has confirmed that the proposed development will provide the required pre-commencement per dwelling contribution via the Section 106 Agreement.

### **Ecological Impact Assessment (EcIA)**

The application proposal has been supported by an Ecological Impact Assessment (EcIA). The purpose of the assessment was to:

- Identify any important ecological features present in areas potentially affected by the proposed development;
- Consider whether any significant ecological effects are likely as a consequence of the proposed development;
- Assess potential ecological mitigation and enhancement measures, including calculation of Biodiversity Net Gain; and
- Determine whether there will be any significant residual ecological effects, and assess compliance with policy and legislation.

There are no statutory designated sites within 2km of the application site. The nearest European Conservation Sites are Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA), both located 2.53km north-east of the site (at Parson's Rocks), with a further section 3.01km to the south-east (near Salterfen Rocks, Ryhope). These are the sites covered by the Habitat Regulations Assessment section above.

The nearest Site of Special Scientific Interest (SSSIs) are Fulwell & Carley Hill Quarries SSSI, 2.07km north-west; Tunstall Hill & Ryhope Cutting SSSI, 2.34km south; Durham Coast SSSI, 2.53km north-east; and Claxheugh Rock & Ford Limestone Quarry SSSI, 2.62km west of the site, measured at its nearest point. The nearest Local Wildlife Site (LWS) is Wearmouth Riverside Park/ Wearmouth Colliery LWS. This incorporates the west side of Galley's Gill, and the Riverside Park which adjoins the site to the north.

The EcIA confirmed that the site has low bat activity and an absence of potential roost features means that bats were not considered an important ecological feature of the site. No other protected or priority species have been recorded in the site for this application's or previous surveys.

Scrub, woodland and tall ruderal habitats within Galley's Gill provide suitable habitat for nesting birds. While the EclA considers this to be of negligible importance for maintaining populations of breeding birds in the local area, all species of birds have legal protection from deliberate killing or injury, or destruction of nests, eggs or young. As such, they must be considered in the development process in order to maintain legal compliance.

### **Invasive species**

The presence of two stands of Japanese knotweed at the edge of the proposed development is a negative attribute of local importance. Japanese knotweed is proscribed through listing on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), and it is an offence to cause it to grow in the wild. The EclA considers that although the two stands are not extensive and appear to be constrained by the established trees and shrubs within the woodland, they are of greater than 'within-site' importance because of the risk that a development might cause their spread beyond the Site.

The EclA predicts that the proposed development will not result in any significant ecological effects. The residential development on the former Vaux brewery site occupies land of low ecological value. The proposed Community Garden adjoins higher value habitats which form part of a Local Wildlife Site but is not predicted to result in a significant effect on its conservation value.

Application of Biodiversity Metric 2.0 indicates that habitat creation measures associated with the proposed development will achieve a net gain in excess of 10% of baseline conditions.

The EclA recommends the following mitigation measures:

- Avoidance of clearance of vegetation in the Galley's Gill section of the site within the bird breeding season;
  - Production of a CEMP to address potential inadvertent effects of construction works including pollution and disturbance of adjoining habitats;
  - Lighting design to minimise spillage and effects on invertebrates and bats;
- and
- Japanese knotweed control measures to be completed prior to development of the Community Garden.

Having reviewed the planning submission the Council's Natural Heritage Officer confirmed that there were no objections to the application proposal. It is advised that the recommendations in the EclA should be adopted and delivered by way of a condition, should Members be so minded. It was also advised that there should also be a pre-commencement Ecological Mitigation and Enhancement Plan (EMEP) and confirmation of the mechanism that will ensure the maintenance and viability in perpetuity of the habitat creation proposed in the Biodiversity Metric 2.0 calculation and Habitat Areas drawing.

## **Arboriculture**

The planning submission was supported by an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and supporting tree survey and tree protection plans.

The AIA confirmed that it will be necessary to remove some of the existing trees to facilitate the proposed development and to establish a higher level of arboricultural management for the site. Most of the trees identified for removal were categorised as Category C (low quality), whilst elements of Group 1 (Category B – moderate quality) within the proposed Kingsley Gardens area need to be pruned or selectively removed to establish appropriate clearance for a path and access. It was also recommended that Trees 1, 4, 15-23, 40 and 42 should be removed due to their poor condition and limited safe useful life expectancy.

The proposed plans indicate a comprehensive planting scheme will be implemented to complement the proposed development. In their consultation response the Council's Landscape Architect noted that there are numerous trees proposed throughout the development, many of which are proposed within hard surfacing. It is considered that this is positive and will help to create a pleasing environment. However, to ensure that the trees will survive tree pit details will be required for both trees in hard and soft surfacing. This can be conditioned should Members be so minded. The exposed conditions of the site will make the establishment of trees difficult and so the detailing of the tree pits, the choice of species and the ongoing maintenance crucial to ensure the trees flourish.

No visual signs were found to indicate the presence of bats in the surveyed trees though several of the larger trees around the site display characteristics found favourable to bats and as such caution must be exercised. When carrying out tree works it is essential that the contractor or other competent person carries out a specific 'bats in trees risk assessment'. If evidence of bats is found work must stop immediately, we should be contacted so that our licenced Ecologist can advise further.

As with any construction exercise near trees, there are potential areas of conflict where damage could be caused to retained trees. However, by using the protective elements dictated by British Standard 5837, no significant damage should take place during the construction phase and the tree cover should flourish in the longer term.

It is therefore considered that should Members be so minded a condition will require the development to be carried out in complete accordance with the submitted AMS and Tree Protection Plan.

## **Landscaping and open space provision**

The proposals provide improved access to Galley's Gill and the wider Riverside Park, which is adjacent to the site, and create a large new community green space, Kingsley Gardens, as well as numerous smaller green spaces throughout the development. It is considered that as the development proposal will provide 0.5ha of



usable greenspace, which effectively equates to 1.8ha per 1000 bedspaces, it is double the required 0.9ha per 1000 bedspaces required by CSDP Policy NE4.

The habitat creation measures associated with the landscape proposals are anticipated to achieve a biodiversity net gain in excess of 10% (circa. 11.62%). The cliff edge path from Vaux East, through Kingsley Gardens ending in Galley's Gill is generally one connected green route. The application also proposes the following, which are considered to benefit the landscaping feel of the development:

- Mix of shrubs, flowering perennials, grasses, ferns, bulbs and climbing plants within residential squares, creating diverse habitat that are good for pollinators;
- Climbing plants on free standing structures, such as external bike stores and Gill Square pavilion;
- Planting beds used to grow a variety of fruit, vegetables and herbs;
- Replacement of trees lost as a result of development and additional tree planting;
- Mix of native and naturalised tree species, including flower and fruit trees;
- Inclusion of bat and bird boxes.

The landscape proposals show a range of proposed hard surfacing and proposed planting types, which is welcomed. It is noted that a previously proposed play area has been omitted to the north-east, however this has since been removed as the scheme has evolved. There were concerns owing to surveillance of locating a play area in this part of the site given its constrained nature and in view of the adjacent bridge landing.

Following observations of the Council's Landscape Architects the Agent has confirmed that landscaping to the fronts of the cliff edge housing do not form part of the private residential properties and are part of the public realm. This confirmation is welcomed and will ensure that it will be retained moving forward as part of the estate management.

The Agent has also confirmed that the Applicant is satisfied that a condition be included that confirm the detail of the railings and it is considered that this could be expanded out to all forms of boundary enclosures, as well as the hard surfacing throughout the development.

## **Conclusion**

In the absence of any material considerations to the contrary, Officers consider the application proposal has appropriately considered the ecological, arboricultural and landscaping considerations and is an acceptable form of development, in accordance with relevant local and national planning policy.

## **6. Sustainability considerations**

CSDP policy BH2 states that sustainable design and construction should be integral to the development and include a sustainability statement setting out how the development incorporates sustainable resources management and high environmental standards.

The application proposal has been supported by a Sustainability Statement, which details how the proposed homes will be designed and constructed around energy and carbon reduction strategies, using Modern Methods of Construction and a range of low carbon technologies and renewable energy. The Statement highlights that:

- Homes on track to meet 2025 Future Homes Standard, with a 70 to 90% carbon reduction against (Building Regulations) Part L 2013 predicted;
- Potential to achieve Passivhaus standard for one of the Pele blocks, subject to ERDF funding;
- Buildings likely to meet RIBA 2025 embodied carbon target, achieving between 50 and 60% savings compared with current benchmarks;
- Site calculated to achieve a biodiversity net gain of more than 10%;
- Potential to achieve Home Quality Mark 4 Star rating, demonstrating the high quality of the homes;
- Public realm and landscape associated with the proposed development on track to achieve Building Nature 'Excellent' status.

The Statement summarises the development's approach to low carbon sustainable design and operation as:

### **Energy Strategy:**

Homes will be designed to reduce their energy demand and consumption, will use air source heat pumps to provide low carbon heat and maximise the use of renewable energy.

### **Whole Life Carbon Strategy:**

The development will aim to reduce whole life carbon impacts minimising both embodied and operational carbon.

### **Transport Strategy:**

Active travel solutions will be prioritised along with provision for low carbon mobility.

### **Materials Strategy:**

By embracing circular economy principles, the development will seek to minimise the consumption of virgin materials, specify the use of low-carbon and renewable materials as well as prioritise locally sourced options.

### **Waste Strategy:**

Lean to design methods to reduce waste throughout the entire life cycle of the development with strategies to be adopted to reduce operational waste.

#### Green Infrastructure Strategy:

The proposed development will provide new green infrastructure and achieve biodiversity net gain.

#### Water Strategy:

Water efficiency will be maximised. Additionally, the proposed drainage design mitigates flooding risk and ensures appropriate management of surface water and foul water.

#### Climate Resilience Strategy:

The proposals aim to increase resilience to adverse climate change, by designing in response to the local microclimate and for climate change.

The Statement also highlights how the proposed development is looking to reduce its carbon emission from its construction through to its operation, with the proposals delivering carbon savings through its choice of materials, methods of construction as well as its adoption of electric led energy for the development's proposed energy solutions. The aim of the development proposal is to reduce whole life carbon impacts by minimising both embodied and operational carbon.

At the heart of the energy strategy is a fabric first approach of well insulated and airtight homes that should require very little heating. Homes will also recover heat from both the ventilation (Air Source Heat Pumps) and shower systems reducing demand for energy further. Highly efficient lighting and equipment will be used throughout to reduce energy consumption, whilst photovoltaics panels are proposed with the development aiming to provide circa 800 square metres of PV across the site.

The development proposal is using a fabric first approach and passive design methods to reduce energy demand and maximise useful passive solar gains. Windows have been optimised to take advantage of natural daylight helping to reduce reliance on artificial lighting.

It is considered that the Sustainability Statement, in accordance with CSDP policy BH2, has assessed the development against a range of CSDP and Riverside Sunderland SPD policy and guidance to demonstrate how the development proposal embeds sustainability throughout the development, both in terms of its construction and operation.

## **7. Water and flood risk considerations**

Paragraph 20 of the NPPF states that the strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and

- the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The systems used should:

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst Policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE4 highlights how new development to maintain water quality and Policy WWE5 requires new development to deal with the disposal of foul water via the drainage hierarchy.

## **Flood Risks**

The proposed development site lies within Flood Zone 1, land with a low probability of flooding, less than 1 in 1000 annual probability of a river or sea flooding (less and 0.1 per cent). The proposed development is therefore deemed appropriate based on the NPPF Technical Guidance. All forms of flood risk have been classified as low or mitigated and the development is considered acceptable from a flood risk perspective.

## **Proposed development's Drainage Strategy**

### **- Surface Water**

Prior to the submission of the planning application the Applicant's drainage consultant held discussions with Northumbrian Water regarding the disposal of surface and foul water and the LLFA with regards to the disposal of surface water.

Northumbrian Water advised that their initial pre-development enquiry response dated 23 March 2015 remains valid. This established surface water flows to discharge at a maximum rate of 1125 l/s into the existing adopted surface water sewer and foul flows to discharge at a maximum rate of 30 l/s into the combined sewer.

The application submission proposes to connect the surface water flows from the site to the existing surface water system which discharges to the River Wear via a combined water manhole. Permeable paving with cellular crates is proposed to attenuate surface water flows to 100l/s (north of the site) and 10l/s (south of the site). These SUDS feature will not only attenuate flows on-site but also provide a degree of source control prior to entering into the existing surface water system.

As higher discharge rates than greenfield runoff have been agreed with the LLFA, storage requirements are able to be kept to a minimum, although some cellular storage crates under the permeable surfaces are necessary across both sites. Attenuation volumes of 43 cubic metres and 65 cubic metres are required for the north and south sites respectively. The crates will be located within private land, which will be managed and maintained by a Private Management Company based on a regime detailed in Section 4.2.5 of the Drainage Strategy report.

In terms of the Kingsley Gardens area of the application site there is no proposal to install a positive drainage and any new footpaths shall drain via a cross fall into the green space.

The LLFA have confirmed that the application proposal is acceptable in respect of its surface water considerations and have requested a verification condition be included to confirm that all sustainable drainage systems are constructed as per the agreed scheme.

#### - Foul Water

A new foul water system for Vaux has been constructed which is segregated from the surface water system. The foul water will flow through that system to Hendon Sewerage Treatment Works (STW) - there is no other route for it and no CSO from those pipes downstream of the development. Northumbrian Water has confirmed that there is adequate capacity in the sewerage system and at the Hendon STW to accommodate the flows. In storm conditions, the CSO may have to be used and may include these flows. That is covered by Northumbria Water's permit enforced by the Environment Agency. Northumbrian Water has not requested any *Grampian* condition requiring any upgrade to sewerage capacity before the development can come forward nor has it raised any such issues at any stage of the local plan or Supplementary Planning Document processes. There is a current outline permission including this site for up to 201 units which would generate greater flows than the application scheme. The Council places considerable weight on the position of Northumbrian Water and the Environment Agency given their roles in respect of waste water and their responsibility for and knowledge of the system.

Objectors have raised a large number of points summarised above. In essence they contend that the existing foul water system including for Seaburn and St Peters is inadequate; that foul flows from this development may bypass the sewerage network and flow into the Wear; that extra pressure on the existing system downstream of Wearmouth Bridge would cause further backing up and thus increased use of CSOs at Seaburn and elsewhere; that Northumbrian Water is already in breach of its permit in respect of discharges from the CSOs, that enforcement and oversight by the Environment Agency is inadequate and that storage capacity is inadequate and

unlawful. This is said to mean that the system cannot accommodate existing flows even in normal (non-storm) conditions and that the addition of these flows will increase discharges to sea and the Wear. Officers have considered these objections in detail and have sought clarification and further information from Northumbrian Water. They are satisfied that: (1) there is no reason to conclude that there is insufficient capacity in the network or at Hendon STW to be able to accommodate these flows in normal conditions without significant consequential impacts elsewhere on the system and crucially without increased reliance on the CSO in normal conditions. It is correct that in storm conditions, foul water from Sunderland can be discharged to sea and the volumes may increase marginally as a result of this development but the Environment Agency has raised no concern on that and such discharges are regulated under separate legislation. NPPF Paragraph 183 states that the “...*focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively*”.

Given the position of NW and the EA and the cogent explanation received as to the adequate capacity of the existing system to accommodate these flows under the existing permits, the position under the local plan, SPD and existing hybrid application, officers do not consider there is any justification for refusing this application on foul water grounds, to seek further independent appraisal or to revisit the HRA and EIA screening on the assumption of significant impacts from foul water.

### **Water environment and the role of the Regulator**

The chief custodian of the water environment in England is the Environment Agency (EA). The EA has a duty under the Water Resources Act 1991 to monitor and protect the quality of groundwater (Section 84) and to conserve its use for water resources (Section 190). It also has a duty (Section 16) to maintain and, where appropriate, enhance conservation of the surface water environment and it must also apply the principle of integrated groundwater protection and management as incorporated in the Water Framework Directive (WFD).

The WFD came into force in 2000 and established a comprehensive legal framework for the protection, improvement and sustainable use of all water bodies across Europe. The remit of the WFD covers groundwater, surface and coastal waters. The WFD is implemented in England and Wales primarily through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (the Water Framework Regulations).

Implementation of the WFD is primarily achieved through a system of river basin management planning undertaken by the Environment Agency. Current water body classifications, water body environmental objectives and proposals for programmes of measures to achieve these objectives are brought together in a RBMP for each river basin district. The proposed development and all the water bodies that could potentially be affected by the proposed development are located within the area covered by the Northumbria RBMP (Environment Agency, 2015).

The Planning Practice Guidance (PPG) highlights that local planning authorities must, in exercising their functions, have regard to River Basin Management Plans, as these plans contain the main issues for the water environment and the actions needed to tackle them (Paragraph: 001 Reference ID: 34-001-20161116); whilst CSDP policy WWE2 'Flood risk and coastal management' seeks to ensure that developments comply with the Water Framework Directive by contributing to the Northumbrian River Basin Management Plan.

As discussed above, the development will adopt SUDS as way to manage surface water flows from the proposed development. The on-site SUDS will help to manage and attenuate surface water flows and provide water treatment source control, thus providing betterment before entering into the River Wear. It is also noted that the proposed surface water connection is downstream of the combined sewer.

It is considered that the proposed development satisfies the requirement of CSDP policy WWE2 and is acceptable.

### **Waste water and the Council's plan making and decision taking**

The PPG at Paragraph: 020 Reference ID: 34-020-20140306 states that it is the preparation of plans where the focus for ensuring that investment plans of water and sewerage companies align with an area's development needs. Significant weight is therefore given to the fact that the Vaux site has a long-standing history in terms of policy allocation.

The Vaux site was allocated through the 2007 Unitary Development Plan Alteration No. 2, which still comprise part of the saved policies of the recently adopted CSDP (January 2020) and will remain in place until superseded by the Allocations and Designations Plan. The Vaux site has also been allocated as a strategic site within the CSDP via policy SS1, which allocates the site for high density office floorspace (at least 60,000 sqm), a minimum of 200 homes, a hotel and small-scale leisure and retail development. Throughout this plan making period the statutory undertaker, Northumbrian Water, have not raised network capacity issues. It should also be noted that the CSDP was subject to a rigorous Examination in Public prior to its adoption, with the Plan found to be sound to enable its adoption in January 2020.

Another significant material consideration that weighs in the favour of the application proposal is in view of the fact that the Vaux site has, courtesy of the extant Vaux Hybrid approval, outline approval for 201 homes. The principle of a greater quantum of development is therefore firmly established and embedded at the site.

It is also noted that similar assertions regarding the capacity of the sewerage system and the Hendon Sewerage Treatment Works were received during the consultation exercise of the now adopted Riverside Sunderland Supplementary Planning Document (December 2020). In considering and responding to those concerns the LPA's Planning Policy team referred to Northumbrian Water's written confirmation that the sewerage network can support the proposed level of development as set out by the SPD's Masterplan i.e. the 200 homes advanced by CSDP policy SS1.



In their response to the Riverside Sunderland SPD, as well as the Draft Allocations and Designations Plan, Northumbrian Water highlighted that three wastewater treatment works (WwTW) in total serve Sunderland. The Sedgely WwTW takes flows from the southern coalfields area of Sunderland including the settlements of Houghton le Spring, Chilton Moor, Hetton le Hole and surrounding areas. The Washington WwTW serves districts of the Washington area while the Hendon WwTW serves flows from north and south of the Wear in and around the central Sunderland City Centre and coastal areas. Based on their treatment facilities and the areas each serves, Northumbrian Water confirmed that Hendon WwTW has the capacity and capability to serve all of the anticipated future development.

In respect of the objectors reference to prima facie evidence that there does not exist sufficient sewerage treatment capacity in Sunderland, Officers have tested this concern with Northumbrian Water who have confirmed that operationally the foul network the proposed development will connect into is entirely separate from the Seaburn and St Peter's sewerage systems. The foul flows generated at the site are carry forward via the foul network direct to the Hendon Sewerage Treatment plant. Northumbrian Water have also confirmed, as discussed above, that there is capacity at Hendon to take the flows arising from the development. Moreover, CSDP policy 'WWE5 Disposal of foul water' states that development should utilise the following drainage hierarchy:

- i. connection to a public sewer;
- ii. package sewerage treatment plant (which can be offered to the Sewerage Undertaker for adoption); then
- iii. septic tank.

If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants can be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment.

When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewerage treatment works (those provided and operated by the water and sewerage companies). This will be done in consultation with the sewerage company of the area.

In conclusion, it is clear the site has a long-standing policy allocation as well as an extant planning permission for a greater quantum of residential development than is now being proposed, significant weight is attached to this fact. It is also clear the Applicant has liaised with Northumbrian Water, as the sewerage undertaker, when drawing up their development proposals and it is noted that Northumbrian Water have not objected to the application proposal. The submitted Drainage Assessment also confirms that foul flows from the development will connect to the public sewer and as such, the proposed development's approach to waste water is therefore in accordance with CSDP policy WWE5.

## **Foul sewerage network and environmental permit**

NPPF Paragraph 183 states that “...the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.

It should also be noted that water utility companies have a legal obligation under Section 94 (and Section 106) of the Water Industry Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. This automatic right to connect proposed development into existing sewers was established by the Supreme Court’s 2009 landmark ruling involving Barratt Homes and Welsh Water. The Court held that the developer has an absolute right to connect into the existing sewer irrespective of whether it overloads the system. It ruled that the specific wording of the legislation allows for this right to be exercised.

Due to this legal right to connect Grampian conditions are often requested by water companies. Grampian conditions are negatively worded conditions (e.g. “No development shall commence until...” ) and they enable the sewerage undertaker to agree with a proposed developer a strategy and preferred point of connection, while providing scope to assess existing capacity and whether upgrading work is required and as such programmed. Such an approach allows the legal right to connect to be sensibly managed prior to implementation.

In view of the Barratt Homes and Welsh Water case and the significant implications it has on sewerage undertakers, significant weight is given to the fact that Northumbrian Water have, in their consultation response, confirmed the sewerage network can accommodate the waste water flows of the development and that no such Grampian condition has been requested. Due regard is also given to the fact that capacity issues have not been raised by Northumbrian Water during the Council’s plan making which, as stated above, is considered to be the more appropriate stage to consider how water and sewerage infrastructure aligns with an area’s development needs.

Neither has the capacity of the sewerage system been raised as an issue during the consideration of the extant 2015 Hybrid approval (which approved 201 homes on the site), nor during the course of considering the more recent approvals for City Hall and the L&G office developments which Committee approved in November 2020. It is clear that Northumbrian Water have consistently advised the Council over a number of years both in relation to its plan making and its decision taking. It is considered to be entirely consistent in decision-taking to accept their latest consultation response.

Regarding the assertion by the objector that Northumbrian Water is not complying with their permit(s); it should be noted that the granting and regulation of permits is the statutory responsibility of the Environment Agency. It is an offence to cause or knowingly permit a water discharge activity unless you are complying with an

environmental permit or exemption. Most activities that could pollute water are regulated under environmental permits. A person or business wishing to carry out such an activity must obtain a permit from the Environment Agency and comply with its conditions. If they do not, they will be committing an offence. They could also face a notice requiring them to comply with the permit, or have their permit revoked or suspended. Being mindful of NPPF Paragraph 183, as stated above, significant weight is therefore given to the fact the Environment Agency has not objected to the application proposal.

## **8. Ground conditions**

NPPF Paragraph 178 requires decision taking to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, whilst Paragraph 179 highlights that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

CSDP Policy HS3 seeks to ensure appropriate remediation is undertaken when developing contaminated land.

The application has been supported by Preliminary Geoenvironmental Risk Assessment for the Kingsley Garden's area of the site and a Phase II (Site Investigation) Geoenvironmental and Geotechnical Assessment for the housing area.

In terms of the Kingsley Garden's the assessment identifies land quality risks, however, in the context of the proposed development, they are likely to be highly localised and of limited magnitude, in such a scenario the probability of contamination manifesting either during the construction and/ or the operational phases is likely to be low. At this stage it is considered that during both preparatory and construction works a precautionary approach will be applied with a mechanism in place to deal with unexpected contamination. In the event that unexpected contamination is encountered during construction then intrusive investigation and assessment may be required to determine whether remedial actions are necessary.

In terms of the Site Investigation Report for the housing area of the site, it concludes that remedial actions are required to mitigate risk. It anticipates that a scheme-specific detailed Remediation and Verification Strategy will be required. As a minimum it envisages that the strategy will need to address matters with:

- Dust and fibre controls;
- Clean cover system requirements in areas of soft landscaping or private gardens;
- Contamination 'hot spot' source removal procedures (if and where relevant);
- Controls measures for the import and export of soils / fill;
- Control measures for previously unidentified contamination;
- Requirements for appropriate potable water pipe materials;
- Verification requirements to confirm that the above measures have been satisfactorily implemented.

The LPA's geotechnical advisor is still considering the submission but in view of the limited issues identified for Kingsley Gardens and as the Vaux site has been the subject of previous development and geo-environmental assessments, particularly the site wide Hybrid Approval, it is anticipated that the proposed development will be considered acceptable subject to the standard land contamination conditions being imposed. This will be confirmed to Members at the Planning Committee.

## **8. Health Impact Assessment**

CSDP policy SP7, at criterion 6.iv., requires a Health Impact Assessment (HIA) to be submitted as part of any planning application for large-scale development. A HIA is an assessment of the potential impacts of a project upon the health of a population and the distribution of those effects within the population. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

In accordance with the above policy a HIA has been submitted in support of the application proposal. It was informed by a scoping exercise with the Council's Public Health team which established the focus of the study.

The HIA considered the impact of the proposed development on the following health categories:

- Impact on Populations;
- Access to Health Food;
- Access to Open Space and Nature;
- Accessibility and Active Travel;
- Social cohesion and lifetime neighbourhoods;
- Air quality, noise and neighbourhood amenity;
- Crime reduction and community safety;
- Access to work and training;
- Climate Change;
- Minimising the use of resources.

The HIA concludes that the proposals will deliver a number of positive impacts in relation to health. Positive impacts identified include the provision of high-quality public realm, including the provision of allotments for residents to grow their own food. The provision of high-quality public realm that is pedestrian focused encouraging active travel and cardiovascular exercise such as walking or cycling.

The development will also provide space for community interaction, helping to foster a socially cohesive environment and create a sense of belonging for residents. Community interaction and the provision of space for people to meet on a social basis provides positive health benefits in relation to mental health or those with long-term illnesses.

The development will exceed the National Technical Housing Standards with the predominant being M4(1) and M4(2), along with 3 units designed to M4(3) standards, thereby providing homes that are practical for general living requirements such as

play, exercise, entertaining or storing possessions. This has a subsequent effect on the mental health of occupiers and can have wider impacts on the social cohesion of local areas.

The proposed development has been developed with the sustainability of the proposals at the heart of its design. The development will include renewable energy such as air source heat pumps and PV panels, as well as having considered how lighting and the details of the dwelling's envelope can assist in reducing energy consumption. The proposals consider the impact of climate change, providing a green canopy and water bodies to cool the development, and proposing drought resistant planting species that will require minimal irrigation to flourish.

No negative impacts on health are anticipated to arise as a result of the proposed development.

The proposed development meets the requirements of CSDP policy SP7 through the delivery of a development that encourages active travel, enhances the City's natural and built environment, while also not unacceptably impacting on the amenity of existing residents and providing for a strong sense of place and community cohesion.

## **9. Section 106 (planning obligations) and Viability**

As set down in statute by Regulation 122(2) of the Community Infrastructure Regulations 2010; Paragraph 56 of the National Planning Policy Framework (NPPF) instructs that obligations can only be sought where they meet all the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

CSDP Policy ID1 highlights how development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms, whilst Policy ID2 explains how the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

The proposed development does not include affordable housing and, in accordance with CSDP policy H2, a Viability Appraisal has been submitted to demonstrate how this planning application would make the scheme unviable. The application proposal is however, delivering the following obligations:

- 1. £185,972.62 towards primary school education;
- 2. £74,194.20 towards HRA SAMM measures.

- 1. Education

Education have confirmed that a financial obligation of £185,972.62 is required. The amount requested is because 113 homes are 2 bed and above and it has been

calculated that in total these homes would generate the requirement of 14.1 primary places which, based on the Department for Education cost per place ratio with the Sunderland weighting applied (£13,115), generates the total requested contribution.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

## 2. Habitat Regulations Assessment and Strategic Access Management and Monitoring (SAMM)

As the application proposal involves new homes within relative proximity to the European sites a financial contribution is required to off-set the potential recreational pressures on the designated sites. The obligation will be directed towards SAMM measures at the coast. The Council, as the Competent Authority, can confirm a recording of no significant effect subject to the commitment to a pre-commencement per dwelling contribution of £539.35. The total contribution being £74,194.20.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

## **Affordable Housing and Viability**

As discussed in section '1. Land use policy considerations', CSDP Policy H2: Affordable Homes states that all development of 10 dwellings or more should provide at least 15 percent affordable housing. Where affordable housing is not provided in full a viability assessment should be submitted in-line with the requirements of the Planning Practice Guidance.

Consequently, the Applicant has submitted a Viability Assessment that is, on behalf of Officers, currently being reviewed by an external advisor and a response is expected to be received in advance of the Committee Meeting. Nevertheless, it is considered that this review will confirm the scheme cannot viably support the delivery of Affordable Housing.

The Viability Assessment has been supported by a report that highlights how the proposed development, as part of the Vaux and the Future Living Expo, offers the chance to take the first step and establish the essential character and quality of the Riverside Sunderland. As with many transformational regeneration initiatives of city-scale, it will take several years to deliver the vision and will require significant initial investment to drive the social and economic regeneration. Providing enhanced standards and added community value is essential to attract new residents and encourage market growth which ensures long term sustainability and attracts developers and investors to an area which has previously seen little development activity.

The report reiterates how the new homes will achieve Future Homes standards, surpassing current building regulations and planning policy requirements. The cost of delivering Kingsley Gardens and the proposed biodiversity enhancements alone is said to be in excess of £500,000. Building materials and components have been selected based on their quality, appearance, embodied carbon, durability and

flexibility for re-use, whilst increasing quality, sustainability and modern methods of construction techniques also result in additional capital costs which are said to impact on scheme viability.

All properties will exceed Nationally Described Space Standards by between 20%-30% and are designed with flexibility to accommodate home working, changing lifestyles post-pandemic, and maximise physical and mental health and wellbeing. A significant proportion of the new dwellings will meet accessibility standards, with all the apartments satisfying M4(2) criteria and three achieving M4(3) requirements to increase accessibility to high quality housing for the ageing population and those with greater needs.

The report also draws attention to the fact that the viability appraisal supporting the CSDP demonstrates that its strategic brownfield development sites were unviable using a traditional development model. These viability challenges are further compounded by the incorporation of the added value elements of the scheme, which are critical to the placemaking qualities of the development, one that aims to create an aspirational residential community at the heart of the city but that come with additional capital costs of approximately £7.5m.

To overcome these challenges, and maximise cost efficiency, the financial model assumes that the scheme will be delivered by the Applicant, on behalf of the Council, as client and initial owner of the development. The Council will invest in the scheme at the outset, with a large proportion of the new homes being held as private rental stock for up to 25 years after which the properties can be sold and the capital recouped. There will also be an opportunity to sell the properties gradually to maximise revenue and deliver market growth as property values improve over time. Careful consideration will be given to the balance between the number of properties that are offered for sale and the properties that are available to rent, and the timing of release of these properties.

Officers anticipate that the external review of the Viability Appraisal will confirm the scheme is not viable with the Affordable Housing obligation being placed on it. It is anticipated Officers will confirm the outcome of this assessment to Members at the Committee meeting and that greater weight should be given to the transformative benefits on offer to the City via the regeneration of this strategic site (CSDP Policy SS1), one that helps, in part, to realise the overall CSDP's Development Strategy by virtue of Policy SP1.

## **10. 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.

## **11. Conclusion**

The principle of development is considered acceptable and in accordance with the main land use policies associated with the site and as discussed in the various sections within this report, the application proposal is considered, when taken as a whole, to be acceptable in terms of its material planning considerations. It is anticipated that a response to the Viability Assessment review will be forthcoming in



advance of the Committee Meeting and that it will confirm that the scheme is unviable with the Affordable Housing requirement.

With respect to the foul water and as discussed in detail in the section '7. Water and flood risk considerations', greater weight is being given to the fact that the site has a long-standing policy allocation and is an allocated site by virtue of the recently adopted CSDP (Policy SS1). Significant weight is also being given to the fact that the site has an extant approval for a greater quantum of residential development. It is therefore considered that residential development is firmly established at the site, whilst neither the relevant regulator, the EA, nor the sewerage undertaker, have objected or raised any concerns over the development proposal.

The site occupies a principal gateway location immediately adjacent to significant designated heritage assets, including the Bishopwearmouth Conservation Area and adjacent listed buildings, and the listed Wear Bridges. It is considered that the planning submission has successfully demonstrated a scheme that is set to make a significant and positive contribution to townscape character and will become a significant development in the City. It is considered that the application proposal represents a key element of the continued development of Vaux and will bring significant economic benefits and substantial inward investment into the area, City Centre and wider City region.

Significant weight therefore is being given to the regeneration of this prominent vacant, brownfield site. It is also considered to be a sustainable and accessible location, easily accessed via public transport, car, foot and bicycle, and it is noted that the development will be built to modern energy efficiency standards incorporating emerging efficiency measures and low carbon technologies. There are not considered to be material considerations which outweigh these considerations so as to warrant a refusal.

In conclusion and subject to the satisfactory resolution of the outstanding Viability Assessment, it is anticipated that the application will be recommended to be Granted Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations and in accordance with the draft conditions listed below.

## **12. RECOMMENDATION:**

Members be minded to Grant Consent subject to the satisfactory outcome of the Viability Appraisal and in accordance with the draft conditions detailed below, and subject to the completion of the aforementioned Section 106 Agreement.

### **Conditions:**

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;

- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

The proposed conditions are as follows:

## 1. Three Years

The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

## 2. Plans and particulars

The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- AIA Figure, AIA Exi Former Vaux Site Sunderland 29.09.20-AIA Exi 1.500 A1;
- AIA Figure, AIA TPP Former Vaux Site Sunderland 30.09.20 AIA TPP 1.500 A1;
- AMS Figure, AMS Exi Former Vaux Site Sunderland 29.09.20-AMS Exi 1.500 A1;
- AMS Figure, AMS TPP Former Vaux Site Sunderland 01.10.20 – AMS TPP 1.500A0;
- Planning Red Line Boundary Drawing, VXR-CDL-XX-XX-DR-C-4010;
- Type A1 'Edge House' Plans, MK AD(0)A01 RevC;
- Type A1 'Edge House North' Plans, MK AD(0)A02 RevB;
- Type A2 'Edge House' Elevations, MK AD(0)A03 RevA;
- Type A2 'Edge House' North Elevations, MK AD(0)A04 RevA;
- Type B1 'Townhouse' Plans, MK AD(0)B01 RevC;
- Type B1 'Townhouse' Elevations, MK AD(0)B02 RevA;
- Type B2 'Townhouse' Plans, MK AD(0)B03 RevB;
- Type B2 'Townhouse' Elevations, MK AD(0)B04 RevA;
- Type C 'Maisonette' Plans, MK AD(0)C01 RevB;
- Pele Block Typical Apartment Floor Plan, MK AD(0)PL03 RevD;
- Pele Block Ground Floor Plan, MK AD(0)PL04 RevC;
- Pele Block Fifth Floor Plan, MK AD(0)PL05 RevB;
- Pele Block Sixth Floor Plan, MK AD(0)PL06 RevC;
- Pele Block Elevations, MK AD(0)PL07 RevA;
- Pele Block Roof Plan, MK AD(0)PL10 RevA;
- MK Typology Plan, MK AL(0) 01 Rev-;
- Cluster 1 Bike Store and Beam Bin Store Details, MK AL(0) 02 Rev-;
- Drawing House Type Key, A471-PMA-XX-00-DR-A\_0001;
- Vaux Level 0, A471-PMA-XX-00-DR-A\_0100;
- Vaux Level 1, A471-PMA-XX-01-DR-A\_0101;

- Vaux Level 2, A471-PMA-XX-02-DR-A\_0102;
- Vaux Level 3, A471-PMA-XX-03-DR-A\_0103;
- Vaux Level 4, A471-PMA-XX-04-DR-A\_0104;
- Vaux Level 5, A471-PMA-XX-05-DR-A\_0105;
- Vaux Level 6, A471-PMA-XX-06-DR-A\_0106;
- Vaux Roof Plan, A471-PMA-XX-07-DR-A\_0107;
- Terrace House 2b4p, A471-PMA-XX-XX-DR-A\_1001;
- Terrace House 3b6p, A471-PMA-XX-XX-DR-A\_1002;
- Terrace House 3b6p Home Working, A471-PMA-XX-XX-DR-A\_1003;
- Stacked Maisonettes – 4 Storeys, A471-PMA-XX-XX-DR-A\_1004;
- Terrace House 1b2p – V2, A471-PMA-XX-XX-DR-A\_1005;
- Terrace House 1b2p – V1, A471-PMA-XX-XX-DR-A\_1006;
- Stacked Maisonettes – 3 Storeys, A471-PMA-XX-XX-DR-A\_1007;
- Pele House 2 Apartments, A471-PMA-XX-XX-DR-A\_1008;
- Pele House 2 Apartments, A471-PMA-XX-XX-DR-A\_1009;
- Pele House 2 Apartments, A471-PMA-XX-XX-DR-A\_1010;
- Pele House All Floors, A471-PMA-XX-XX-DR-A\_1011;
- Pele 1 Elevations, A471-PMA-XX-XX-DR-A\_2000;
- Cluster 1 Elevations, A471-PMA-XX-XX-DR-A\_2001;
- Cluster 1 Elevations, A471-PMA-XX-XX-DR-A\_2002;
- Pele 2 Elevations, A471-PMA-XX-XX-DR-A\_2003;
- Cluster 2 Elevations, A471-PMA-XX-XX-DR-A\_2004;
- Cluster 2 Elevations, A471-PMA-XX-XX-DR-A\_2005;
- Pele 3 Elevations, A471-PMA-XX-XX-DR-A\_2006;
- Cluster 3 Elevations, A471-PMA-XX-XX-DR-A\_2007;
- Cluster 4 Elevations, A471-PMA-XX-XX-DR-A\_2008;
- Cluster 4 & 5 Elevations, A471-PMA-XX-XX-DR-A\_2009;
- Cluster 5 Elevations, A471-PMA-XX-XX-DR-A\_2010;
- Material Key, A471-PMA-XX-XX-DR-A\_2011;
- Site Sections 1 and 2, A471-PMA-XX-XX-DR-A\_3000;
- Site Sections 3 and 4, A471-PMA-XX-XX-DR-A\_3001;
- GA – Vaux Landscape Arrangement, SY636-100-0001;
- DA – Vaux Residential (north), SY636-100-0002;
- DA Vaux Residential (south), SY636-100-0003;
- DA – Kingsley Gardens, SY636-100-0004;
- DA – The Beam Drop-off, SY636-100-0005;
- GA – Management Responsibility, SY636-100-0010;
- GA – Public, Private and Communal Space, SY636-100-0011;
- GA – Playable Space, SY636-100-0012;
- GA – Areas of Usable Green Space, SY636-100-0013;
- GA – Habitat Areas, SY636-100-0014;
- GA – Pedestrian & Cycle Accessible Space, SY636-100-0016;
- GA – Vehicle Accessible Space, SY636-100-0017;
- GA – Indicative External Levels, SY636-100-0021;
- GA – Schematic Drainage Arrangement, SY636-100-0041;
- GA – Growing Medium Formation Plan, SY636-100-0061;
- GA – Indicative Irrigation Requirement, SY636-100-0062;

- GA – Existing Tree Retention and Removals, SY636-100-0071;
- GA – Proposed Tree Planting Plan, SY636-100-0072;
- GA – Typical Planting Plan, SY636-100-0081;
- Section A, SY636-100-0101;
- Section B, SY636-100-0102;
- Section C, SY636-100-0103;
- Section D, SY636-100-0104;
- Section E, SY636-100-0105;
- Section F, SY636-100-0106;
- Section G, SY636-100-0107;
- Section H, SY636-100-0108;
- Section I, SY636-100-0109;
- Section J, SY636-100-0110;
- Section K, SY636-100-0111;
- Section L, SY636-100-0112;
- Section M, SY636-100-0113;
- Typical Cliff Edge Section, SY636-100-0120;
- Gill Square Landscape Terrace Section, SY686-100-0122;
- DA Vaux Residential North, SY636-200-0002.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason:

To ensure the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

### **Pre-commencement Conditions:**

#### **3. Archaeological Excavation and Recording Condition**

No groundworks or development shall commence until a phased programme of archaeological fieldwork has been completed. This shall be carried out in accordance with the specification secured by condition 13 of hybrid application 15/02557/HY4 or an agreed amendment of the aforementioned specification.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

#### 4. 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 where required in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

**Reason:**

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

#### 5. Construction Environmental Management Plan

No construction work shall take place, including any remediation works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Environmental Management Plan shall be adhered to throughout the construction period. The Environmental Management Plan shall provide for but not be restricted to:

- I. parking of vehicles of site operatives and visitors;
- II. loading and unloading of plant and materials;
- III. storage of plant and materials used in constructing the development;
- IV. erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V. wheel washing facilities;
- VI. measures to control the emission of dust and dirt during construction;
- VII. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- VIII. measures to control the emission of dust and dirt during construction;
- IX. measures to control noise and vibration during construction;
- X. communication plan for liaising with the public;
- XI. measures to mitigate impacts, as defined by Argus Ecological Assessment (Ref. 20-040/01);
- XII. Measures for the removal and control of Knotweed identified on parts of the 'Kingsley Gardens' site;
- XIII. hours of construction.

**Reason:**

In order to protect the amenity of the area and in the interests of nature conservation, in accordance with CSDP policies HS1, HS2 and NE1.

## 6. Drainage Scheme

No groundworks shall take place until details of how the surface water and foul water drainage is complying with the Cundall Drainage Strategy (VAR-CDL-Z0-C-05-0002) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the agreed scheme shall confirm that surface water and foul flows are in strict accordance with Sections 4 (Strategy) and 4.3 (Proposed Foul Water Drainage). Thereafter the development shall be constructed in complete accordance with the agreed details.

### Reason:

To ensure provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with WWE3, WWE4 and WWE5 of the CSDP.

## 7. Remediation Scheme

No development shall commence on each phase of the development until a detailed Remediation Scheme to bring that phase of the development to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works.

The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on each phase of the site to ensure the development is undertaken in a manner to protect future users of the site.

### **Prior to above ground construction**

#### **8. Minimise energy demand**

No above ground construction shall commence until details of building construction and design measures which minimise the developments energy demand and reduce its whole life CO2 equivalent emissions impact for that plot have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall remain operational thereafter.

Reason:

In the interests of sustainability, in accordance with CSDP policy BH2.

### **Prior to Elevational Works**

#### **9. Schedule of Materials**

Prior to the commencement of external elevational works a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policies BH1, BH3, BH7 and BH8, the development hereby approved respects and enhances the best qualities of the locality.

### **Prior to occupation**

#### **10. Archaeological Post Excavation 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 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

#### **11. Archaeological Watching Brief Report Condition**

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 4 has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

12. Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason:

The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

13. Remediation Verification

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. If required, 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.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

14. Drainage Verification

Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:



- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- Construction details (component drawings, materials, vegetation);
- Health and Safety file;
- Details of ownership organisation, adoption & maintenance.

#### Reason

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with the CSDP.

#### 15. Hours of opening – commercial use

Prior to the occupation of any E(a), E(b), E(g) and F2(b) use (as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, proposed opening hours shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate at all times within the hours approved, unless otherwise agreed in writing by the Local Planning Authority.

#### 16. External Lighting

The development shall not be brought into use until details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details

#### Reason:

In the interests of amenity and highway safety and in accordance with CSDP policies BH1, BH3, BH7, BH8, HS1 and ST3.

#### 17. Sound insulation – commercial uses

Before a part of a building that is to be used E(a), E(b), E(g) and F2(b) use (as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 is to be fitted out for that purpose, details of the method of sound insulation of the E(a), E(b), E(g) and F2(b) uses within that building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound insulation scheme shall be installed before the development is brought into use and thereafter retained in full accordance with the approved details.

#### Reason:

To ensure an acceptable level of amenity, in accordance with CSDP policy HS2.

#### 18. Ventilation and Odour – café use

Any café or similar commercial premises where food preparation will take place shall submit for the approval of the LPA a scheme of ventilation and odour abatement that ensures nearby occupiers are not adversely impacted by odour emissions. The approved scheme shall be implemented prior to commencement of operations.

## 19. Travel Plan

No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Council.

### Reason:

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, in accordance with CSDP policy ST3.

## **Prior to implementation to landscaping**

## 20. Landscaping scheme

Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate and tree pit details.

### Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

## **Adhere to Conditions**

## 21. Delivery Service Management Plan

The Developer shall comply with submitted Delivery Service Management Plan (reference RPT-TC-03 Revision B). Thereafter, these facilities shall be implemented before the first use of the development and shall be retained and kept free from obstructions at all times in accordance with the approved details, and all servicing and refuse collection arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

## 22. Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Strategy” dated “29th January 2021”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3214 and 3209 and ensure that surface water discharges to River Wear via the surface water sewer at manhole 2202 and 3208.

### Reason:

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

## 23. Unidentified contamination

If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

## 24. Implementation of Landscaping

The landscaping scheme hereby approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

### Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

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**Reference No.:** 21/00125/TP3 Tree Preservation order LAP Reg 3

**Proposal:** **1no Sycamore tree - prune low branches**

**Location:** Benedict Court Saint Georges Way Sunderland SR2 7AX

**Ward:** St Michaels

**Applicant:** Sunderland City Council

**Date Valid:** 20 January 2021

**Target Date:** 17 March 2021

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**PROPOSAL:**

Consent is sought for works to 1 no. Sycamore tree which is located on a piece of land opposite Benedict Court, Saint Georges Way, Sunderland. The tree is afforded a degree of protection given its location within Ashbrooke Conservation Area.

The application has been submitted by the City Council and affects land in its ownership and for this reason the application falls to be determined by the Sub-Committee.

It is proposed that the lower branches of the tree which are growing over the road, be removed.

**TYPE OF PUBLICITY:**

Site Notice Posted

**CONSULTEES:**

Ward Councillors

Final Date for Receipt of Representations: **09.04.2021**

**REPRESENTATIONS:**

None Received

**POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: NE3

**COMMENTS:**

The proposal involves the removal of the lower branches of the tree, which are overhanging the road.

The main issue is whether or not the proposed works would have an impact upon the contribution the tree offers to the character of the area.

NE3 of the Core Strategy and development Plan is applicable which states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible. Furthermore, that the City Council will retain, protect and improve woodland, trees subject to Tree Preservation Orders, trees within Conservation Areas, and 'important' hedgerows as defined by the Hedgerows Regulations 1997, as well as giving consideration to them on individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting.

The proposed work would constitute good tree management and would not be considered likely to impact upon the long-term health of the tree. Upon completion of the proposed work, it is not considered that the visual amenity of the area will be compromised.

### **CONSULTATION**

Members should note that the public consultation period for this application has not yet ended and will not expire until after the meeting has taken place. Any representations received ahead of the meeting will be reported to Members at the meeting. Any further representations received after the meeting has taken place will be reported to Members at a future Committee meeting in the event the representation raises any matters which have not already been addressed by this report.

### **CONCLUSION**

For the reasons set out above, the proposed tree works are considered to be acceptable and compliant with the requirements of policy NE3 of the Core Strategy and Development Plan. It is therefore recommended that Members be Minded to Grant Consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended) for the proposed works, subject to the expiry of the public consultation period and the draft conditions below:

### **EQUALITY ACT 2010 - 149 Public Sector Equality Duty**

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) tackle prejudice; and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

**RECOMMENDATION:** Member be minded to GRANT CONSENT, under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to expiry of public consultation period and subject to conditions below:

### **Conditions:**

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the Core Strategy Development Plan.

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**Reference No.:** 21/00248/TP3 Tree Preservation order LAP Reg 3**Proposal:** **Application to fell 1no Ash tree (T1), 2no Alder trees (T2 & T5) and to crown reduce to previous pruning wounds 4no Willow trees (T3, T4, T6, & T7) subject to TPO114 Woodland 3.****Location:** Rear Of Calthwaite Close Sunderland**Ward:** Castle**Applicant:** Sunderland City Council**Date Valid:** 3 February 2021**Target Date:** 31 March 2021

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**PROPOSAL:**

Consent is sought to remove one Ash, 2 Alder trees and to crown reduce to previous pruning wounds to four Willow trees. The application site is to the rear of modern dwellings to Calthwaite Close in Hylton Castle. The trees stand on Council-owned land and are subject to Tree Preservation Order 114, Woodland 3.

The tree protection was afforded as it was considered that the belts of trees made an important contribution to that part of the city and the loss of the trees would have a detrimental impact on visual amenity.

**TYPE OF PUBLICITY:**

Site Notice Posted

**CONSULTEES:**

Castle - Ward Councillor Consultation

Final Date for Receipt of Representations: **09.03.2021****REPRESENTATIONS:**

None Received

**POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: NE3



**COMMENTS:**

The proposal involves the removal of 1 no. Ash (T1), 2no Alder (T5) , also to crown reduce to previous pruning wounds 4 no. willow trees (T3, T4, T6 and T7) subject to TPO 114 Woodland 3.

The main issue is whether or not the proposed works would have an impact upon the contribution the tree offers to the character of the area.

Policy NE3 of the Council's Core Strategy and Development Plan is applicable; it states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible. Furthermore, that the City Council will retain, protect and improve woodland, trees subject to Tree Preservation Orders. trees within Conservation Areas, and 'important' hedgerows as defined by the Hedgerows Regulations 1997, as well as giving consideration to them on individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting.

In this case the trees are spread out within the woodland area and Council's Arboricultural Officer has recommended the removal of three trees T1 Ash, T2, and T5 Alders to provide clearance of neighbouring residential properties and thin the woodland to improve the growth of retained trees.

With regards to the four Willow trees (T3, T4, T6 and T7) the proposal is to crown reduce to previous pruning wounds.

Residents have raised concerns that the trees in question are dropping limbs, blocking light and leaning towards their properties. The works are requested to alleviate these issues. There are many other trees within the vicinity, and they are situated away from the street scene but back onto some green space. However, in light of the proposal it is considered that the removal and of trees would not materially affect the amenity and character of the surrounding area, whilst the crown reduction works represent appropriate tree maintenance.

The proposals are therefore considered to accord with policy NE3 of the CSDP as set out above.

**EQUALITY ACT 2010 - 149 Public Sector Equality Duty**

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;

- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) tackle prejudice; and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

## **CONCLUSION**

For the reasons set out above, the proposed tree works are considered to be acceptable and compliant with the requirements of policy NE3 of the Core Strategy and Development Plan.

It is therefore recommended that Grant Consent for the works under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended) for the proposed works, subject to the condition below:

**RECOMMENDATION:** GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to conditions below:

**Conditions:**

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the Core Strategy Development Plan.