

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Ms. Irene Lucas CBE  
Chief Executive

**Reference No.:** 16/01524/HYB Hybrid Plan App Part FUL and part OUT

**Proposal:** Hybrid planning application seeking full planning permission for demolition of existing buildings and erection of 304no. dwellinghouses (Use Class C3) and associated infrastructure and outline planning permission (all matters reserved except access) to erect up to 496no. dwellinghouses (Use Class C3) including care village (up to 80no. bed spaces), up to 700sqm. of shops/services (Use Class A1 and/or A2 and/or A3 and/or A4 and/or A5) and associated landscaping and infrastructure

**Location:** Land At Former Cherry Knowle Hospital Burdon Lane/Stockton Road Ryhope Sunderland

**Ward:** Ryhope  
**Applicant:** Barratt Homes North East Ltd  
**Date Valid:** 26 August 2016  
**Target Date:** 25 November 2016

#### Location Plan:



#### Context

The Council's emerging Core Strategy, which contains the City's spatial visions and strategic policies to guide future development and change in the City, proposes a new growth area known as South Sunderland Growth Area (SSGA) which comprises 227 hectares (ha) of land in the Ryhope and Doxford Park wards. The SSGA is identified as a major new growth area for housing development and has the potential to provide approximately 3000no. new homes, which would meet 20% of the City's future housing need and contribute to achieving the strategic aims of the Council's Sunderland Strategy (2008 – 2025) and Economic Masterplan (2010) by improving housing choice and providing more higher value housing.

The SSGA essentially comprises four distinct areas; two unimplemented residential allocations (Chapelgarth and Cherry Knowles), an unimplemented employment allocation (South Ryhope) and a site currently allocated as "Settlement Break" (Land North of Burdon Lane). Planning permission (ref. 16/00388/HY4) was granted for 750no. residential units and up to 1000 square metres of ancillary commercial uses at the Chapelgarth site in 2016 and an application (ref. 16/01502/OU4) is currently under consideration to provide up to 500no. dwellings and a local centre of up to 500 square metres at the South Ryhope site.

### **Application Site**

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The current application relates to the Cherry Knowle site. This site is situated approximately 1.5 kilometres southwest of Ryhope, 1.5 kilometres from the coast and 3.5 kilometres from the A19 to the south west at Seaham Grange and covers an area of some 47.7 hectares, comprising the grounds and surroundings of the former Cherry Knowle Hospital.

Residential estates off Burdon Lane bound the site to the north, the Ryhope Engines Museum (a Scheduled Ancient Monument and Grade II\* listed building) and its Grade II listed cottages and gatehouse are situated to the northeast and Hopewood Park Hospital and Saint Benedict's Hospice are situated on the north side of the first phase of the Ryhope/Doxford Link Road which runs through the site and defines part of its northern boundary. A further residential estate is situated on the opposite side of Stockton Road to the east, Cherry Knowle Dean is located immediately to the south and the remaining western part of the site is bounded by open countryside which forms part of the Tyne and Wear Green Belt.

The majority of the Cherry Knowle Hospital buildings have been demolished, although some buildings in the southern and eastern extents of the Phase 1 area have been retained; these provide support facilities for the new hospital adjacent to the site before construction works are completed and are in the process of programmed vacation. The remainder of the site comprises the car parks of the former Hospital and open space, with rough grazing for livestock, and a pond exists in its southeastern extent; the northwestern and southern parts of the site are included in the Green Belt. A broadly continuous belt of planting in the form of mature trees, shrubs and hedgerows run centrally through the site from southwest to northeast and fences and hedgerows define the southern, eastern and western boundaries of the site.

The topography of the site is notably varied. The southern half of the former Hospital grounds is generally level, falling gently from approximately 70.00 metres above ordnance datum (AOD) from the northwest to around 55.00 metres AOD to the southeast, whilst its northern half comprises a generally level plateau which varies between 85.00 metres and 95.00 metres AOD. These northern and southern portions are divided by a steep slope which falls by around 20 metres across a lateral distance of between 100 and 150 metres. The southern portion of the site comprises a notable downward gradient to the exiting pond and Cherry Knowle Dene beyond and site includes further notable inclines in the form of Trig Hill to the northwest and Mill Hill to the northern extent.

Access to the site is afforded by the newly constructed first phase of the Ryhope/Doxford Link Road via the roundabout with the A1018 and Stockton Road to the east and Waterworks Road to the northeast.

## **Proposal**

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Planning permission is sought to erect up to 800no. dwellings with associated facilities and works, to be provided over three phases. Phase one would comprise 304no. dwellings, phase two would include up to 250no. dwellings and a retirement village and/or shops/services and the remaining housing would be accommodated in phase three.

This application seeks full planning permission to demolish all buildings which exist, or previously existed, within the site, comprising an overall volume in excess of 50,000 cubic metres, and to erect 304no. dwellings and associated infrastructure and outline planning permission to erect up to 416no. dwellings, a care village of up to 80no. bed spaces and/or up to 700sqm. of shops/services and associated landscaping and infrastructure.

### Full (Phase 1)

All existing buildings within Phase 1 are proposed for demolition. It is noted that two buildings have recently been demolished without the requisite planning permission and method statements and results of a nesting bird check and bat risk assessment have been supplied in respect of these buildings.

The first phase of development, for which full planning permission is sought, comprises a range of terraced, semi-detached and detached dwellings of two, two and a half and three storeys in height. An overall density of 30.5 dwellings per hectare is proposed across the entire of Phase 1 comprising:

- 53no. 2-bedroom dwellings
- 92no. 3-bedroom dwellings
- 126no. 4-bedroom dwellings
- 33no. 5-bedroom dwellings

This element of the proposal comprises 162no. “Barratt” house types, of which there are 12no. variations, at a density of 41.4 dwellings per hectare, and 142no. “David Wilson Homes” units, of which there are 13no. variations, at a density of 23.5 dwellings per hectare. The “Barratt” house types occupy the northwestern section of Phase 1 with “David Wilson Homes” units spread across the remainder of the site. A number of character areas are proposed within this phase which responds to the existing character and topography of the site, as detailed subsequently in this report.

Phase 1 includes amenity open space, including a central village green, new/replacement planting and a proportion of the Suitable Alternative Natural Greenspace (SANG) required to serve the overall development. Multi-user routes would be incorporated, including temporary routes until the permanent routes are formed, affording access to the SANG within Phases 2 and 3. Sustainable Urban Drainage Systems (SuDS) would be incorporated throughout, a main aspect of which is the adaption of an existing pond to the southwest of the site which would also provide ecological enhancements.

### Outline (Phases 2 and 3)

Outline planning permission is sought, with all matters reserved except access (i.e. appearance, landscaping, layout and scale are reserved for subsequent approval) to erect up to 416no. dwellings, a care village of up to 80no. bed spaces and up to 700sqm. of shops/services which would fall within one or a combination of Use Class A1: Shops, A2: Financial/Professional Services, A3: Restaurants/Cafés, A4: Public Houses and/or A5: Hot Food Takeaways.

These phases would also comprise a range of terraced, semi-detached and detached dwellings, with the possibility of apartments incorporated in Phase 2. Each of these phases are divided into two character areas, as set out below.

- Phase 2: Limestone Terraces Character Area - low/Medium density (15-35 dwellings per hectare) utilising a traditional palette of materials including red brick and render, tile hanging, concrete tile and terracotta
- Phase 2: Trig Hill Character Area - located within the Green Belt, forming limestone path connections with Mill Hill as part of a wider pathway network and including magnesian limestone meadow planting.
- Phase 3: Mill Hill Character Area - low/Medium density (15-35 dwellings per hectare) to be constructed in a crescent format using a “coastal seaside palette” of materials including render, weather boarding, brickwork and terracotta tiles
- Phase 3: Museum Setting Character Area - 2- and 2.5-storey dwellings of medium density (25-35 dwellings per hectare) utilising traditional materials including red brick and tiles reflecting Victorian vernacular

The SANG serving the overall development would be incorporated in Trig Hill and Mill Hill and it is anticipated that the SuDS system serving these phases would run from Phase 3 through Phase 2 to the attenuation pond within Phase 1. Multi-user routes would be provided throughout these phases and a pedestrian/cycle link is to be incorporated from Phase 3 to Burdon Lane.

## **Planning History**

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Outline planning permission was granted in June 2003 (ref. 99/00736/LEG) for a mixed-use development on the current application site to provide housing, community/commercial facilities, a hospital, open space, woodland, footpaths/cycleways and a section of the Ryhope/Doxford Link Road approved. This consent was extended by an additional two years in June 2006 through application ref. 06/01442/S73, but was not implemented and has now expired.

Full planning permission was granted in September 2012 (ref. 12/00572/FUL) to construct Phase 1 of Ryhope/Doxford Link Road, which runs west through the current application site from the roundabout at the junction of Stockton Road and the A1018, with an associated surface water attenuation pond. This first phase of the Link Road has been completed.

Full planning permission was granted in March 2012 to construct Hopewood Park Hospital, a 140-bed psychiatric hospital (ref. 11/03478/FUL) and Saint Benedict's Hospice, a specialist palliative care facility (ref. 11/03401/FUL). Both of these facilities are situated on the north side of the Link Road, outwith the current application site, and have been completed or are near completion.

## Environmental Impact Assessment

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The proposed development has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the “EIA Regulations”).

A joint Screening and Scoping Opinion was issued by the Council, as Local Planning Authority (the “LPA”) on 08 August 2014 which sets out the view that the proposed development falls within part 10: Infrastructure Projects of Schedule 2 to the EIA Regulations. In particular, the proposal is considered to fall within the scope of development described by sub-part 10(b), namely “urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas” where the area of the development would exceed 5 hectares. This Screening Opinion concludes that the proposal has potentially significant environmental impacts and, as such, an Environmental Statement (ES) is required. The EIA Regulations require an ES to describe the likely significant effects of the development on the environment; the scope of the ES which was agreed by the LPA accords with that which has been submitted with this application, as set out below.

The Environmental Statement which supports this application includes the following matters as having potentially significant environmental impacts (section A provides an introduction and context whilst section B describes the site and surroundings and the proposed development).

- C. Land Use
- D. Socio-Economics
- E. Transport
- F. Ecology
- G. Ornithology
- H. Landscape and Visual Assessment
- I. Heritage
- J. Ground Conditions
- K. Drainage, Flood Risk and Water Management
- L. Air Quality
- M. Cumulative Effects

The ES assesses each potential environmental impact having regard to:

1. Baseline conditions: an understanding of the existing environmental conditions against which the predicted environmental impacts have been assessed, including an assessment of environmental receptors.
2. Potential impacts: identification of potential impacts resulting from the proposed development and assessment of impact magnitude.
3. Mitigation and enhancement measures: recommendation for mitigation measures to avoid, offset or reduce the identified adverse impacts of the project, or for the enhancement measure to maximise positive impacts.
4. Residual impacts: assessment of significance of effects after consideration of mitigation measures.

Two addendums to the ES have also been supplied, one which provides an update on chapters E, F, G, K and M in light of additional information being provided and a Demolition Addendum which assesses impact as a result of demolition work which has taken place on the site. In respect of the latter, it is considered that this could potentially impact Chapters E, F, G, J, K and L. However, given that these addendums have not altered the likely residual or cumulative effects of the

relevant chapters and the additional mitigation required is not considered to be significant relative to the overall project or in terms of impact on the environment, it has not been considered necessary to re-publicise or re-consult on the ES.

## **Habitat Regulations Assessment**

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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 and Ornithology section of this report.

## **Representations**

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### Publicity

This application has been publicised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the “EIA Regulations”), including publication that application constitutes a departure from the Unitary Development Plan. In particular, the application has been publicised by means of:

- site notice (posted on 01 November 2016);
- press notice (published on 28 September 2016); and
- neighbour notification letters (posted on 05 September 2016).

One representation has been received from a neighbouring residents in response to such publicity which merely states “demolition of existing building?”. Given the vagueness of this comment, the LPA cannot offer a response.

### Consultation on Environmental Statement

In accordance with paragraph 16 of the EIA Regulations, a copy of the Environmental Statement and the planning application with associated documentation was sent to the National Planning Casework Unit, who confirmed that it has no comments to make at this stage. The same paragraph of the EIA Regulations requires consultation with the Environment Agency and Natural England, whose responses are included in the summary below.

### External Consultees

The County Archaeologist has provided detailed comments, as will be set out in the “Heritage” section of this report, and confirmed that no further archaeological work is required in the phase 1 part of the site and suggested that conditions be imposed requiring a programme of archaeological excavation to be completed around Mill Hill and the results of such works to be submitted to the LPA and subsequently published in an appropriate journal.

Durham County Council has made no formal representation, however informal comments have been provided by a highways officer of Durham who has confirmed, following revisions and

subject to the imposition of conditions, that the proposal would not pose an unacceptable impact on the highway network of this neighbouring authority.

The Environment Agency has confirmed that it has no substantive comments to offer.

The Fire Authority confirms that it has no objection to the proposal, subject to adherence to Building Regulations and the provision of an automatic sprinkler system.

Highways England provided a holding direction setting out that planning permission not be granted until additional assessments have been made, however Highways England has since lifted this holding direction following the submission of additional details, confirming that the information provided regarding the traffic growth, merge and diverge assessments and Road Safety Audit are appropriate.

Historic England has advised that the proposal would have a minimal effect on the setting of the designated assets in Ryhope, subject to mitigation, and therefore offered no objections. It is also recommended that the Council liaises with the County Archaeologist in respect of any known or unknown heritage assets.

Natural England confirmed that it has no objection to the proposal in terms of its impact on internationally and nationally designated sites upon condition, in respect of the latter, that the SANG provision is delivered in line with the details contained within Table 6.1 of the submitted Habitats Regulations Assessment prepared by Penn Associates dated March 2016 and is developed alongside the housing construction, to be available for use from the occupation of the first dwelling, so as to avoid potential temporary recreational activity increases while the SANG is created.

Nexus has objected to the proposal on in respect of the implementation of sustainable transport solutions, particularly in respect of bus services. However, it is anticipated that Nexus will withdraw its objection upon completion of an agreement under section 106 of the Town and Country Planning Act 1990 in respect of securing an appropriate financial contribution for bus provision improvements.

Northumbrian Water confirms that it has no objection, subject to adherence to the originally submitted Flood Risk Assessment which sets out that surface water from the proposed development will discharge directly to the existing watercourse whilst foul flows from the proposed development will discharge to the existing 300mm diameter combined sewer at manhole 7503; whilst the Flood Risk Assessment has been revised, the aspects to which Northumbrian Water specifically refer have not been altered. Northumbrian Water points out that it has not considered the quality of the flood risk assessment or the developer's approach to the hierarchy of preference and notes that a water main crosses the site which may be affected by the proposed development.

Sport England originally objected to the proposal but has since confirmed that it will withdraw its objection following completion of an agreement under section 106 of the Town and Country Planning Act 1990 which will secure a financial contribution to local sports provision. This matter will be elaborated upon in the "Sports and Play Space" section of this report.

### Internal Consultees

Conservation has advised that the proposal would cause less than substantial harm to heritage assets and the submitted information is sufficient to accept the principle of development, although further information, clarification and consideration of design is needed prior to the submission of



reserved matters, having regard to the guidance contained within the response provided by Historic England.

Ecology has provided a series of comments since the original submission of this application in light of additional details which have been submitted. It has been confirmed that the proposal is broadly acceptable in terms of its impact on biodiversity, however further survey work is required in respect of the potential for protected species being present within the site. These matters are elaborated upon in the “Ecology and Ornithology” section of this report.

Environmental Health has considered the proposal in respect of noise, air quality and construction management and has offered no objection, as elaborated upon in the relevant sections of this report.

The Flood and Coastal Team, as Lead Local Flood Authority, has provided detailed feedback and assistance in the preparation of the drainage strategy for the development and has confirmed that the information submitted to date is acceptable to allow details of drainage to be conditioned, should Members be minded to grant planning permission.

Network Management has confirmed, following detailed discussions and the submission of additional information, that the proposal is acceptable in highways terms subject to the imposition of a series of conditions, as detailed in the “Transport/Highways” section of this report.

Sports and Leisure has provided detailed comments, confirming that, subject to the specified financial contribution, there would be sufficient sports capacity to accommodate the proposed development.

Urban Design has confirmed, further to the submission of regulatory plans, that the proposal would deliver an appropriate and comprehensive form of development.

## **Main Issues for Consideration**

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In order to assess the main issues pertaining to this application, this report is set out as follows:

1. Procedure, Policy and Guidance
2. Housing Policy and Sustainability
3. Land Use
4. Socio-Economics
5. Transport/Highways
6. Ecology and Ornithology
7. Landscape and Visual Impact
8. Heritage
9. Ground Conditions
10. Flood Risk and Drainage
11. Air Quality
12. Noise and Vibration
13. Design, Scale, Layout, Appearance and Landscaping
14. Sports, Play Space and Allotments
15. Planning Obligations
16. Equality
17. Conclusion and Environmental Impacts

Items 3-11 are included within the Environmental Statement, as agreed by the LPA at the EIA scoping stage prior to the submission of this application, and items 12-15 are not considered to constitute potential significant environmental impact, but are still pertinent to the assessment of this application.

## **1. Procedure and Policy Context**

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### Legislative Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the legal requirement for determining planning applications, namely that “the determination must be made in accordance with the plan unless material considerations indicate otherwise” with the “plan” being the development plan documents, taken as a whole. The development plan is therefore the statutory starting point for decision-making.

### Local and National Policy and Guidance

The Council’s Unitary Development Plan (the “UDP”) was adopted in 1998 and remains the existing development plan for the City. The following are the UDP policies which are considered to be relevant to the current proposal, each of which have been “saved” following a direction by the Secretary of State.

- B2** Scale, massing layout and setting of new developments
- B3** Urban green space
- B10** Development affecting the setting of listed buildings
- B11** Measures to protect the archaeological heritage of Sunderland (general)
- B13** Sites and monuments of local importance affected by development
- B14** Development in areas of potential archaeological importance
- B15** Large scale disturbance
- B16** Historic sites
- B24** Provision of utilities
- CF1** Facilities for public bodies
- CF9** Health service provision
- CF11** Social, religious and cultural buildings
- CN2** Purpose of Green Belt
- CN3** New development in Green Belt
- CN4** Other development in Green Belt
- CN5** Green Belt views
- CN7** Protection of landscape and agricultural land
- CN16** Existing woodlands
- CN17** Valuable trees
- CN18** Promotion of nature conservation (general)
- CN19** Special areas of conservation
- CN21** Local nature reserve sites
- CN22** Developments affecting protected wildlife species and habitats
- EC1** Economic growth
- EN1** Improvement of the environment
- EN5** Protecting sensitive areas from new noise/vibration-generating developments
- EN6** Limit exposure of new noise/vibration sensitive developments to existing sources
- EN9** Clean environment

**EN12** Conflicts between new development and flood risk / water resources  
**EN14** Development on unstable or contaminated land or land at risk from landfill/mine gas  
**H1** Provision for new housing  
**H4** Housing density  
**H7** Executive housing  
**H10** Phasing  
**H14** Special needs housing  
**H16** Affordable housing  
**H21** Open space in residential areas  
**L7** Protection of Recreational and Amenity Land  
**R1** Sustainable Development  
**R2** Resource utilisation  
**R3** Infrastructure provision  
**R4** Energy conservation  
**S1** Shopping strategy  
**S2** Retail hierarchy  
**S3** Protection of local centres  
**SA9** Land for housing  
**SA19** Land for health facilities  
**SA20** Land for community facilities  
**SA27** Amenity open space  
**SA37** Allotments and leisure gardens  
**SA38** Protected Views  
**SA48** Multi-user routes  
**SA52** Safeguarding corridors for future roads  
**T8** The needs of pedestrians will be given a high priority throughout the city  
**T9** Specific provision will be made for cyclists on existing/new roads and off road  
**T10** Protect footpaths; identify new ones & adapt some as multi-user routes  
**T11** People with disabilities and other special needs  
**T13** Highway improvements  
**T14** Accessibility of new developments, avoidance of congestion and safety problems  
**T15** Protection of new and existing road corridors

The National Planning Policy Framework (the “NPPF”), as set out by paragraph 13 of this document, provides guidance for local planning authorities and is a material consideration in determining applications. It is important to note, as emphasised by this document, that the NPPF does not change the statutory requirement for applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 7 states that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a

high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The subsequent paragraph advises that “these roles should not be undertaken in isolation, because they are mutually dependent” and, as such, “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.

One of the key material considerations is the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. To this end, paragraph 14 of the NPPF advises that applications which accord with the development plan should be approved without delay and, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (i.e. those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

Paragraph 17 of the NPPF sets out twelve “core planning principles” which underpin plan-making and decision-taking with the intention of contributing to the over-arching aim of delivering sustainable development.

The annex to the NPPF, in particular paragraph 215, sets out that due weight should be given to relevant policies in existing plans which were adopted prior to the introduction to the Planning and Compulsory Purchase Act in 2004 according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The degree to which each relevant UDP policy is consistent with the NPPF is therefore considered in each respective section of this report.

In addition, paragraph 216 of the NPPF states that decision takers may give weight to relevant policies in emerging plans, from the date of publication, according to:

- a) the stage of preparation of the emerging plan;
- b) the extent to which there are unresolved objections to relevant policies; and
- c) the degree of consistency of the relevant policies with the NPPF.

It is noted that Council's emerging Core Strategy and Development Management Policies document is a material consideration. However, given its current draft stage of preparation, it is considered that only the strategic policies of this document should be given weight; their consistency with the NPPF is considered subsequently in this report.

In order to aid in the delivery of comprehensive development of the South Sunderland Growth Area, the Council has prepared a draft Supplementary Planning Document (SPD), Infrastructure Delivery Study and draft Habitat Regulations Assessment SPD.

### Consultation Direction

The Town and Country Planning (Consultation) (England) Direction 2009 requires the local planning authority to consult Secretary of State before granting planning permission for certain forms of development, including “Green Belt development” and “playing field development”. However, it is not considered that the current proposal falls within any of the development described by this Direction given that the proposal is not considered to comprise inappropriate Green Belt development and no part of the site has been used as a playing field within the past five years. This matter is elaborated upon subsequently in this report.

## **2. Housing Policy and Sustainability**

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UDP policy H1 sets out general criteria for the provision of new housing, including the re-use of vacant and derelict land wherever possible whilst policy H7 advises that provision be made of high quality low density housing in certain identified sites, including the current application site. Policies R1, R2 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, in terms of the re-use of vacant and derelict land, methods of construction and with respect to the functionality of a development.

Policy CS4.1 of the draft Core Strategy sets out the aspiration for Sunderland to become a more sustainable city, having an appropriate mix of good quality housing of all types, sizes and tenures to meet the needs of existing and future communities.

All of these policies are considered to be fully compliant with the aspirations of the NPPF to deliver housing and achieve sustainable development.

The third of the twelve “core planning principles” set out by paragraph 17 of the NPPF states, in part, that the planning system should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”. The eighth of these core principles encourages the use of “brownfield” (i.e. previously developed) land, provided that it is not of high environmental value.

Paragraph 34 of the NPPF encourages developments that generate significant movement are located “where the need to travel will be minimised and the use of sustainable transport modes can be maximised”.

### Housing Policy

Having specific regard to housing, NPPF paragraph 47 states, that, “to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far

as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances”.

Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It is important to note that a recent court judgement (Suffolk Coastal District Council v Hopkins Homes Ltd) has set out that “policies for the supply of housing” for the purpose of paragraph 49 are not limited to those that provide positively for the delivery of new housing, but also includes those policies which restrict the locations where new housing may be provided. In any event, even if a policy is considered out-of-date, it should not be ignored and the weight to be given to such a policy is for the decision maker.

The NPPF requires local planning authorities to “plan positively” for development in their area (para. 157) and “have a clear understanding of housing needs in their area” through, amongst other means, preparing a Strategic Housing Market Assessment (SHMA) to assess full housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and likely economic viability of developing land to meet the identified housing need over the plan period (para. 159).

To this end, the Council’s most recent housing evidence base exists in the form of the Objectively Assessed Need and Strategic Housing Market Assessment Update (March 2016) (the “SHMA”) and Strategic Housing Land Availability Assessment (May 2016) (the “SHLAA”), both of which are currently at draft stage.

This most recent evidence base indicates that a 5-year supply of deliverable sites is in place. However, as with the emerging Core Strategy, the SHLAA has not been subject to full consultation or independent examination. As such, on balance, it is considered that the Council cannot demonstrate to the required degree of certainty that a five-year supply of deliverable housing sites is available in the City.

Accordingly, the Council’s “relevant policies for the supply of housing” are currently out of date, as per paragraph 49 of the NPPF. Therefore, the proposal benefits from the presumption in favour of

sustainable development and should be approved unless any harm which would be caused by the proposed development “significantly and demonstrably” outweighs the benefits.

The Council’s SHLAA has identified the current application site as being deliverable for housing within 1-5 years. To be considered deliverable, sites should be available, offer a suitable location for development, offer a suitable location for development and be achievable with a realistic prospect that housing will be delivered on site within 5 years, based on current circumstances. In addition, the draft Core Strategy proposes the wider SSGA, including Chapelgarth, Cherry Knowle, South Ryhope and Land North of Burdon Lane, as a Location for Major Development (LMD), which adds further weight to the acceptability of this site as a suitable location for housing development.

The SSGA Infrastructure Delivery Study, based on the findings of the SHMA, estimates the delivery of 770no. dwellings on the Cherry Knowle site over a 15-year period, to include 340no. executive homes. The current proposal aims to exceed this total number of projected units, so would provide a further contribution toward meeting the Council’s five-year housing land supply. Much of the current proposal seeks outline planning permission, for which details of house types and sizes has yet to be established. However, the part of the development for which full planning permission is sought includes 142no. “David Wilson Homes” units, the executive-style range of the applicant, which is a similar proportion anticipated by the Infrastructure Delivery Study. The proposal would also therefore make a significant contribution to meeting the City’s identified need for executive housing.

### Sustainability

The application site is considered to be mix of brownfield and greenfield; the parts which previously accommodated, or currently accommodate, the hospital buildings, associated structures and hardstanding, including car parks and accesses, are considered to be brownfield whilst the remaining areas, predominantly its northern and southern sections, which did not accommodate development are considered to be greenfield. Given that the proposed dwellings and shops/services would predominantly occupy brownfield land, the proposal is considered to accord with the eighth core principle of the NPPF.

In terms of location, the applicant has noted that 2 kilometres is a generally accepted walking distance to access services, facilities and employment, making reference to a 2000 publication from the Institute of Highways and Transportation entitled “Guidelines for Providing for Journeys on Foot”. In addition, whilst superseded by the NPPF, the transport policies of the former PPG13 set out that “walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres” (para. 74) and “cycling also has potential to substitute for short car trips, particularly those under 5 kilometres, and to form part of a longer journey by public transport” (para 77). The Department for Transport 2008 publication entitled “Building Sustainable Transport into New Developments” advises that the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. For bus stops in residential areas, 400 metres has traditionally been regarded as an appropriate walking distance.

In this instance, the site is situated some 1.5 kilometres from Ryhope Village which provides a wide range of services and there are two primary and secondary schools within a shorter distance. Significant consideration has been given to the design of multi-user routes within the development site, creating a safe and pleasant environment, and a non-motorised access is proposed from Phase 3 to Burdon Lane to ensure a direct route to Ryhope for pedestrians and cyclists. An Interim Travel Plan has also been prepared which sets out means of encouraging

residents to use sustainable modes of transport; a more detailed Travel Plan will be prepared at Phase 2 of this development informed by surveys of traffic movements and trends from Phase 1.

As set out subsequently in this report, financial contributions are to be secured through an agreement under section 106 of the Town and Country Planning Act 1990 to contribute toward additional local education facilities and improvements to bus connectivity. The site is not currently considered to be well served by public transport, however the relevant financial contribution will significantly improve bus access from the site. In addition, shops and services are proposed by this application which would provide cater for residents of the proposed development, as would other such shops and services within other SSGA development sites, most pertinently the adjacent South Ryhope site which is currently under consideration.

The Design and Access Statement sets out the following measures to enhance sustainability:

- High construction standards, increased insulation levels to reduce energy demand;
- Designing to make the best use of the available land area;
- Development of a previously used brownfield site;
- Maximised use of sustainably sourced timber products from managed forests throughout;
- Provision of natural drying facilities to all dwellings;
- Recycling storage and promotion;
- Measures to minimise the use of the private car;
- Ecologically based landscaping design aimed at providing a suitable environment to encourage indigenous species of flora and fauna, include the provision of bird boxes;
- Provision of private and/or semi-private and shared amenity spaces; and
- Comprehensive public transport serving the site and surroundings.

The Design and Access Statement also specifies that all properties within Phase 1 will achieve Code for Sustainable Homes Level 3. Given that this would be achieved through Building Regulations, it is not considered necessary to impose a condition to this regard.

On this basis, the site is considered to be sustainable for residential development, which will be enhanced through necessary infrastructure improvements and future commercial development.

### **3. Land Use**

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The land use effects of the proposal are considered in Section C of the Environmental Statement (the “ES”), which concludes that the proposed development would have a minor beneficial residual effect and a moderate beneficial cumulative effect in combination with other committed sites, including the SSGA.

The application site is allocated for a variety of uses, as defined by the proposals map of the UDP. All of the relevant land use policies are all considered to be compliant with the NPPF in terms of their aims to deliver development which accords with the needs of the City, with the exception of policies B3 and L7 which are considered to be more restrictive than the corresponding paragraphs of the NPPF.

The greatest proportion of the site is allocated for housing by UDP policy SA9, in particular policy SA9.15 (Cherry Knowle North) which allocates 140no. dwellings within 6.25 hectares and policy SA9.16 (Cherry Knowle West) which allocates 230no. dwellings in 13.25 hectares.



A notable 8.6 hectares of the site is allocated by UDP policy SA19.2 for a new 200-bed psychiatric rehabilitation hospital and 0.5 hectares of the site is allocated for the provision of community facilities through policy SA20. The former of these allocations feeds into UDP policy CF9 which promotes the provision of additional health and psychiatric services and the provision of a new long-term rehabilitation care unit in South Sunderland whilst the latter makes reference to policies CF1, which seeks provision to accommodate public bodies, and CF11 which promotes the provision of social, religious and cultural buildings.

The northern part of the site identified as Mill Hill is allocated by policy SA27.6 of the UDP as part of a wider area of amenity open space to be improved, which extends outwith the site to the north side of Burdon Lane. UDP policies B3 and L7 are relevant to this allocation which aim to protect public and open space from development. The latter of these requires alternative open space provision unless a development is for educational purposes.

The remaining southeastern and westernmost parts of the site are allocated by UDP policy SA37.3 as forming part of the Tyne and Wear Green Belt, which extends from the south of Burdon Lane to the A19 and the railway line to the south of Ryhope.

### Housing, Health and Community Facilities Allocation

As set out above, given that part of the application site is allocated for additional health provision, the proposal does not fully adhere to the UDP land allocations for the site.

However, consideration must be given to two health developments for which planning permission was granted in March 2012:

- 11/03478/FUL - Hopewood Park Hospital, a 140-bed psychiatric hospital.
- 11/03401/FUL - Saint Benedict's Hospice, which provides specialist palliative care including physical, psychological, social and spiritual support for patients and their families and accommodates 14no. inpatients, a day care facility for 12no. patients and outpatient and lymphedema service which cater for 4no. and 20no. patients daily respectively.

Both of these developments are situated on the north side of the newly-constructed road which runs through the current application site on land which is allocated for housing and were approved on the basis that this location better reflects the needs and operational requirements of the wider hospital development.

In total, through policies SA9.13 to SA9.16, the UDP allocates 580no. new dwellings within the area between Stockton Road and Burdon Lane. As has transpired since the drafting of the UDP, the housing and health provision in this part of Ryhope have, essentially, been flipped, resulting in the hospital sites being situated on the north side of the new link road and the majority of new housing to be provided on the south side. This brings about notable benefits relative to the UDP allocation in that sufficient hospital accommodation has been provided in an operationally preferable location and a greater quantity of housing can be delivered.

Whilst the medical facilities which have been provided adjacent to the site contain a lesser number of bed spaces than as allocated by the UDP, it is apparent that the needs and operation of the NHS have changes since the drafting of the UDP on and prior to 1998. The facilities which have been provided are bespoke and aimed at addressing a particular need based upon modern standards.

It is also noted that land allocated for community facilities would be lost and it is not apparent that such facilities have been brought forward in the local area. However, it is considered that the public benefit of bringing forward the site for housing outweighs this identified need and, given the limited size of this area of land, it is likely that an alternative provision can be made through emerging land-use policies, if still deemed necessary.

For such reasons, the proposal is considered to accord with the aspirations of the UDP in terms of the delivery of housing whilst the requirement to provide health facilities in this part of the City has already been met and it is not considered that the land allocated for community facilities should be safeguarded in favour of residential development in this instance.

### Open Space

The area are of the site which is allocated as open space to be retained would form part of the Suitable Alternative Natural Greenspace (SANG) and would not contain any buildings, so the proposal accords with the land use provision in this respect.

It is noted that the site previously accommodated a cricket pitch, however this has not been in use within the last five years and is therefore “lapsed”. This matter is elaborated upon in the “Sports and Play Space” section of this report.

### Green Belt Allocation

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether any conflict between the UDP and the NPPF. To this regard, it is considered that the UDP policies relating to Green Belt development are partially compliant with the corresponding sections of the NPPF, although there is conflict between what each document sets out as exceptions to inappropriate Green Belt development. Having regard to paragraph 215 of the NPPF, as well as paragraph 216 in considering that the Council's emerging Core Strategy is likely to carry forward the Green Belt policies of the NPPF, it is considered that the NPPF should be primarily relied upon in assessing the Green Belt implications of the proposal.

Crucially, footnote 9 of the NPPF specifically excludes Green Belt development from the presumption in favour of sustainable development set out by paragraph 14.

Section 9 of the NPPF is concerned with the protection of Green Belt land. Within this section, paragraph 79 sets out that 'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 of the NPPF sets out five purposes of including land within Green Belts, namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy CS7.5 of the emerging Core Strategy and Development Management Policies reflects this, indicating that the broad extent of the Green Belt will be maintained to:

- a) check the unrestricted sprawl and encourage the regeneration of the built-up area;
- b) assist in safeguarding the City's countryside from further encroachment;
- c) preserve the setting and special character of historic settlements; and
- d) prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham and the merging of Shiney Row and Houghton-le-Spring with Washington, Chester-le-Street and Burnmoor.

In order to safeguard the Green Belt, paragraph 87 of the NPPF considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in 'Very Special Circumstances'. Paragraph 88 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Within this context paragraph 89 of the NPPF indicates that the construction of new buildings inside the Green Belt is inappropriate unless it is for one of the following purposes:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of the NPPF goes on to state that "certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;

- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order”.

The current application site includes within its boundary designated Green Belt land, however all development within the land would be limited to the provision of Suitable Alternative Natural Greenspace (SANG), ecological mitigation and enhancements and drainage infrastructure, the detail of which is set out subsequently in this report. These are considered to comprise engineering operations whilst much of the ecological work, including planting, does not constitute “development”. In particular, the proposal would meet all aims set out by paragraph 81 of the NPPF which advises local planning authorities to plan positively to enhance the beneficial use of the Green Belt by providing access, providing opportunities for outdoor sport and recreation, retaining and enhancing landscapes, visual amenity and biodiversity and improving damaged and derelict land.

Given the limited physical development which they would comprise and the lack of any buildings or structures which would be notably higher than ground level, it is considered that all elements of the proposal affecting Green Belt land would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt, so satisfies the second bullet point of paragraph 90 of the NPPF as well as the aspirations set out by paragraph 81.

Therefore, the proposal is not considered to represent inappropriate Green Belt development.

### Shops/Services

Policies S1 to S3 of the UDP seek to sustain and enhance the City's network of existing centres and incorporate the sequential test to the consideration of development proposals. Policy S1 states that, where appropriate, new town centre development will be based on existing centres and that development elsewhere should result from the application of the sequential test, be in accordance with other policies of the UDP and complement existing facilities. UDP policy S2 sets out that favourable consideration will be given to proposals which will sustain and enhance the vitality, viability and appropriate diversification of existing centres whilst policy S3 states that the Council will support the retention of existing shopping centres, local groups and small shops catering for everyday needs. However, these are strategic and aspirational policies which do not address the up-to-date development management tests for retail development which is located outside town centres, as set out in paragraphs 26 and 27 of the NPPF, so it is considered that more weight be given to the up-to-date tests in the NPPF, as set out below.

Paragraphs 23 of the NPPF requires any policies drawn up by Local Planning Authorities to foster and support competitive town-centre environments.

Paragraph 24 sets out that a "sequential test" must be applied to planning applications for main town centre uses (which includes retail development) that are not to be located within an existing centre and are not in accordance with an up-to-date Local Plan. Applications for such uses should firstly be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be considered. When considering edge- and out-of-centre sites, preference should be given to accessible sites that are well-connected to the town centre.

Paragraph 26 sets out the impact tests for applications for town-centre development located in out-of-centre locations and which is not in accordance with an up-to-date Local Plan and where a gross external floorspace of 2500sq. m (or a locally set threshold) would be created.

Paragraph 27 of the NPPF goes on to advise that 'where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors (i.e. in paragraph 26), it should be refused'. However, recent Court decisions (such as Zurich Assurance, as alluded to above) suggest that paragraph 27 is not necessarily determinative, if material considerations indicate otherwise.

A sequential test has not been submitted in this instance despite the fact that the proposed shops/services constitute "main town centre uses". However, the nearest local centre, Ryhope Village, is situated some 1.5 kilometres away from the site which would not be an attractive walking distance for some residents, particularly those with limited mobility and in respect of Phase 1 which forms the southernmost part of the development. As such, it is apparent that the proposed development would benefit from a more localised provision for its residents. Given the scale of the proposed provision (700sq.m), it is not considered likely that it would attract a high proportion of trade outwith the Cherry Knowle site and, as such, any impact on the vitality of Ryhope Village is likely to be negligible.

On this basis, it is accepted that a sequential test is not required in this case and the proposed provision of shops/services would enhance the sustainability of the site for residential development.

### Conclusion

For the reasons outlined above, the proposal predominantly accords with the land-use allocation of the application site. Accordingly, it is considered that the proposal would result in a minor beneficial residual environmental effect in terms of land use and, together with other committed sites, would result in moderate beneficial residual and cumulative effects in terms of land use.

## **4. Socio-Economics**

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Socioeconomics is the social science that studies how economic activity affects and is shaped by social processes and analyses how societies progress, stagnate, or regress as a result of their economy.

### Policy Context

Policy EC1 of the UDP, which is considered to be broadly compliant with the NPPF, sets out that the Council will encourage proposals and initiatives which develop the City's role as a major manufacturing centre, assist the creation and growth of local businesses, further develop the service sector, especially education, offices and tourism and/or are targeted at areas of economic and social deprivation, having regard to the degree to which a location is suitable for business use and access for the workforce together with the impact of development on the local environment.

In addition, policy CS2 of the Council's emerging Core Strategy identifies the Cherry Knowle site as a location for major development, in particular for housing and supporting infrastructure. This is considered to be fully compliant with the NPPF in respect of delivering housing and sustainable development.

As alluded to previously in this report, paragraph 17 of the NPPF outlines 12 core planning principles that should underpin plan-making and decision-taking, each of which are considered to be either directly or indirectly applicable in the assessment of the socio-economic impacts of the proposed development.

Paragraphs 18 and 19 of the NPPF go on to emphasise the Government's commitment to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future whilst ensuring that the planning system does everything it can to support sustainable economic growth, setting out that significant weight should be placed on the need to support economic growth through the planning system.

### Assessment

Census data from the Office for National Statistics (ONS) demonstrates that Sunderland is losing residents to surrounding towns and cities (a 3% reduction between 2001 and 2011), which contrasts with regional and national general population growth, and has a greater rate of unemployment than the national and regional average. The ONS sets out that Sunderland has a higher proportion of lower skill level occupation, with only 6.3% of residents in management, director or senior professional positions compared with 10.2% nationally and offers a limited choice in housing, particularly executive housing.

The draft SSGA SPD is supported by the SSGA Infrastructure Delivery Study which is intended to identify and define all of the requirements that are needed to make places within the study area to function efficiently and effectively in a way that creates sustainable communities.

The Environmental Statement (the "ES") provides an analysis of Sunderland's economy and demographic trends based upon Census data and sets out the following mitigation measures to ensure the positives of the development are long term and that they benefit the local area. These include:

- offering employment opportunities locally;
- procuring local goods and services;
- financial contributions towards education, recreation, biodiversity, highways, allotments and the delivery of approximately affordable housing; and
- Enhanced open spaces and improved accessibility.

The ES concludes that, during construction, the proposal would pose a minor beneficial effect on the local economy through a total capital investment of some £98 million, the creation of approximately 72no. full-time construction jobs, and 9no. apprenticeships over 16 years, 108no. indirect and induced jobs per year and the predicted £153 GVA (gross value added) over the build period.

Once completed, the ES sets out that:

- it is estimated that there will be a total one off "first occupation expenditure" of £4 million on furnishing and decorating a property. This will have a minor beneficial effect upon the local economy;
- the development of 800 homes will generate a total gross potential spending power figure of £14.7 million per year. This will have a minor beneficial effect upon the local economy;

- the development of the new houses will support approximately 109 full time equivalent (FTE) indirect and induced jobs per year; this will have a minor beneficial effect upon the local economy;
- the development 800 new homes will deliver around £1.2 million per annum in additional Council tax payments per year which will have a minor beneficial effect upon the local economy regarding council tax; and
- the development will deliver around £7 million in New Homes Bonus payments over 6 years. There will therefore be a minor beneficial effect upon the local economy regarding New Homes Bonus.

In respect of cumulative impacts, given that details of each of the housing developments coming forward within the South Sunderland Growth Area are not known at this time, it is not possible to quantify each of the cumulative effects to the same degree of accuracy as the application proposals. However, assuming the development of 3,300 new homes over a 15 year period at around 14 dwellings per acre (the standard density), it is estimated that the proposals will have the following cumulative effects:

- The cumulative construction cost will represent a £400 million investment into Sunderland
- The creation of approximately 475 FTE construction jobs, 38 of which would be for apprentices
- The construction of the SSGA will generate a total GVA of £630 million over the construction period
- The resulting “one off” expenditure associated with “first occupation” is estimated to equate to £16.5 million worth of spending in the local economy
- 3,300 homes will generate a total gross potential spending power figure of £60 million per year, which will in turn support 448 indirect and induced FTE jobs
- Sunderland City Council will benefit from an increase in Council Tax payments of circa £4.8m in addition to £28.8m of New Homes Bonus Payments

Whilst the figures set out above have not been verified and their accuracy is limited in certain respects given that the details of only Phase 1 are known at this time, it is apparent that the proposal will bring about notable benefits to the local economy both directly and indirectly. Such benefits would be realised not only within the immediate locality and the ward of Ryhope, but also throughout the City in terms of creating new homes, including many of executive-style, which would accommodate workers whilst attracting more residents into the City.

## Conclusion

For such reasons, the conclusions of the ES are accepted in that the proposed development would pose minor beneficial cumulative effects and, cumulatively, moderate beneficial residual and cumulative effects to the socio-economics of the local area and wider City would be achieved.

## **5. Transport/Highways**

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### Policy Context

UDP policies T8, T9 and T10 promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes whilst policy T11 requires the incorporation of measures to meet the needs of people with mobility problems and sensory impairment. Policy 13 sets out the criteria for highway improvements, including new road

construction, such as the improvement of the strategic road network, enhancement of public transport routes and safety of road users. Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

Policies SA48 and SA52 of the UDP allocates a corridor through the site for a new road and strategic multi-user routes to be protected from development, the majority of which has been brought forward in the form of Phase 1 of the Ryhope/Doxford Link Road.

Policies SA48, SA52, T8, T9, T10, T11 and T13 are considered to be fully compliant with the corresponding sections of the NPPF, as detailed below, whilst policies T14 and T22 are considered to be broadly compliant in respect of the requirement to provide Transport Assessments.

Paragraph 32 of the NPPF requires all development proposals which are likely to generate significant amounts of movement to be supported by a Transport Statement or Transport Assessment and decisions to take into account whether opportunities for sustainable modes have been taken up and safe and suitable access to the site can be achieved for all people. This paragraph goes on to state that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

NPPF paragraph 35 advises that developments should be located and designed, where practical, to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

In order to aid facilitation of the above, paragraph 36 requires a Travel Plan to be provided for proposals generating significant amounts of movement.

### Environmental Statement

Section E of the ES assesses the environmental impacts of the proposal from a highways perspective and concludes negligible to moderate residual beneficial effects. Such impacts are considered below, having regard to the documentation supporting the ES.

### Assessment

This application is also supported by a Transport Assessment and Interim Travel Plan, both of which were prepared in March 2017, superseding those originally submitted dated June 2016. These, together with supporting information, have been considered in details by the Council's Network Management section, whose comments are incorporated below, as well as the Highways Agency and Durham County Council.

The cumulative impact of the proposal on the local highway network has been considered with one currently pending application (first bullet point) and two committed developments, namely:

- 500no. dwellings on Land South of Ryhope, Southern Radial Route (reference 16/01502/OU4)



- 750no. dwellings on Land at Chapelgarth, South of Weymouth Road (reference 16/00388/HY4)
- 250no. dwellings on Land at Silksworth Lane / Silksworth Road (reference 14/01461/OUT)

The section of road serving the current application site was built as the first phase of the Ryhope/Doxford Link Road, for which planning permission was granted in September 2012 (ref. 12/00572/FUL). This section of road is currently available to traffic serving Hopewood Park Hospital and Saint Benedict's Hospice and to maintain access to remaining buildings within the Cherry Knowle Hospital site.

The transport information which was originally submitted in support of this application raised a number of highway concerns. The key issues were:

- The data used to predict journey information did not reflect likely trip distribution, with only 13% predicted to travel north through Ryhope Village and 48% expected to travel south via Seaton Lane. The applicant was therefore advised that junctions identified for assessment may need to change.
- The Transport Assessment provided no assessment of junctions within the A19 corridor.
- The travel to work census data for the Ryhope Ward used to assess mode of travel predicted 15.2% of trips will be via public transport, which is considered to be unrealistic due to the site location and restricted access to bus services.
- The Transport Assessment did not include any scenario testing for the construction of adjoining phases of the Ryhope/Doxford Link Road, which will influence future design year flows.
- Traffic survey and accident data were based on information provided up to 2014; there are a number of additional sites to consider in terms of committed development since 2014.
- The main distributor road through the site which will also serve as the Phase 2 and 3 access will need to be increased to a minimum width of 6.7metres to accommodate a bus route through the site.

These issues have now been addressed by the submission of revised information contained within the updated Transport Assessment. The updated information has addressed the following issues to the satisfaction of the Council's Network Management section, as Local Highway Authority.

### Traffic Impact

The submitted Transport Assessment considers trip generation for the both the outline and the full development proposals, which will generate additional traffic onto the local road network via Ryhope Village and Saint Nazaire Way to the east of A1018 Stockton Road. Given the proximity to the strategic road network, there will also be an increase in traffic accessing the A19 southbound. Until the remaining phases of the Ryhope to Doxford Park Link Road are completed, there is also likely to be an increase in traffic using Ryhope Street South and Burdon Lane to the west.

Trip distribution has been revised through the updated Transport Assessment to include a more robust assessment of trips through Ryhope Village. Committed developments now include the outline approval for Chapelgarth and the proposals for South Ryhope with assessment years updated accordingly.

Traffic survey information has been updated to use recent turning count data and road traffic collision data including details of accidents involving personal injury updated to cover the last five

years for the local road network. Based on the updated evidence, there are no concerns with regard to highway safety as a result of this development proposal.

Census information has been updated to use 2011 data for the Ryhope Ward and Method of Travel to Work applied to identify destination of work based trips for AM and PM peak traffic movements. These work based trips identify an increase in southbound traffic movements through Seaton Lane in Seaham to access the A19 north for journeys to main workplace locations in Washington, North Sunderland and further afield. Based on the updated data, the main six junctions with potential traffic impact in Sunderland have been reviewed again and confirmed that all operate within capacity in the 2018 opening year and future assessment year of 2027.

The A19 / Seaton Lane junction in Seaham has been assessed including a merge / diverge assessment of the slip roads. Based on the trip distribution methodology applied, the Seaton Lane / Lord Byrons Walk / B1285 junction has also been reviewed which is already identified as experiencing traffic loading and capacity issues during AM and PM peak hours and would operate over capacity both in the 2018 opening year and under future years both with committed developments and this proposal.

Given that the proposal would further intensify its use and in order to assist with the management of traffic flows and reducing queuing on the B1285 Stockton Road North arm, it is recommended that the existing traffic signals be converted to operate under MOVA technology (vehicle actuation) which will allow greater control of green times based on demand and so improve operational efficiency of this junction. This, together with a Stage 1/2 Road Safety Audit, if deemed necessary, can be addressed by an appropriately worded condition. It is recommended that such works be implemented prior to the occupation of 40no. dwellings, with details of these works be agreed prior to the occupation of 20no. dwellings. These are considered to be a reasonable timescale given the cost implications, which would be met through the sale of units, together with the requirement to obtain any necessary consents through the Highways Act 1980 and Durham County Council, as landowner, and it is not anticipated that there would be a significant detrimental impact on the affected junction at this stage of development.

The developer will need to enter into a Section 278 Agreement with Durham County Council and meet all necessary costs associated with technical and legal approvals. Durham has broadly agreed with the imposition of such a condition, but has requested that details of the scheme be approved prior to the commencement of development. This has been put to the applicant, who has advised that such a timescale would put the development at risk given the costs associated with delays.

### Ryhope/Doxford Link Road

Phase 1 of the Ryhope/Doxford Link Road was previously constructed but not opened fully to traffic. This section of road will need to be formally adopted and open to the public to enable access to the development site.

The developer is to provide funding through section 106 of the Town and Country Planning Act 1990 from Phase 2 of the proposed development towards the construction of the “missing link” of the Ryhope/Doxford link road. This is identified as a key infrastructure project which will provide the east-west connection to the A1018 / Saint Nazaire Way. This link road and a number of junction capacity improvements are required and will need to be completed to support the delivery of the Sunderland South Growth Area. The implementation of the Link Road will help reduce congestion at a number of existing junctions and distribute traffic onto the A1018 / Saint Nazaire Way.

The SSGA Infrastructure Delivery Study provides a methodology for setting highway infrastructure developer contributions and sets out a payment of per dwelling for all development within the SSGA, setting out a developer contribution of £1847 per dwelling throughout the SSGA. In this instance, it is accepted that Phase 1 of the Ryhope/Doxford Link Road has already been delivered by the current landowner, the Homes and Communities Agency and, as such, it is considered that the first 250no. dwellings can be omitted from this charge. A contribution of £1847 per dwelling is required for the remaining 54no. dwellings of Phase 1, which equates to £99,738, and it is accepted that this will be payable at the commencement of Phase 2, and the same rate of contribution will apply to all remaining phases of development.

It was agreed with the applicant that the recent assessment work be based on capacity of the existing road network in the 2018 opening year with full development (Phases 1, 2 and 3) and committed development traffic flows applied including Chapelgarth and South Ryhope. This takes a worst case scenario of impact on the existing road network, with the completion of future phases of the Ryhope to Doxford link road providing betterment by redistributing traffic across the wider road network.

### Site Access and Highway Layout

Two priority junctions are proposed to serve access roads to the development site, which will be required to be constructed to Sunderland highway adoption standards. The primary route proposed through the development site provides in excess of a 6.7m road width, which is the minimum required to provide a potential bus route. As such, the road width as proposed is considered acceptable as the principal means of access.

The Phase 1 access will be able to operate as a priority junction and it is recommended that a condition be imposed requiring the review of the traffic signal control installation prior to the commencement of development within for Phase 2.

The internal road layout will be subject to an agreement under section 38 of the Highways Act 1980 in respect of construction details and surface treatments. The development should be designed to ensure traffic speeds are managed with physical measures provided to deter speeds in excess of 20mph within the internal road layout.

### Parking Provision

Parking for individual dwellings should be provided on the basis of a minimum 1 in-curtilage space per dwelling (2 bed), increasing to two spaces depending upon the size of property (3 and 4 bed) whilst visitor parking provision is normally applied at 1 space per 3 dwellings, however this can be relaxed subject to locations where dwellings have double driveways.

Phase 1 of the development will provide 547no. driveways with an additional 92no. spaces provided as integral parking for specific house types, 639no. visitor parking spaces distributed evenly throughout the development and 194no. garages are proposed, which is considered to be an appropriate level of parking to serve the first phase of development. Parking for subsequent phases is reserved for subsequent approval, which must include separate provision for the care village and shops/services.

It would also be beneficial for charging equipment for electric vehicles to be installed for new dwellings and adjacent to the shops/services, however in lieu of any policy to this regard it is not considered that this can reasonably be conditioned.

### Pedestrian / Cycle Provision

The proposed development incorporates appropriate multi-user routes throughout all phases, encouraging journeys on foot and bicycle. A new link to Burdon Lane will be required as part of subsequent phases of development at a width of 3 metres, where achievable, to provide a shared user route, which can be conditioned. The location of zebra crossing or alternative controlled crossing are to be agreed as part of the reserved matters for Phase 2.

The footway to the east of the new access will need to be extended and continued around the kerb radius to provide a pedestrian route via the traffic island to the eastbound bus stop on the opposite side of the carriageway. Details of this can be conditioned should Members be minded to grant planning permission.

Links to existing established Public Rights of Way provided by the development are to be delivered subject to the build out of each phase. Phase 1 of the development provides footway / cycleway connections to the east provided by the first phase of the Ryhope Doxford link road.

### Public Transport

The applicant sets out that the application site is currently well served by public transport, however this is not considered to be an accurate statement; the majority of bus stop locations identified within the Transport Assessment are not accessible (i.e. stops on Bevan Avenue and Burdon Lane) from Phase 1 of the proposed development. The development will need to incorporate strong pedestrian links to assist in achieving public transport accessibility standards by ensuring direct walking distances of no more than 400 metres to a bus stop.

To address this issue, which applies to all development sites within the South Sunderland Growth Area, a Public Transport Strategy had been produced which includes a requirement for funding contributions. The detail has yet to be agreed but could include either the provision of a new service or adjustment to existing services, where achievable. To this end, a financial contribution of £315.61 per dwelling is sought, which would total £95,945.44 for Phase 1 and a maximum of £156,542.56 for subsequent phases.

### Travel Plan

An interim Travel Plan has been submitted in support of the application which appropriately promotes sustainable transport options to help reduce single car occupancy, including New Home Welcome Packs. It is recommended that a condition be imposed, should Members be minded to grant planning permission, requiring the submission of a detailed Travel Plan following monitoring and evaluation based on follow up travel surveys. Network Management has advised that this be carried out following occupation of 50% of Phase 1, however it is considered that this can be reserved prior to the commencement of Phase 2 when more comprehensive data will likely to have been gathered.

### Public Rights of Way

There are no registered public rights of way across, or routed directly through the development site. There is the potential for claimed routes across the development site and, as such, the applicant should however be aware of the provisions of section 31 of the Highways Act 1980 which relates to presumed dedication of public rights of way where there has been 20 years use by the public as of right and without interruption, and also of Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map. Should evidence of any claimed routes come forward, they should be submitted to Sunderland City Council's Public Right of Way Officer.

## Construction Management Plan

A suitably worded planning condition will be required to cover any demolition, site clearance and construction works to include a Construction Management Plan to clearly define routes for site deliveries and construction traffic, a scheme of work setting out the routing and control of construction traffic and details of site compounds, contractor parking, wheel washing and/or road cleaning operations.

## Highways England

Highways England has previously expressed concerns with traffic queuing on Seaton Lane which impacts on the A19 southbound exit slip. The issue specifically relates to queuing lengths on Seaton Lane for the right turn northbound onto the A19, which in turn impacts on vehicles queuing on the slip road taking the southbound exit from the A19 onto Seaton Lane. A potential mitigation measure is the conversion of the traffic signal operation to MOVA to allow for more effective control of traffic flows based on demand. As this proposal is located on the local road network in Seaham, it will require the agreement of Durham County Council to the proposals.

Highways England has recommended that a Stage 1 Road Safety Audit be undertaken prior to determination of the application. This is in order to identify whether there are any significant safety issues which would prevent the implementation of the scheme, and therefore negate the planning condition. However, given that this is a local road junction, this will need to be agreed with Durham County Council.

Given that the junction improvement scheme will require relatively minor changes to the actual layout of the junction (the junction already has traffic signal control), it is not considered that a Stage 1 Road Safety Audit report is necessary prior to the commencement of development. Rather, it is considered that a Stage 1/2 report would be more appropriate in this instance, subject to the carrying out of further survey work, and this should be included in the relevant planning condition.

In terms of traffic growth, given the additional information received and the findings of the junction and merge/diverge assessments, Highways England suggest that there would be negligible difference in the results of the assessments based on NTEM 7.0 relative to 7.2. Therefore, Highways England agrees that reassessment is not required.

In terms of the Merge and Diverge Assessment, Highways England agrees that the Northbound Merge assessment shows that the existing layout operates within capacity at opening year.

Highways England agrees that the Southbound Diverge assessment at the opening year operates within capacity and that no further assessment is required.

Based on trip distribution, Highways England is satisfied that this development will not significantly impact on the operation of the A19/A690 junction.

## Nexus

Nexus have raised concerns that the development site is not well connected to existing bus service provision. This could be addressed by the provision of financial contribution toward public transport provision through the S106 agreement.

Nexus will work closely with the City Council and the bus operators to develop high level and holistic approach in order to adopt a comprehensive public transport strategy for the SSGA which will provide a framework for developer contributions. The precise detail of this strategy will be agreed once more detail on the phasing, implementation and site layouts of the developments and associated infrastructure are clarified.

It will be necessary to seek a developer contribution to provide a “pump priming” bus service on each of the individual developments forming SSGA in advance of the growth area developing sufficient ‘critical mass’ in terms of population and infrastructure to enable commercial bus service provision to be viable.

As an example, during the early phases of development before the Link Road is completed Nexus suggest that it may be possible for an existing service be diverted from the A1018 to serve the Cherry Knowle development. This would enter the southerly developments via the south part of the new road, and then proceed past the new hospital into the city, giving opportunity for interchange onto Doxford Park bound services at Ryhope Green.

Once the link road is built and the other development sites become “live” it would be more appropriate to provide a service linking the sites to the attractors i.e. Sunderland Royal Hospital with a dedicated service rather than a diversion of existing services, though some variation of existing service may be appropriate and may interest bus operators.

The financial contribution for public transport has been confirmed as being sufficient by Network Management for pump priming a bus service; this would be provided in thirds at intervals of 0%, 33% and 66% of occupation.

### Conclusion

It is noted that the ES projects minor adverse effects during demolition from heavy goods vehicles and staff using local roads and some demolition works have already taken place. However, details of appropriate precautions have been provided in the form of Demolition Method Statement and noise and vibration risk assessment which are considered to accord with the mitigation set out by the ES which concludes neutral/negligible residual effects.

Subject to the mitigation set out above, it is considered that negligible residual and cumulative transport/highways impacts would result from the proposed development.

## **6. Ecology and Ornithology**

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### Policy Context

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) is the primary UK mechanism for the protection of individual species listed within the Act. Under Section 1 of this Act, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the barn owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed on Schedule 1 of the 1981 Act are subject to special penalties.

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

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process, including minimising impacts and providing net gains in biodiversity. Paragraph 118 sets out that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

Paragraph 119 of the NPPF confirms that the presumption in favour of sustainable development, as set out by NPPF paragraph 14, does not apply where development requiring appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

Reflective of such aims, UDP policy CN16 encourages the retention and enhancement of field hedgerows and to undertake and encourage new planting whilst policy CN18 of the UDP promotes the preservation and creation of habitat for protected species, where possible. Policy CN19 of the UDP relates to the protection of special areas of conservation, special protection areas and Ramsar sites whilst policy CN21 aims to protect Local Nature Reserves, amongst other locally protected sites. UDP policy CN22 states that "development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city". All of these UDP policies are considered to be fully compliant with the NPPF.

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Durham Coast Special Area of Conservation (SAC), and the Northumbria Coast Special Protection Area (SPA) which are European sites. The SPA is also listed as the Northumbria Coast Ramsar site<sup>1</sup> and the sites are notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### Environmental Statement

Chapter F of the ES is concerned with ecology / flora and fauna whilst Chapter G relates to ornithology and minor adverse residual and cumulative impacts are concluded for each.

An ES Demolition Addendum has been submitted in light of demolition works which have been carried out, which includes a checking survey for nests and a bat risk assessment for the buildings which have been demolished. Based upon these findings, it is accepted that the likely ecological impact of the proposal has not changed from as set out by the original ES.

Details of further survey and mitigation have also been provided in light of the discovery of a barn owl nesting within one of the buildings within the site. The ornithology impacts of the proposal as set out by the ES (as revised) are summarised below:

Potential Effect	Receptor	Impact Without Mitigation	Mitigation	Residual Effect
<b>Demolition &amp; Construction: destruction of nests</b>	Breeding Bird Community	moderate adverse	Nesting Bird Protection Plan	None
<b>Demolition &amp; Construction: displacement of breeding birds</b>	Breeding Bird Community	moderate adverse	Provision of alternative nest sites & foraging habitat	Minor adverse
<b>Demolition &amp; Construction: displacement of wintering birds</b>	Wintering Bird Community	Minor Adverse	Provision of additional foraging habitat	Minor adverse
<b>Demolition &amp; Construction: displacement of waterbirds</b>	Waterbird Community	Minor Adverse	None required	Minor adverse
<b>Operation: disturbance/displacement</b>	Breeding Birds	moderate adverse	Provision of nest sites & foraging habitat	Minor adverse
<b>Non-breeding Birds</b>	Minor Adverse	Provision of foraging habitat	Minor adverse	
<b>Waterbirds</b>	Minor Adverse	None required	Minor adverse	
<b>Cumulative Effects</b>	All species & communities	Moderate adverse	None required	Negligible / Minor adverse

### Conclusion

Given that additional ecological information has been provided on the day proceeding the preparation of this report, it is anticipated that the ecological and ornithological impacts of the proposal will be reported in greater detail in advance of the meeting of the Sub-Committee.

However, based upon the details submitted to date and on the basis that no further demolition is to be carried out until the measures set out by the appropriate conditions relating to ecology set out subsequently in this report (which may be subject to change pending further assessment) have been undertaken to the satisfaction of the Council, as Local Planning Authority, it is accepted that, subject to such mitigation, the residual and cumulative effects on ecology and ornithology are considered to be minor adverse.



## 7. Landscape and Visual Impact

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### Policy Context

UDP policy B2 states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas' whilst policies B3 and L7 are relevant to this allocation which aim to protect public and open space from development. In addition, policy CN17 of the UDP encourages the retention of trees which make a valuable contribution to the character of an area.

Policy CN5 of the UDP states that "care will be taken to ensure that the visual amenities of the green belt will not be injured by proposals for development within, or conspicuous from, the green belt". The supporting text to this policy advises that the appearance of the Green Belt may be further enhanced by ensuring strict control of the form and 'footprint' of the development within or adjoining its boundary, noting that much of the Green Belt comprises attractive landscape and, as such, where development is permitted, its design will need to take account of potential impact on the wider landscape. Policy CN7 promotes the enhancement and protection of landscape and agricultural land on the urban fringe through the provision of buffer uses between rural and residential areas, the reclamation of derelict land and landscape improvement works.

In addition, UDP policy SA38.5 identifies the view from Burdon Lane to the southern coastline for protection and enhancement.

Policies B2, CN5, CN7, CN17 and SA38.5 are considered to be fully compliant with the NPPF, the relevant paragraphs of which are set out below, whilst policies B3 and L7 which are considered to be partially compliant on the basis that these are more restrictive than the corresponding paragraphs of the NPPF.

Paragraph 61 of the NPPF advises that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment whilst paragraph 79 sets out the importance the Government places on Green Belts, noting that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that "the essential characteristics of Green Belts are their openness and their permanence". Paragraph 109 goes on to advise that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Whilst no part of the proposed extension is situated within the Green Belt, given that it is situated within particularly close proximity to Green Belt land to the north, consideration must be given to such potential impacts.

### Environmental Statement

Section H of the Environmental Statement (the “ES”) assesses landscape and visual impacts and concludes a minor negative landscape residual impact and neutral residual visual impacts, although a minor negative residual visual impacts is identified from Ryhope Pumping Station and from Burdon Lane.

The ES identifies potential landscape impacts Coastal Farmland Landscape Character Area, which is determined as having a medium sensitivity, whilst visual receptors are identified as having a low sensitivity, with the exception of two receptors which are identified as being of medium sensitivity, namely the Ryhope Pumping Station and southerly views from Burdon Lane. In respect of these features, the ES concludes minor adverse effects on landscape and moderate adverse visual effects.

Mitigation is proposed by the ES in the form of protecting and retaining as many existing trees/ hedgerows as possible during demolition and construction stage and considering construction routes which minimise disruption. At completion, mitigation measures are proposed in terms of avoidance, compensation and enhancement. Avoidance measures include the retention of existing trees and consideration of the setting of valued receptors and the local vernacular/material palette. Compensation is concentrated on the re-provision of hedgerows and trees where the removal of the existing features is unavoidable and enhancement includes landscape features and elements to complement the existing green infrastructure and links.

Subject to such mitigation, the ES concludes minor adverse residual effects in respect of landscape and visual impact.

### Assessment

The Council’s Draft Sunderland Greenspace Audit and Report 2012 identifies the application site as including amenity greenspace (J017) and natural greenspace (J065), with both identified provisions serving as a green corridor as a secondary purpose. This Report identifies the Ryhope area as having an above average provision of amenity greenspace in terms of quantity (5.52 hectares per 1000 population against 5.34 hectares per 1000 across the city) and quality (some 8% above the City average) as well as good outdoor play provision and formal park quality and very high allotment / community gardens access and outdoor sports facilities. The Report sets out that Ryhope has a below average provision of woodland (a cover of 3.5% against 7.6% across the City) and low formal park access.

The current application proposes the provision of a total of 2.5 hectares of public open space, play space or communal gardens, of which 0.7 hectares in the form of open space with planting, including a village green within Phase 1. Approximately 14.5 hectares of Suitable Alternative Natural Greenspace (SANG) and ecological enhancements would be provided throughout the development, most notably within Phase 1, and allotments would be provided within Phase 2. In addition, as set out subsequently in this report, a financial contribution will be provided to enhance local sports provision.

As detailed in the “Design, Scale, Layout, Appearance and Landscaping” section of this report, the design of the proposed development has been informed by the existing character and

topography of the site and, for the reasons set out in this section, it is considered that the development responds positively to these aspects of the site whilst retaining its character.

The Environmental Statement (ES) proposes the following mitigation measures during construction.

- Construction access into the site will need to be carefully planned to avoid conflict with existing residences and public footpaths wherever possible. This will be achieved by the implementation of a Construction Environmental Management Plan (CEMP);
- Any temporary roads required to carry construction traffic should utilise existing tracks to avoid unnecessary earth-moving to create access roads. Consideration should be given to combining the routes of temporary access roads with existing and proposed routes. This will also be secured through the (CEMP);
- Construction routes should be planned to utilise the existing entrance and access road to avoid the need for excessive removal and replanting works;
- All existing trees, woodlands and hedgerows to be retained will be safeguarded during construction works through use of tree protective fencing in accordance with BS5837:2012; and
- Disruption to the existing highway should be minimised by ensuring that adequate temporary footpaths and diversion signage are put in place to enable continued public access throughout the phases of the works to open spaces within the site.

At completion stage, the ES sets out mitigation measures comprising, essentially, avoidance of such an impact by avoiding erosion of landscape and visual amenity wherever possible, retaining the majority of hedgerows and trees within the site, with new planting to mitigate any loss including enhancing existing hedgerows to the north, south and west parts of the site, the use of appropriate building materials, the provision of open spaces, greens and visual, wildlife and public links in addition to a community garden.

## Conclusion

As set out above, the ES concludes minor adverse residual effects on the Coastal Farmland Landscape Character Area, the adjacent Ryhope Pumping Station and its grounds (which is considered in the subsequent section of this report) and Burdon Lane. However, due to a combination of existing vegetation and proposed tree planting and landscaping within the site, it is envisaged that the residual effects of the proposed development in respect of the Ryhope Pumping Station and Burdon Lane would be reduced from minor to neutral.

This conclusion is accepted and, subject to the imposition of conditions require the submission of a comprehensive and appropriate scheme of landscaping, it is concluded that the proposal would pose a minor adverse to neutral residual and cumulative landscape and visual impact.

## **8. Heritage**

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### Policy Context

Policy B10 of the UDP states that the Council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting. In addition, UDP policies B11, B13 and B14 seek to protect the architectural heritage of the City and ensure that remains are either preserved or appropriately recorded, policy B15 advises that archaeological

assessment is required for major development proposals involving large-scale ground disturbance of undeveloped areas and policy B16 requires the recording or preservation of archaeological finds.

All of these UDP policies are considered to be fully compliant with the NPPF, in particular the relevant paragraphs contained within Chapter 12 as detailed below.

As a starting point, NPPF paragraph 128 states that “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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

Paragraph 131 advises that local planning authorities 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 including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 of the NPPF sets out that, “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Paragraph 133 states that, “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use”.

Paragraph 134 of the NPPF goes on to state 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 securing its optimum viable use”.

Paragraph 137, in part, instructs local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance, advising that “proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.

In addition, NPPF paragraph 141 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Chapter I of the Environmental Statement (the “ES”) sets out the applicant’s analysis of the heritage impacts of the proposed development, which is supported by four reports prepared by Archaeological Services of Durham University:

- Archaeological Desk-Based Assessment (ref. 3303 dated December 2013)
- Geophysical Survey and Archaeological Evaluation (ref. 3423 dated May 2014)
- Heritage Impact Assessment (ref. 3544 dated September 2014)
- Artefact Conservation and Analysis (ref. 4380 dated February 2017)

In this instance, the potential heritage impacts of the proposed development pertain to the setting of the listed group of the former Ryhope Pumping Station and any archaeological remains which may be present, in particular within Mill Hill to the northern part of the site where a windmill and associated house and enclosures existed until the 19<sup>th</sup> century.

#### Setting of Scheduled Ancient Monument/Listed Buildings

Phase 3 of the proposed development is located within close proximity to the Ryhope Pumping Station, a Scheduled Ancient Monument (SAM) and a Grade II\* listed building. The area of the Pumping Station also contains four Grade II listed structures, namely two large cooling ponds to the north of the main building, walls, piers, gates and railings on the southern boundary, the superintendent’s house to the southwest of the engine house and three workers’ houses and an attached stable/coach house to the west. This complex of structures was constructed between 1866 and 1869 by T & C Hawksley, remaining in use until 1967, and the Pumping Station currently operated as the Ryhope Engines Museum.

Given its notable distance and lower level, it is not considered that Phase 1 of the proposal would pose any notable impact on the setting of any of these heritage assets. Only the impact of the development for which outline planning permission is sought, in particular Phase 3, is considered below.

In accordance with paragraph 128 of the NPPF, as set out above, the submitted Heritage Impact Assessment offers an appraisal of the significance of these designated heritage assets. This appraisal is considered to be somewhat limited, however it is apparent that the pumping station site is highly significant in heritage and historic landscape terms and its immediate and wider landscape settings are key components of its significance. Short and longer distance views are of particular importance; the tower of the pumping station can be seen from miles around.

Whilst appearance, landscaping, layout and scale have been reserved for subsequent approval in Phase 3 of the development proposal, the visuals submitted in the Design and Access Statement show “traditional” and “modern” 2- and 2.5-storey housing options laid out in a mid-density pattern with access road and turning head adjacent to the pumping station tower. The traditional build option is a pastiche attempt at replicating the traditional splendour of the Hawksley-designed station buildings, which is not considered to be desirable. A contemporary design more akin to the “modern” option set out by the Design and Access Statement would be preferred utilising high quality materials, as confirmed by the Council’s Conservation Team. A detailed visual analysis would be required at reserved matters stage, identifying key views and including cross-sections across the development site and Pumping Station site showing the relationship between land levels, topography and building heights, although at this stage there is no objection to the construction of a mix of 2-storey and 2.5-storey dwellings in Phase 3.

The ES identifies minor adverse heritage effects on the pumping during construction by virtue of noise and dust from groundworks and after completion given that new dwellings would be visible in filtered views from the main buildings at the centre of the pumping station site. A moderate adverse impact is identified as a result of the proposed dwellings being more apparent in views of the front of the workers’ houses at the edge of the site and being clearly visible from the rear windows of these existing houses.

In order to mitigate such impacts during construction, the generation of noise and dust would be minimised by good working practice during groundworks and construction and there would be no movement of construction traffic in the immediate vicinity of the former pumping station. In respect of after completion impacts, the ES sets out that streetscape designs that reflect the form of the pumping station buildings have been prepared with the intention that the dwellings which would face the listed buildings complement the historic structures whilst the space between the nearest houses and the boundary of the pumping station site would be comparable with that from existing modern developments north of the scheduled area.

Subject to such mitigation, considering the existence of landscape buffers, including tree screening between the new houses and the most significant listed buildings, the ES concludes that the proposal would pose a minor adverse impact on the setting of the listed buildings, although the proposal may include work to a block of immature trees on the east flank of Mill Hill which, if implemented, the ES considers would result in a minor beneficial residual impact.

Having regard to UDP policy B10, paragraphs 131 and 137 of the NPPF and the advice provided by Historic England and the Council’s Conservation Team, it is considered necessary that the final landscape plan pertaining to Phase 3 (which would be submitted as an application for approval of this reserved matter) includes an appropriate buffer between new development and the listed workers’ houses as well as amenity space in order to enhance the setting of the Pumping Station and associated listed buildings locally.

### Archaeology

The aforementioned archaeological reports, together with the ES, have been inspected by the County Archaeologist whose comments are incorporated below.

The archaeological work carried out on the site in 2014 produced very interesting results which are not considered to be accurately summarised by the heritage section of the ES. Only one short paragraph (4.5) is dedicated to the results of the archaeological work and this does not mention the unusual artefacts which were found. Furthermore, section 5.1 of the heritage section of the EIA states that the proposed development will have no direct impacts on any heritage assets, however the archaeological remains of the windmill on Mill Hill are considered to be

non-designated heritage assets and these are likely to be affected by the landscaping work and development proposed on this part of the site. The archaeological reports recommend the carrying out of further fieldwork, which should have been included in the mitigation measures part of the heritage section of the ES.

The geophysical survey carried out in April 2014 detected a rectilinear anomaly which corresponds to a windmill shown on maps from 1796. A 10 metre by 10 metre anomaly was detected which may be a ditch or small enclosure, linear anomalies may indicate ditches or drains and former allotment gardens and ridge and furrow (historic ploughing) were detected.

Twenty evaluation trial trenches were excavated in April and May 2014 to test the results of the geophysical survey.

Trench five recorded two stone walls constructed of large blocks of sandstone, which are probably part of the former windmill. A large pit had been excavated around the walls which was filled with sandstone rubble, animal bone, post medieval pottery, iron nails, glass fragments, clay tobacco pipe and broken bricks.

Trench six recorded a linear gully filled with red-brown sandy clay which contained post-medieval pottery, clay tobacco pipe, animal bone, glass and iron objects.

Trench seven recorded two plough furrows and a shallow linear gully filled with grey-brown sandy clay which contained one sherd of post-medieval pottery.

Trench eight recorded two linear anomalies which are likely to be modern, related to gravel paths which were present in the 1960s.

Trench thirteen recorded two plough furrows and a brown-grey silty clay bank containing a few sherds of post-medieval, which may be associated with an adjacent grassed track.

The other trenches were devoid of archaeological features.

Finds included:

- 178no. sherds of pottery, two of being medieval in date with the remainder post-medieval (18th to 19th century).
- Animal (mostly horse) bones. The horse bones had unusually been made into artefacts, with a square hole and one or two smooth scoops cut out of them. One cattle bone (of a large later 18th century type of cow) had also been made into a similar object. The rest of the bones (cattle, horse, sheep, pig) probably derive from dog food; the association of a large guard dog with a mill dates back to the medieval period.

Similar bone objects were found at the site of a possible medieval post-mill at Hartlepool in 2013, so it is probable that these objects were part of the working mechanism of the mill. It is likely that the miller made the bones into bearings which were covered in tallow and then inserted onto square iron shafts and allowed them to turn smoothly. The smooth scoops on the bones were probably bearing surfaces for round turning beams. Bearings were later made from brass, bronze and gun metal. The bone examples found at Ryhope were broken or worn out, so had been discarded.

The report concludes that “this collection of bone artefacts, probably forming parts of the working mechanisms of a windmill, is sufficiently unusual and unknown to be brought to the attention of appropriate specialists, by publication”.

- 12 stems and 4 bowl fragments from clay tobacco pipes. One of the stem fragments is stamped “HEW COLL” (Heworth Colliery, which opened in 1763 and closed in 1963).
- 43 pieces of glass.
- Iron objects – mostly hand-wrought nails of medieval or post medieval date, a fragment from a curved cast iron vessel, a fragment of sheet iron and a rectangular buckle.
- Copper alloy objects – four pieces with wavy edges and oval perforations and slits, a pin, a bent strip.

The submitted Artefact Conservation and Analysis provides a record of the copper alloy objects which have been x-rayed, cleaned and stabilised. These comprise an 18<sup>th</sup> century copper alloy shoe buckle and waste sheets of copper alloy which cannot be definitively dated, although a date between the 17<sup>th</sup> and 19<sup>th</sup> century is likely.

The County Archaeologist has confirmed that the processing and recording of these artefacts has been carried out to an acceptable standard, although further archaeological excavation is required around Mill Hill prior to any ground disturbing works or landscaping being carried out in this area; this can be addressed by condition should Members be minded to grant planning permission. No further archaeological work is required in the Phase 1 part of the site.

## Conclusion

Subject to agreement of details at reserved matters stage and mitigation measures in the form of the provision of an appropriate buffer between new development and the listed workers’ houses, the provision of amenity space within the setting of the Pumping Station complex and the carrying out, reporting and publication of further archaeological work as detailed above, it is considered that the proposal would pose a neutral impact on designated and non-designated heritage assets. Given the distance and topography of the wider SSGA from these assets, a neutral cumulative impact is also foreseen.

## **9. Ground Conditions**

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### Policy Context

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 dictates that the Council, in conjunction with other interested parties, will seek to ensure that proposals would not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats. In addition, UDP policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or



precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

All of these NPPF policies are considered to be fully compliant with the NPPF, in particular paragraphs 109 and 120 as set out below.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both 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 and, to this end, despoiled, degraded, derelict, contaminated and unstable land should be remediated or mitigated, where appropriate.

In addition, NPPF paragraph 120 sets out that, “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

### Environmental Statement

Chapter J of the ES is concerned with Ground Conditions and Land Contamination, which is supported by the following documentation.

- Phase I Desk Study Report and Preliminary Environmental Risk Assessment, report reference 4601059.819.002 (Atkins, January 2006)
- Factual Report on Site Investigation, report reference D6236 (Dunelm, July 2014)
- Phase II Geotechnical and Geoenvironmental Assessment, report reference 1007503-RPT-002 (Cundall, August 2014)

The ES predicts neutral/negligible effects on human health arising from demolition, construction and operation of the development, which assumes accordance with working practices required by legislation, whilst potential effects on environmental receptors (principally controlled waters) are predicted to be minor in respect of groundwater and nearby stream, soils/land quality and moderate adverse in respect of pre-well decommissioning.

Mitigation measures are set out in paragraphs 6.2 – 6.10 of this Chapter of the ES, which include:

- decommissioning of the former groundwater abstraction borehole(s) thus resulting in the removal of a preferential pathway to the underlying Principal Aquifer;
- construction of a new sealed storm water drainage system; and
- placement of a ‘clean cover’ system in private gardens / landscaped areas comprising certified uncontaminated topsoil and subsoil materials.

Subject to such mitigation, the ES concludes minor to moderate beneficial residual effects and neutral/negligible cumulative effects.

Whilst some demolition has taken place, it would appear that this has been limited and has been carried out in accordance with good working practices, as evidenced by the EA Demolition Addendum and its appendices. As such, it is accepted that the conclusions of the EA have not been changed as a result of such demolition works.

## Assessment

The Council's Environmental Health section has assessed the submitted reports and

- Pre-Hospital c.1861

A former quarry and associated lime kiln, mineral railway line and locations of at least two buildings have not been investigated. Backfill of the quarry may contain contaminants, which would be a particular risk to groundwater resources, however the obvious problem associated with these sites is potential differential settlement of the backfill. Lime kilns may be associated with high pH, although over time lime should convert to less hazardous substances by reaction. Lime kilns will also be associated with ash that may contain concentrated toxic metals or PAHs, which may also be associated with railway embankments and ashes from domestic hearths.

- Modern Development 1895 (Onwards)

Development of the site has continued from Victorian times to the present day with multiple buildings, infrastructure, sporting facilities etc. A plan of the building function has not been provided but it is known to have included a large boiler house (originally steam fired by solid fuel) and incinerator, laundry, bakery and farm. Many of the buildings were either in operation or at least still standing in 2014 and access was obviously an issue for the investigation. The exploratory holes and trial pits are mostly located in green open areas of the site with no previous development. Contamination of soils is more likely to occur with mixing of imported materials such as engineering fill below buildings and associated infrastructure, building materials including asbestos, quarry infill, tennis court surfacing, coal tars in black top, or leaks and spills hydrocarbons, solvents and paints etc. In the case of larger buildings, several exploratory holes, trial pits or trenches may be required to adequately characterise the ground conditions.

The plan of 1975 which has been supplied shows many possible targets for investigation including multiple buildings (highlighted in green) including a farm, a labelled tank (other tanks are likely to have been present), earthworks, estate roads, tennis courts.

It is noted that the proposed land use, in particular dwellings with gardens, is highly sensitive to ground contamination. The risk to future residents will vary on a plot by plot basis depending on the historical use of the site and, as such, it is considered that further investigation is required, as set out above, to fully ascertain ground conditions within the site. Any strategy for reclamation based on the current information should assume that soils are contaminated unless proved otherwise and a detailed remediation strategy and verification plan are required to manage the risk of contamination. For developed areas of the site, we would expect topsoil, made ground, engineering fill, black top, wood, metal, asbestos and foundations should be segregated, treated (e.g. screened/sorted/recovered) and classified for potential re-use on the site or disposal. Further investigation will also be required for specific targets such as tanks which may impact groundwater or surface water bodies.

Substantial areas of the site have not been developed therefore zoning may be appropriate in order to ensure reclamation properly targeted and validation testing is carried out at the appropriate density.

## Conclusion

As per the advice of the Council's Environmental Health section, it is considered that risk associated with potential contaminants can be appropriately conditioned and such conditions

constitute appropriate mitigation to result in a moderate beneficial residual effect and a neutral/negligible cumulative effect.

## **10. Flood Risk and Drainage**

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### Policy Context

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats whilst UDP policy B24 advises that appropriate provision for utilities be made.

UDP policy EN12 and B24 are considered to be fully compliant with the NPPF in respect of flood risk and drainage, although the relevant tests set out in the NPPF are considered to take precedent.

Paragraphs 99 to 104 of the NPPF set out the national requirements to consider flood risk and water supply and, in particular, paragraph 103 states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and, to this end, requires the submission of a site-specific flood risk assessment for all proposals of one hectare or greater in Flood Zone 1.

In addition, guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the Lead Local Flood Authority should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

### Environmental Statement

Chapter K of the ES is concerned with drainage and flood risk which identifies potential substantial adverse effects in respect of spillage of fuels, damage to public water supply and public sewerage networks, damage to private sewerage network, moderate adverse effects in respect of increase surface water run-off from top soil strip, suspended solids reaching watercourse, blockage of watercourse, contamination of ground and watercourse from spoil material arising from demolition and minor adverse effects in relation to flooding by encountering existing land drainage. Subject to identified mitigation, the ES concludes negligible residual and cumulate effects. This is set out in detail within the supporting documentation as detailed below.

In respect of the demolition works which have taken place, given the limited scale of such works and adherence with good working practices, it is accepted that the conclusions set out above have not been altered.

### Assessment

The application site is located within Flood Zone 1 (i.e. having a less than 1 in 1000 annual probability of river or sea flooding in any year), is not located in a critical drainage area and is identified by the Northumbrian Water Limited (NWL) Drainage Areas at Risk map to be at “No Risk”.

The adjacent Cherry Knowle Dene falls within Flood Zone 3 and has been identified by the Council’s Strategic Flood Risk Assessment (SFRA) as being of high susceptibility to surface water flooding.

This application is supported by a site-specific Flood Risk Assessment (FRA) which assesses risk from tidal and fluvial flooding, groundwater, sewer flooding, overland flow, land drainage and artificial sources (i.e. canals and reservoirs). The FRA, together with supporting drainage documentation, has been revised over the course of this application following detailed assessment and advice from the Council’s Flood and Coastal Team, as Lead Local Flood Authority (the “LLFA”), and has also been informed by consultation with the EA and NWL.

The submitted FRA (most recent version revision B dated 28.04.2017) relates in detail to the Phase 1 infrastructure works and provides an outline strategy for later development phases. The FRA identifies a current medium to high risk level in respect of overland flow and a low-medium risk level in respect of groundwater flood risk. As such, mitigation measures are proposed which, it is concluded, would achieve a low risk for both of these sources; all other sources listed above are considered to be of low risk and, as such, no mitigation is proposed, although it is noted that appropriate storm and foul drainage systems will be installed in relation to potential sewer flooding. The proposed mitigation measures comprise:

#### Overland flow

- The removal of any sources of ponded water through the development of the site
- New sewer network to direct flows into the storage system
- Any land drainage encountered during construction to be repaired
- Design of proposed levels to consider existing flow paths, allowing flow to pass harmlessly through the site
- Proposed floor levels to be a minimum of 150mm above ground level

#### Groundwater

- Installation of appropriate drainage to address perched water on the site
- Bedding requirements for the adoptable, as well as private, storm and foul will be likely to lower the risk of flooding from this source

The FRA notes that mapping data suggests clay soils are present within the application site whilst, according to EA records, the majority of the site is within a ground water protection zone and the underlying solid strata is classified as a Principal Aquifer whilst one groundwater abstraction borehole is located immediately beyond the centre-northern boundary of site for the purposes of potable water, which is operated by NWL. Therefore, drainage by infiltration is not a viable option in this instance.

It is proposed to discharge all surface water from the entire development at a rate of 132l/sec to the Cherry Knowle Dene to the south of the site to which existing ground levels fall via an existing 300mm diameter combined sewer overflow (CSO) outfall, with specific rates and attenuation provided for each development phase. A survey is required to ascertain the condition of the CSO outfall and will be repaired or reconstructed, if necessary. Climate change at 40% has also been factored into the drainage model and the detailed design will consider such effects.

Following detailed discussions with the LLFA, greenfield runoff rates of 3.69l/sec/ha (1 year) and 8.93l/sec/ha (100 year) have been agreed.

Foul water is to be discharged to an existing combined at a rate of 40l/sec, which will require a pumping station; the detailed engineering design of which will be informed by number of dwellings required to drain to the station.

The FRA confirms that the main foul and surface water drainage systems are to be adopted by Northumbrian Water, the highway drainage will be adopted by Sunderland City Council and the SUDS features, including the detention basin, swale and filter strips, will all be owned and maintained by private management company.

The LFFA has confirmed that the proposed flood mitigation and drainage details are acceptable and has recommended, should Members be minded to approve this application, that a condition be imposed requiring the submission of detailed drainage plans and calculations prior to the commencement of development, in particular details of source control, the detention basin, inlets and outlets.

### Conclusion

Based upon the details provided, it is considered that, subject to implementation of the identified mitigation measures, including upon compliance with the suggested condition, it has been satisfactorily demonstrated that flood risk and drainage can be appropriately managed in this instance and residual impacts will be negligible. It is also accepted, as set out by the ES, that other developments within the SSGA will be subject to the same consultation and approval process, as has the recently approved Chapelgarth development, so residual and cumulative impacts would be negligible.

## **11. Air Quality**

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### Policy Context

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN9 states that “the relationship between proposed residential or other development requiring a clean environment and existing uses in close proximity giving rise to air pollution, dust or smell will be a material consideration in determining planning applications”.

Both of these UDP policies are considered to be fully compliant with the NPPF, in particular the paragraphs set out below.

Paragraph 109 of the NPPF states, in part, that the planning system should contribute to and enhance the natural and local environment by preventing both 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 whilst paragraph 120 sets out that “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account”.

Furthermore, paragraph 124 of the NPPF states, in part, that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

### Environmental Statement

Chapter L of the ES is concerned with air quality, wherein consideration is given to effects arising from dust and emissions during the demolition and construction phases on human and ecological receptors in the vicinity of the site and the potential impact of road vehicle emissions on ambient air quality at the operation phase of the development. This Chapter quotes the current Air Quality Standards and Objectives, as set out in the Air Quality Standards Regulations 2010.

During demolition and construction, the ES identifies the risk of dust soiling effects and ecological effects as medium and the risk of human health effects is classed as low, on the assumption that no mitigation measures are applied except those required by legislation. To mitigate these risks, a best practice dust mitigation plan is proposed which would set out the practical measures that could be incorporated as part of a best working practice scheme. It is considered that specific details of such be submitted by condition should Members be minded to grant planning permission. Subject to such mitigation, the ES predicts minor adverse air quality impacts during demolition and construction phases.

At operational phase, the annual mean objective concentration for nitrogen dioxide or particulate matter ( $40\mu\text{g}/\text{m}^3$ ) is not predicted to occur. As such, the ES identifies a minor adverse or neutral impact on concentrations of nitrogen dioxide and particulate matter at six of the existing sensitive receptors in 2029, including committed developments. On this basis, no mitigation measures are proposed for the operational phase of the proposed development.

Committed development and the wider SGA has also been considered by the ES, which concludes a neutral cumulative impact during demolition and construction and a minor adverse or neutral cumulative impact during operational phase.

The ES predicts medium dust soiling effects for human and ecological receptors and a low risk of human health effects during demolition works, which is considered to constitute a moderate adverse effect. Based upon the methodology specified by the submitted ES Demolition Addendum and its appendices together with the scale of demolition, it is accepted that the demolition works which have been carried out have not posed any greater impact on air quality.

### Conclusion

Based on the findings set out by the ES, it is considered that the development would result in a minor adverse residual and cumulative impact in respect of air quality.

## 12. Noise and Vibration

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### Policy Context

Policy EN5 of the UDP requires the carrying out of an assessment of the nature and extent of likely problems and incorporate suitable mitigation measures, where necessary where a proposed development is likely to significantly increase ambient noise levels within noise-sensitive areas whilst UDP policy EN6 set out that such an assessment is required where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses; where such measures are not practical, permission will normally be refused.

Both of these UDP policies are considered to be fully compliant with the NPPF, in particular one of the core principles of the NPPF, as set out by paragraph 17, that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' and paragraph 123 which states that "planning policies and decisions should aim to:

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

### Assessment

A Site Noise Survey, Modelling and Suitability Assessment has been provided which considers impacts of potential noise sources, in particular vehicular traffic, on the proposed development, setting out recommendations and mitigation measures. This Assessment has calculated the highest noise impact affecting the proposed development and, based on specified measurements, assumptions and details, concludes that the site is suitable for residential development with the correct provision of glazing and ventilation.

The assessment has been assessed by the Council's Environmental Health section who has confirmed that, subject to the measures set out in the Assessment, satisfactory conditions would be afforded to all proposed dwellings in respect of noise.

The Assessment also suggests that the site layout be optimised to reduce the noise levels in the gardens of the proposed dwellings. To this end, Phase 1 has been laid out so all dwellings adjacent to the Ryhope-Doxford Link Road front onto this Road. This layout provides a physical barrier for noise in the form of the affected dwellinghouses from entering the rear private gardens of these dwellings and, whilst it may not result in noise levels below 55 dB(A) being achieved for every dwelling, it will help to mitigate the noise from these sources to a level which is considered to be appropriate.

## Conclusion

Provided that glazing and ventilation is provided to an appropriate specification, it is considered, as confirmed by Environmental Health, that the internal noise criteria can be achieved throughout the site whilst no dwelling would be subjected to excessive external noise. However, given that layout is reserved for subsequent approval, it is recommended that a condition be imposed requiring additional noise assessments to be provided for each subsequent phase of development, including proposed shops/services to be provided within Phase 2.

## **13. Design, Scale, Layout, Appearance and Landscaping**

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Given that appearance, landscaping, layout and scale have been reserved for subsequent approval, only the part of the development for which full planning permission is sought is given detailed consideration in respect of these matters.

### Policy Context

Policy B2 states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, UDP policy H4 advises that housing development should reflect the density of the locality whilst increased densities may be sought, where appropriate, particularly where they relate to a public transport corridor, whilst policy H21 requires the provision of open space within residential developments.

Policies B2 and H4 are considered to be fully compliant with the NPPF, in particular the paragraphs set out below and one of its core principles (bullet point 4), as set out by paragraph 17, that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy H21 is considered to be broadly compliant, subject to consideration of the Council's most up to date evidence base as set out below.

Paragraphs 56 and 57 of the NPPF highlight the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes, whilst paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. NPPF paragraph 58 advises that "planning policies and decisions should aim to ensure that developments:



- 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping”.

The LPA has additional guidance in the form of the Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice. Paragraph 2.4 therein sets out that “design should reinforce and evolve local characteristics that are positive’ and that ‘new residential development should not have a negative impact on the features within the townscape and landscape which positively characterise the area”.

### Design and Layout

The submitted Design and Access Statement (the “DAS”) sets out three conceptual ideas

- Utilise the landscaped terraces and plateaus creating bio-diverse green routes
- Maximise the unique potential of the magnesian limestone substrata, creating a northern meadow environment and enhancing the ancient woodland to the south
- Create a new seaside/coastal village adjacent to Ryhope and buffering Green Belt.

Prior to formal submission, the masterplan for this development has been subjected to two Review Panels by Design North East (formerly the North East Design Review and Enabling Service), a community consultation event and pre-application discussions with the Council.

The masterplan has emerged from the site’s distinctive limestone landscape characteristics which have driven the design development from the outset in order to protect existing features and capitalize on opportunities presented by the site. A Limestone Trail is proposed, which has been designed to provide a circular network of recreational walks throughout the site leading from one character area to the next, providing a range of interesting and enjoyable walks with exercise opportunities for people and dogs, also helping to avoid further disturbance of rare sea birds at the coast.

The DAS divides Phase 1 into four character areas and the palette of materials would be consistent or complementary throughout each respective area:

- Village Green
- Entrance and Spine
- Coastal
- Woodland

The central Village Green Character Area comprises a small number of dwellings laid out in a crescent formation overlooking a lawned area which would provide informal recreation / social space, planting, limestone footpaths, pergola features for shelter, seating and limestone features at its entrances.

The Entrance and Spine Character Area constitutes the dwellings and surroundings along the adjacent section of the Ryhope/Doxford Link Road and the main road to be provided through Phase 1.

The Coastal Character Area comprises smaller house types arranged in terrace and semi-detached clusters which are intended to create a coastal village feel.

The Woodland Character Area is a high density area, forming the southern part of Phase 1 and abutting Cherry Knowle Dene, comprising a cluster arrangement laid out in a traditional form.

The detailed layout of Phase and ethos for subsequent phases provided by the DAS are considered to represent a comprehensive form of development which responds positively to the characteristics of the site and its surroundings, including its coastal location. In order to ensure continuity through all Phases, it is considered appropriate to impose a condition requiring all reserved matters application to include a statement of compliance, setting out how that phase of development accords with the masterplan concept of the entire site.

Section 10C of the adopted Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments. This section goes on to advise that, where there is a difference in site levels, the aforementioned distances should be increased by 2m for every 1m in vertical difference in levels.

The proposal comfortably adheres to these standards in relation to existing dwellings and broadly adheres to the above spacing standards within the development. Where these standards are not met, these disparities are considered to be minor and, given the overall quality of the proposed development, it is considered that an appropriate level of amenity would be afforded to all residents.

### Appearance

Phase 1 comprises a mix of Dorton Manor, Durham Red, Bamburgh Red, Ashington Red and Mellow Richmond bricks and incorporates cream, granite grey and ochre rose render and a mix of slate grey and terracotta roof tiles. This palette of materials is considered to be acceptable relative to the context of the site whilst an appropriate condition can be imposed in respect of the materials to be used for the part of the development for which outline consent is sought.

### Landscaping

Policy H21 of the UDP sets out that, within residential developments of more than 40no. bed spaces, at least 0.9 hectares of amenity open space / casual play space per 1000no. bed spaces should be provided where the site is not within 500 metres of a neighbourhood (or larger) open space, as is the case in this instance. This policy is considered to be broadly compliant with the NPPF, subject to consideration given to the latest evidence as set out by the Council's Draft Sunderland Greenspace Audit and Report 2012.

The text which supports policy H21 sets out that one, two and three-bedroom dwellings should be taken as accommodating two, three and four bed spaces respectively whilst dwellings with more than three bedrooms should be taken as accommodating one bed space per bedroom.

The current application seeks full planning permission for 53no. 2-bedroom, 92no. 3-bedroom, 126no. 4-bedroom and 33no. 5-bedroom dwellings which, applying the above criteria, equates to a total of 1196no. bed spaces. On this basis, 1.08 hectares of open space is required for Phase 1.

The proposal provides the required quantum of open space within Phase 1 whilst that for subsequent phases can be determined through subsequent reserved matters submissions. Having regard to the character areas and design concepts set out above, the proposed scheme of hard and soft landscaping is considered to be broadly acceptable. However, in order to allow agreement of specific materials, species and quantities/densities of planting, it is recommended that a condition be imposed, should Members be minded to grant consent, requiring the submission of a comprehensive scheme of landscaping for each phase.

The maintenance of open space areas will be secured through an agreement under section 106 of the Town and Country Planning Act 1990, which shall be the responsibility of the developer.

### Conclusion

For such reasons, the design, scale, layout, appearance and landscaping of the proposed development is considered to be acceptable and appropriate within the context of the site.

## **14. Sports, Play Space and Allotments**

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### Policy Context

Paragraph 74 of the NPPF states that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

On this basis, it is considered that the proposal satisfies NPPF paragraph 74, in particular the latter two bullet points. Through the above provisions, the proposal would result in the creation of enhanced and better managed woodland and formal park access within the development, identifying two areas of deficiency in the local area as detailed by the draft Sunderland Greenspace Audit and Report whilst appropriately mitigating the potential landscape impacts of the development.

Policy H21 of the UDP sets out the Council's requirements for open space provision within new developments. As the scheme proposes over 40 bed spaces, the applicant is required to provide formal (equipped) children's play space at a ratio of at least 0.2 hectares per 1000 bed spaces or provide a financial contribution to facilitate the provision or enhancement of existing facilities.

This policy is considered to be consistent with paragraph 73 of the NPPF which indicates that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

### Sports

Sport England has been consulted on this application on the basis that the site previously accommodated playing fields, in particular an adult football pitch and a cricket pitch with a formal pavilion, over an area of approximately 1.75 hectares. However, this consultation is non-statutory on the basis that neither playing field has been used within the last five years.

Sport England originally objected to this application essentially on two grounds; the loss of the cricket and football pitches which existed on the site and the impact of the proposed development on the wider sporting infrastructure. Given that no alternative provision is proposed by this application, it was set out by Sport England that, in order to justify the proposal, it must be demonstrated that there is a surplus of playing pitches (across all sports and all age groups) in the local area.

Whilst the justification provided by the applicant is limited, the Council's Sport and Leisure team has advised that having completed a football modelling exercise, the demand for 3G football pitches within the City is such that the Council is progressing with three Hub sites, each with three 3G pitches (nine new 3G pitches in total). The identified Hub sites are Community North Sports Complex in Downhill, Northern Area Playing Fields in Washington and Ford Quarry in Pallion. The modelling has also suggested that Sunderland requires 34no. grass pitches citywide, however at this stage the detail on these locations has not yet been determined. Through the Sunderland Parklife programme, some grass pitches across the city will become surplus to requirements. The modelling work that has been undertaken as required by the FA and Sport England has established that, once constructed, nine new 3G's and 34 pitches will be sufficient to meet city demand for football for future requirements.

This football modelling work has superseded the Council's current Playing Pitch Plan (the "PPP") and, as part of the Sunderland Parklife programme, the Council is looking to refresh the PPP, although this work will fall outside the timescale associated with this planning application.

With regard to cricket, specifically in the east of the City, the PPP makes reference to a shortfall of 1.6no. pitches. However, it has been ascertained from the Council's sports development work with local cricket clubs close to the Cherry Knowle site (Silksworth and Ryhope) that these clubs are continually looking for new players for both for adult and junior teams (U11, U13, U15, U18). Initial consultation with the Durham Cricket Board (DCB) has indicated that player numbers are low at both clubs, but the quality of existing pitches and facilities could improve with investment and this, in turn, would have a positive impact on capacity.

Sport and Leisure has also confirmed that the wider sporting infrastructure in Sunderland has the capacity to serve a new development of this size. Sunderland's investment in sports facilities, in particular swimming, is unprecedented in the region; since 2006, over £70m has been invested in swimming pool, fitness and dry sport facilities, including new developments at the Sunderland Aquatic Centre, Silksworth Community Pool, Hetton Community Pool and Washington Leisure Centre. These facilities are also complemented by a regional provisions, which include a Tennis Centre and Ski Slope. In addition, the Raich Carter Sport Centre, which is located 2 miles from the Cherry Knowle site, offers facilities for swimming, sports hall activities, fitness/gym and an outdoor artificial turf pitch.

A financial contribution of £855.19 per dwelling is being sought for sport and leisure so, once the remaining development phases are completed (up to 800no. dwellings in total), the full mitigated payment for the loss of playing pitches and additional demand for sport would equate to a maximum of £684,152. This figure is very close to the £692,526 stated as being required by Sport England. The above has been reported to Sport England who has confirmed that it will withdraw its objection on the basis that such a financial contribution is secured.

## Play Space

Policy H21 of the UDP sets out that, within residential developments of more than 40no. bed spaces which includes family dwellings, formal (equipped) children's play space at a ratio of at least 0.2 hectares per 1000 bed spaces is required.

The text which supports policy H21 sets out that one, two and three-bedroom dwellings should be taken as accommodating two, three and four bed spaces respectively whilst dwellings with more than three bedrooms should be taken as accommodating one bed space per bedroom.

The current application seeks full planning permission for 53no. 2-bedroom, 92no. 3-bedroom, 126no. 4-bedroom and 33no. 5-bedroom dwellings which, applying the above criteria, equates to a total of 1196no. bed spaces. On this basis, 0.24 hectares of play space is required for Phase 1.

The number of bedrooms per unit for which outline planning permission is sought has yet to be established, however applying a similar proportion as the current proposal to the remainder of the site, based upon the number of units, it is anticipated that subsequent phases would provide a cumulative total of some 1950no. further bed spaces. This would necessitate a further 0.39 hectares of play space for subsequent phases and 0.63 hectares to serve the entire development.

Play space is proposed to be provided within Phase 2 which, the Design and Access Statement sets out, would be in the form of “natural play” incorporating such potential features as boulders for climbing and natural timber play equipment. It is considered that the delivery, including an appropriate timescale, of this play space can be secured by an appropriately worded condition.

## Allotments

The SSGA Infrastructure Delivery Study sets out a required allotment provision of 15no. plots per 1000no. households. This equates to 4.56no. allotment plots for Phase 1 and a total of up to 12no. plots to serve the entire proposed development.

The Design and Access Statement indicates the incorporation of community gardens and orchards within Phase 2. This is considered to be an appropriate provision however, given that specific details have been reserved for subsequent approval, the particular form of these community gardens is not known at this time. It is considered that an appropriately worded condition would secure an appropriate level of allotment space / community gardens to serve each phase of development.

## **15. Planning Obligations**

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Section 106 of the Town and Country Planning Act 1990 (as amended) allows obligations to be entered into which restrict the development or use of land, require specified operations or activities to be carried out, require land to be used in any specified way or require sums to be paid to the local authority.

Paragraph 203 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations; the latter should only be used where it is not possible to address unacceptable impacts through a planning condition. In accordance with section 122(2) of the

2010 Community Infrastructure Levy Regulations 2010, paragraph 204 of the NPPF sets out 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.

The table below provides a summary of the requested planning obligations, which are based on the studies documented by the Council's South Sunderland Growth Area Draft Supplementary Planning Document and accompanying Infrastructure Delivery Study.

	<b><u>Cost per unit</u></b>	<b><u>Full (304 units)</u></b>	<b><u>Outline (Up to 496 units)</u></b>	<b><u>Total (Up to 800 units)</u></b>
<b><u>SANG</u></b>	0.018 hectares	5.47 hectares	8.93 hectares	14.4 hectares
<b><u>Affordable Housing</u></b>	(10% of all housing- 75% Affordable Rent / 25% Intermediate)	30 affordable dwellings	50 affordable dwellings	80 affordable dwellings
<b><u>Highways</u></b>	£1847	£0*	£1,015,850*	£1,015,850
<b><u>Education</u></b>	£2855	£867,920	£1,416,080	£2,284,000
<b><u>Sport and Recreation</u></b>	£855.19	£259,977.76	£424,174.24	£684,152
<b><u>Public Transport</u></b>	£315.61	£95,945.44	£156,542.56	£252,488
<b><u>Biodiversity</u></b>	£349	£106,096	£173,104	£279,200
<b><u>Total</u></b>		<b>£1,329,939.20</b>	<b>£3,185,750.80</b>	<b>£4,515,690</b>

\*first 250 dwellings omitted for calculations for Ryhope/Doxford Link Road and payment for 54 units (£99,738) reserved for commencement of Phase 2

### **Suitable Alternative Natural Greenspace (SANG)**

This is required at a ratio of 0.018 hectares per dwelling, which equates to 14.4 hectares for the entire development, based on 800no. units. This will be required in a form which accords with the specification set out by section 5.5.6 of the draft South Sunderland Growth Area HRA [Habitat Regulations Assessment] Appropriate Assessment Supplementary Planning Document and the Cherry Knowle SANGS Landscape Design Concept.

### **Affordable Housing**

The social role in sustainable development, as set out by paragraph 7 of the NPPF has, as one of its features, providing the supply of housing required to meet present and future needs.

Paragraph 50 of the NPPF requires local planning authorities to deliver a wide choice of housing and create sustainable, inclusive and mixed communities. To this end, the latter bullet point of this paragraph sets out that local planning authorities, where they have identified that affordable housing is needed, to "set policies for meeting this need on site, unless off-site provision or a

financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time”.

Policy H14 of the UDP advises that housing for special needs should be provided on major housing development sites whilst UDP policy H16 states that the Council will negotiate with developers, on the basis of local needs and site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. However, more recently paragraph 159 of the NPPF requires Local Planning Authorities (LPAs) to understand the housing needs of their area, including affordable housing, by undertaking and preparing a Strategic Housing Market Assessment (SHMA).

The Council's Objectively Assessed Need and Strategic Housing Market Assessment Update (March 2016) identifies a need for 10% affordable dwellings on schemes of 15 dwellings or more, of which 80% should be social rented and 20% intermediate tenure. The SSGA SPD (January 2016) also requires a provision of 10% affordable housing, but sets out a split of 75% social rented and 20% intermediate; this ratio has been applied to the recently approved development at Chapelgarth. In order to maintain a degree of consistency over the wider South Sunderland Growth Area, it is considered that the latter is most appropriate in this instance.

Section 6 of the NPPF, in particular paragraph 50 requires the creation of sustainable, inclusive and mixed communities, both from a social and visual point of view. This is reinforced by the Design section of the National Planning Practice Guidance, in particular paragraph 017 which sets out mixed tenures, as well as uses, as a good design principle and paragraph 040 which states “in well-designed places, affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site”.

The current proposal, based on up to 800no. dwellings, would create up to 80no. affordable units in total.

Whilst the location and form of the affordable housing of the part of the development for which outline planning permission is sought are not known at this time, a plan has been provided which indicates the position of 30no. affordable units within Phase 1. This is, on balance, considered to be an appropriate arrangement.

## **Education**

Paragraph 72 of the NPPF states that “the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted”.

In addition, UDP policy R3 states that, where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made.

On this basis, the education contribution set out above is required to serve provision within the SSGA.

## **16. Equality**

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An equality impact assessment has been undertaken during the detailed consideration of this application which demonstrates that due regard has been given to the duties placed on the Council, as Local Planning Authority (the “LPA”), as required by section 149 of the Equality Act 2010.

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

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

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.

The applicant has confirmed that great care has been taken to ensure that the proposed development meets the requirements of the Disability Discrimination Act and Part M of the Building Regulations. To this end, the design incorporates desire routes for those who find conventional routes challenging whilst levels, colours, lighting, markings, sizes and surface finishes have been coordinated to make this a barrier free development.

All footpath widths would be compliant with the Disability Discrimination Act and related guidance, including British Standard 8300. The hard landscape finishes will be selected to provide a safe and smooth surface for pedestrian and wheelchair users and, where seating areas are provided, adjacent suitably dimensioned spaces will be left for wheelchair users.

## 17. Conclusion and Environmental Impacts

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The relevant environmental impacts of the proposal are summarised as follows:

<b>ES Chapter</b>	<b>Residual Effect</b>	<b>Cumulative Effect</b>
<b>Land Use</b>	Moderate Beneficial	Moderate Beneficial
<b>Socio-Economics</b>	Moderate Beneficial	Moderate Beneficial
<b>Transport/Highways</b>	Neutral/Negligible	Neutral/Negligible
<b>Ecology / Flora and Fauna</b>	Minor Adverse	Minor Adverse
<b>Ornithology</b>	Minor Adverse	Minor Adverse
<b>Landscape and Visual</b>	Neutral to Minor Adverse	Neutral to Minor Adverse
<b>Heritage</b>	Neutral/Negligible	Neutral/Negligible
<b>Ground Conditions</b>	Moderate Beneficial	Neutral/Negligible
<b>Drainage, Flood Risk and Water Management</b>	Neutral/Negligible	Neutral/Negligible
<b>Air Quality</b>	Minor Adverse	Minor Adverse

On this basis, subject to appropriate mitigation, it is not considered that the proposal would result in a significant environmental impact, both in its own right and in cumulation with other committed sites.

In addition, for the reasons set out in this report, the proposal is considered to be acceptable in terms of design, scale, layout appearance and landscaping and sport, play space and allotment provision whilst the specified obligations ensure that the proposal would not pose a detrimental impact on local infrastructure.

For such reasons, subject to the conditions set out below and the obligations set out in the agreement under section 106 of the Town and Country Planning Act 1990, it is considered that the proposal accords with the provision of the Council's Unitary Development Plan and, in lieu of

any material considerations to indicate otherwise, it is recommended that planning permission be granted.

The applicant has requested a period of five years for the submission of reserved matters for Phase 2 and ten years for the submission of reserved matters for Phase 3. However, given likely build-out periods (approximately 40no. dwellings per year) and in order to avoid a scenario where there is an extant consent for Phase 3 and not Phase 2, it is considered that a period of 10 years is appropriate for the submission of reserved matters over the entire site.

For the purpose of the conditions set out below, the term “Phase” constitutes the area of the site for which full planning permission is granted or the area defined by any subsequent application for approval of reserved matters.

**Recommendation:** Members are minded to Approve the development subject to the completion of a Section 106 Agreement and draft conditions set out below:-

## **Conditions**

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### **Time Limits, Phasing and Plans**

#### **1. Time Limit-Full**

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

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

#### **2. Reserved Matters**

No development except remediation, archaeological and drainage work of any Phase of development for which outline planning permission is hereby granted shall commence until the details of appearance, landscaping, layout and scale (hereinafter referred to as the “reserved matters”) of 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.

#### **3. Time Limit-Outline**

The application for approval of reserved matters 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.

#### **4. Phasing**

The reserved matters submissions shall be made in full accordance with drawing no. PL008D: Phasing Plan Showing Outline Application Boundary received 26.02.2017 and no development

shall be carried out on each Phase until the approved drainage strategy for the previous Phase has been fully implemented and the first dwelling of the previous Phase has been constructed above ground level.

Reason: In order to ensure that the completed development accords with the scheme approved, in the interest of highway safety and the free passage of traffic, to reduce the risk of flooding and to comply with policies B24, CN22, EN12, H10, T14 and T22 of the adopted Unitary Development Plan and paragraphs 32, 103 and 118 of the National Planning Policy Framework.

#### 5. Plans

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

SL004: Site Location Plan received 26.02.2017

SL005A: Site Location Plan – Phase 1 received 26.02.2017

SL006: Existing Site Plan received 26.02.2017

PL001Y: Proposed Site Layout Phase 1 – Roofscape received 28.03.2017

PL002Y: Proposed Site Layout Phase 1 – Ground Floor Plan received 28.03.2017

PL009C: Proposed Site Layout Plan Showing All of Phase 1 Area received 28.03.2017

RP 04A Regulatory Plan – Primary Routes Showing Outline Application Boundary dated 04.04.2017

Barratt Housetype Brochure dated 22 February 2017

David Wilson Housetype Brochure dated February 2017

Reason: In order to ensure that the development accords with the scheme as approved.

#### 6. Compliance Statement

Each application for reserved matters shall be accompanied by a compliance statement which explains how that reserved matters application meets the principles and indicative parameters provided by the Design and Access Statement (revision E dated 22 February 2017).

Reason: In order to achieve a comprehensive and cohesive form of development.

### **Pre-Demolition**

#### 7. Barn Owl Nesting

No development (including demolition), ground works or vegetation clearance, shall commence until details, including the location, specification and timetable for installation, of a permanent accessible nesting space for barn owls have been submitted to and approved, in writing, by the Local Planning Authority. The barn owl nest box or space shall be provided in full accordance with the approved details within one month from the date of this planning permission and permanently retained/maintained thereafter.

Reason: In order to conserve protected species identified within the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan and paragraph 118 of the National Planning Policy Framework.

#### 8. Construction Environmental Management Plan (Biodiversity)

No development (including demolition), ground works or vegetation clearance shall commence within each Phase until a Construction Environmental Management Plan for that Phase has been submitted to and approved in writing by the Local Planning Authority, which shall include the following:

- i) Risk Assessment of construction activities which are potentially damaging to biodiversity
- ii) Identification of biodiversity protection zones
- iii) Set up method statements to avoid or reduce biodiversity impacts during construction
- iv) The location and timing of sensitive works to avoid harm to biodiversity features
- v) The times during construction when a specialist ecologists will be present to oversee works
- vi) Details of responsible persons and lines of communication
- vii) The role and responsibilities on site of an ecological clerk of works
- viii) The position and specification of protective fences, exclusion barriers and warning signs

The approved Construction Environmental Management Plan shall be adhered to and implemented in accordance with the details throughout the construction period of the Phase to which it relates.

Reason: In order to protect the biodiversity of the site during construction and demolition works and to comply with policy CN18 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

#### 9. Demolition and Construction Management Plan

No development (including demolition) shall commence within each Phase until a Demolition and Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- i) Hours within which demolition and construction works shall take place
- ii) Traffic routes of plant and heavy goods vehicles
- iii) Parking of vehicles of site operatives and visitors
- iv) Loading and unloading of plant and materials
- v) Storage of plant and materials used in constructing the development
- vi) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii) Measures to ensure public highway remains sufficiently clean of dirt
- viii) Measures to control the emission of dust, dirt and other airborne pollutants
- ix) Scheme for recycling/disposing of waste resulting from demolition and construction works
- x) Measures to control noise and vibration
- xi) Communication plan for liaising with the public
- xii) Fuel storage area which shall include bunding and wash down facilities
- xiii) Inspections and maintenance of the watercourse in compliance with riparian responsibilities

The development, including demolition works, within each Phase shall be implemented in accordance with the approved Plan for that Phase.

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 policies B10, CN22, EN1, EN5, EN14 and T14 of the adopted Unitary Development Plan and paragraphs 32, 109, 118, 134 of the National Planning Policy Framework.

#### 10. Ecological Design Strategy

No development (including demolition), ground works or vegetation clearance shall commence within each Phase 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, shall be cross-referenced with the Landscape and Ecological Management Plan as required by condition ??? and shall include the following:

- i) Purpose and conservation objectives for the proposed works
- ii) Review of site potential and constraints
- iii) Detailed designs and/or working methods to achieve stated objectives
- iv) Extent and location of proposed works on appropriate scale and maps
- v) Type and source of materials to be used
- vi) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- vii) Persons responsible for implementing the works
- viii) Details of initial aftercare and long term maintenance
- ix) Details of monitoring and remedial measures
- x) Details for disposal of any waste arising from the works

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 policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

#### 11. Biodiversity Monitoring Strategy

No development (including demolition), ground works or vegetation clearance shall commence within each Phase until a biodiversity monitoring strategy for that Phase 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.

Reasons: In order to ascertain the effectiveness of the ecological mitigation, to protect and enhance the biodiversity of the site areas and to comply with policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

### **Pre-Development**

#### 12. Site Investigation

No development, except demolition, shall commence within each Phase until a comprehensive site investigation of that Phase has been carried out to ascertain whether the land is contaminated and the results of such have been submitted to and approved, in writing, by the Local Planning Authority. The site investigation must be undertaken by competent persons and completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001. 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:
  - a. human health
  - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
  - c. adjoining land
  - d. groundwaters and surface waters
  - e. ecological systems
  - f. archaeological sites and ancient monuments

- iii) a site specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

#### 13. Remediation Scheme

If a hazard or hazards are identified within any Phase from any form of contaminant by any site investigation, as determined by the Local Planning Authority, no development, except demolition, shall commence within that Phase until a detailed remediation strategy 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 strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land. Each phase of development shall be carried out in full accordance with the approved strategy.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

#### 14. Drainage

No development, other than demolition and remediation works, shall commence within each Phase until full details of the management of foul and surface water for that Phase 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 (revision B dated 28.04.2017) and include detailed drainage plans and calculations which provide details of source control, the detention basin and inlets and outlets, a timetable for their implementation and a strategy for their maintenance. Each Phase of development 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, to protect the habitat of Cherry Knowle Dene and to comply with policies CN22, EN12 and B24 of the adopted Unitary Development Plan and paragraphs 103 and 118 of the National Planning Policy Framework.

#### 15. Finished Floor Levels

No development, other than demolition and remediation works, shall commence within each Phase until finished floor levels of every dwelling within that Phase have been submitted to and approved, in writing, by the Local Planning Authority. Each Phase of development 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 policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

## **Prior to Occupation**

### **16. Verification**

If a hazard or hazards are identified on the site from any form of contaminant by any site investigation, as determined by the Local Planning Authority, no dwelling shall be occupied within that Phase until the approved remediation works have been completed and a verification report that demonstrates the effectiveness of the remediation works has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the effectiveness of any remediation works and the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

### **17. Footway Link**

No dwelling shall be occupied until details of a footway link which connects Phase 1 of the development and the eastbound bus stop on the adjacent section of the Ryhope/Doxford Link Road have been submitted to and approved, in writing, by the Local Planning Authority and this link has been installed in accordance with the approved details.

Reason: In the interest of pedestrian safety and to comply with policies T8 and T14 of the adopted Unitary Development Plan and paragraph 35 of the National Planning Policy Framework.

### **18. Landscaping Scheme (All Phases)**

No dwelling shall be occupied within each Phase until full details of hard and soft landscaping for that Phase, 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 and, in respect of the Museum Setting Character Area as defined by the Design and Access Statement (revision E dated 22 February 2017), a landscape buffer and enhancements within the setting of Ryhope Pumping Station. The hard landscaping works shall include details of estate railings and gates, gabions, seating, steps, handrails and all surfacing materials.

Reason: In the interests of visual amenity, nature conservation and mobility and to comply with policies B2, T14, CN18 and CN22 of the adopted Unitary Development Plan and paragraphs 56 to 58 of the National Planning Policy Framework.

### **19. Allotments**

No dwelling shall be occupied within each Phase until details of allotments or community gardens serving that Phase, including a timetable and methodology for delivery and programme of maintenance, have been submitted to and approved, in writing by the Local Planning Authority. The allotments / community gardens shall be provided and maintained in full accordance with the approved details.

Reason: In order to provide recreational facilities for residents, to promote health and wellbeing and to comply with paragraph 73 of the National Planning Policy Framework

### **20. Play Facilities**

No dwelling shall be occupied within each Phase until details of play facilities for children, including a timetable and methodology for delivery and programme of maintenance, have been submitted to and approved, in writing by the Local Planning Authority. The play facilities shall be provided and maintained in full accordance with the approved details or suitably replaced to the satisfaction of the Local Planning Authority.

Reason: In order to meet the needs of children and to comply with policy H21 of the adopted Unitary Development Plan and paragraph 73 of the National Planning Policy Framework.

### **Prior to 20<sup>th</sup> Dwelling**

#### **21. Off-Site Traffic Signal Improvement Scheme**

No more than 20no. dwelling shall be occupied until a scheme of traffic signal improvements to the B1285 / Seaton Lane / Lord Byron's Walk junction has been submitted to and approved, in writing, by the Local Planning Authority (Sunderland City Council), upon consultation with Durham County Council. This scheme shall include detailed analysis of the saturation flows at the junction, the timings of the signals, the operation strategy to ensure the junction is stable and a Stage 1/2 Road Safety Audit, if deemed necessary by the Local Planning Authority, together with an appropriate timescale for implementation. No more than 40no. dwellings shall be occupied until the approved scheme has been fully implemented, to completion, in accordance with the approved details.

Reason: To mitigate the impact of the development on this junction, in the interest of highway safety and the free passage of traffic and to comply with policy T14 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

### **Prior to 150<sup>th</sup> Dwelling**

#### **22. Landscape and Ecological Management Plan**

No more than 150no. dwellings shall be occupied until a Landscape and Ecological Management Plan for Phase 1 has been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall include details of the funding mechanism by which its long-term implementation will be secured and contingency measures should the biodiversity aims and objectives not be met to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Ecological Management Plan shall be delivered in accordance with the approved details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

### **Within Three Years**

#### **23. Ecology Review**

A review of all approved ecological measures pursuant to Conditions 10, 11, 22 and 24 shall be made no later than every 36 months from the date of this planning permission in respect of Phase 1 and every 36 months from the approval of reserved matters in respect of all subsequent Phases until the completion of that Phase of development. Each review is subject to written approval by the Local Planning Authority, shall be informed by further ecological surveys to establish if there have been any changes in the presence and/or abundance of protected species and shall identify any new ecological impacts that might arise from changes. Where, following review of the additional survey work, the Local Planning Authority considers that changes have occurred resulting in ecological impacts not previously addressed in the approved scheme, the original



ecological measures shall be revised and new or amended measures and a timetable for their implementation shall be submitted to and approved, in writing, by the Local Planning Authority prior to the recommencement of development within this Phase. Works will then be carried out in accordance with the agreed measures and timetable.

Reasons: In order to review the suitability of the ecological mitigation given the likely duration of development, to protect and enhance the biodiversity of the site areas and to comply with policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

### **Prior to Commencement of Outline**

#### **24. Ecology Surveys for Subsequent Phases**

No development (including demolition), ground works or vegetation clearance, shall commence on any Phase for which outline planning permission is hereby granted until further supplementary ecological surveys for priority species and habitats for that Phase have been undertaken to inform the preparation and implementation of corresponding Phases of ecological measures required through Conditions 10, 11 and 22. The supplementary surveys shall be of an appropriate type for the habitats and/or species most likely to be affected and shall follow national good practice guidelines.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

#### **25. Analysis of Off-Site Traffic Signal Improvement Scheme**

No development, except remediation works, shall commence on any Phase for which outline planning permission is hereby approved until the results of analysis of the B1285 / Seaton Lane / Lord Byron's Walk junction to establish the effectiveness of the traffic signal improvements required by Condition 21 of this planning permission have been submitted to and approved, in writing, by the Local Planning Authority (Sunderland City Council), upon consultation with Durham County Council. This analysis shall be carried out following completion of the traffic signal improvements and must demonstrate whether the junction continues to operate as anticipated by the approved scheme. If the junction does not operate as anticipated by the approved scheme, details of further mitigation together with an appropriate timescale for implementation shall be submitted to and approved, in writing, by the Local Planning Authority, upon consultation with Durham County Council, and so implemented.

Reason: To ensure the effectiveness of the necessary highway works, in the interest of highway safety and the free passage of traffic and to comply with policy T14 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

#### **26. Transport Addendum**

No development, except remediation works, shall commence on any Phase for which outline planning permission is hereby granted until a Transport Addendum has been submitted to and approved, in writing, by the Local Planning Authority. The Transport Addendum shall be carried out following the introduction of traffic signal control within Phase 1, shall include a review of traffic flows and site access and must demonstrate that the approved highway network is operational to an acceptable standard, as deemed by the Local Planning Authority. If the approved highway network is found not to operate to an acceptable standard, details of further mitigation together with an appropriate timescale shall be submitted to and approved, in writing, by the Local Planning Authority and so implemented.

Reason: To ensure the effectiveness of the necessary highway works, in the interest of highway safety and the free passage of traffic and to comply with policy T14 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

27. Travel Plan

No development, other than remediation works, for which outline planning permission is hereby granted shall commence until a detailed Travel Plan supported by travel surveys and sustainable travel incentives has been submitted to and approved, in writing, by the Local Planning Authority, which shall be implemented in accordance with its terms thereafter.

Reason: In order to promote sustainable modes of travel and to comply with policies R1 and T14 of the adopted Unitary Development Plan and paragraph 36 of the National Planning Policy Framework.

28. Footway/cycleway onto Burdon Lane

No development, other than remediation works, for which outline planning permission is hereby granted shall commence until details of a non-motorised access linking the application site and Burdon Lane, including an appropriate timetable, has been submitted to and approved, in writing, by the Local Planning Authority. This access shall be provided in full accordance with the approved details prior to the occupation of any dwelling within Phase 3, as defined by the Design and Access Statement (revision E dated 22 February 2017).

Reason: In order to promote sustainable modes of travel and to comply with policies R1 and T14 of the adopted Unitary Development Plan and paragraph 36 of the National Planning Policy Framework.

29. Noise Assessment (Outline)

No development, other than remediation works, 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 policies B2 and EN5 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

30. Arboricultural Impact Assessment (Outline)

No development shall commence within any Phase 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 Phase:

- i) 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
- ii) 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 policy CN17 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

31. Materials (Outline)

No development shall commence within any Phase 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 policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

32. Boundary Treatments (Outline)

No development shall commence within any Phase for which outline planning permission is hereby granted until full details of the boundary treatments of that Phase 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 policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

33. Parking and Servicing (Outline)

No development shall commence within any Phase for which outline planning permission is hereby granted until details of the car parking arrangements for that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include resident and visitor parking and the car parking, cycle storage and servicing arrangements for any building for a purpose falling within Class A1, A2, A3, A4 or A5, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order). The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles and to comply with policies T14 and T22 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

34. Hours of Operation

No construction works of any building for a purpose falling within Class A1, A2, A3, A4 or A5, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order) shall commence until the operating hours of that use have been submitted to and approved, in writing, by the Local Planning Authority. The use shall not operate within its approved use outside the approved hours.

Reason: In the interest of the residential amenity and to comply with policies B2 and EN5 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

35. Extraction/Filtration

No use falling within Class A3, A4 or A5, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order) in which

the preparation and serving of hot food on a commercial basis would be carried out shall commence until details of a scheme for the extraction and filtration of cooking fumes has been submitted to and approved, in writing, by the Local Planning Authority for that use. Such details shall include all external ducting and stacks, an appropriate noise assessment and mitigation measures, where appropriate. The approved equipment shall be fully installed prior to the commencement of the use and shall be maintained to operate in accordance with the approved details for the lifetime of the use.

Reason: In order to protect nearby residents and the local environment and to comply with policies B2 and EN1 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

### **Prior to Commencement in Mill Hill**

#### **36. Archaeological Excavation and Recording**

No groundworks or development shall commence within the Mill Hill Character Area, as defined by the Design and Access Statement (revision E dated 22 February 2017), until a programme of archaeological excavation has been completed in accordance with a specification provided by the Local Planning Authority and a report setting out its results 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policies B11, B13 and B14 of the Unitary Development Plan and paragraph 141 of the National Planning Policy Framework.

#### **37. Archaeological Publication Report**

No dwelling within the Mill Hill Character Area, as defined by the Design and Access Statement (revision E dated 22 February 2017), shall be occupied until a report of an appropriate form for publication in a suitable and agreed journal detailing the results of the archaeological fieldwork undertaken 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 policies B11, B13 and B14 of the Unitary Development Plan and paragraph 141 of the National Planning Policy Framework. B13 and B14.

### **Compliance**

#### **38. Noise Mitigation (Phase 1)**

The development of Phase 1 shall be carried out in complete accordance with the recommendations set out by the Site Noise Survey, Modelling and Suitability Assessment (Report Number 3932.1 Version A dated 22nd September 2014). 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.

Reason: In order to protect residents from exposure to excessive noise and to comply with policies B2 and EN5 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

#### **39. Unexpected Contamination**

In the event that contamination is found at any time within any Phase when carrying out the approved development that was not previously identified, it shall be reported, in writing, immediately to the Local Planning Authority and all works within the affected part of that Phase shall cease on site until an investigation and risk assessment and, when remediation is necessary, a remediation scheme has been submitted to and approved, in writing, by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to the occupation of any dwelling in the affected area, a verification report shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

#### 40. Landscaping Implementation and Maintenance

All hard landscaping and planting, seeding or turfing within each Phase of development that are not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping within the reserved matters area shall be carried out in accordance with the approved landscaping scheme for that Phase in the first planting season following the practical completion of that Phase. Should any plants die, are removed or become seriously damaged or diseased within a period of five years from the completion of any Phase, 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 policies B2, T14, CN18 and CN22 of the adopted Unitary Development Plan and paragraphs 56 to 58 of the National Planning Policy Framework.

#### 41. Tree Protection

The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Impact Assessment (revision A issued 09.02.2016) and British Standard 5837 (2012) and, for the avoidance of doubt, no development shall commence within each Phase until all tree protection measures for that Phase of development 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 policy CN17 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

#### 42. Materials (Full)

The dwellings for which full planning permission is hereby granted shall be constructed in accordance with the Materials Matrix dated February 2017.

Reason: In the interest of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

#### 43. Boundary Treatments (Full)

No dwelling for which full planning permission is hereby granted shall be occupied until the boundary treatment serving that dwelling has been provided in accordance with drawing

reference PL003G: Boundary Key Plan received 28.03.2017 and the final dwelling for which full planning permission is hereby granted shall not be occupied until all boundaries shown on the aforementioned drawing have been provided in full.

Reason: In the interest of visual and residential amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

44. Car Parking

No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. Such parking areas shall then be retained and permanently reserved for the parking of vehicles and all driveways will be retained to a usable length of at least 4.8 metres.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles and to comply with policies T14 and T22 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

**Reference No.:** 17/00162/FUL Full Application

**Proposal:** **Section 62 of The Town and Country Planning Act 1990 (As Amended) for, change of use from Class A1(Retail) to flexible use Class A1 and D2 (Retail/Assembly and Leisure), installation of a 955 sq metre mezzanine floor and external works.**

**Location:** Unit 2 Trimdon Street Sunderland SR4 6DW

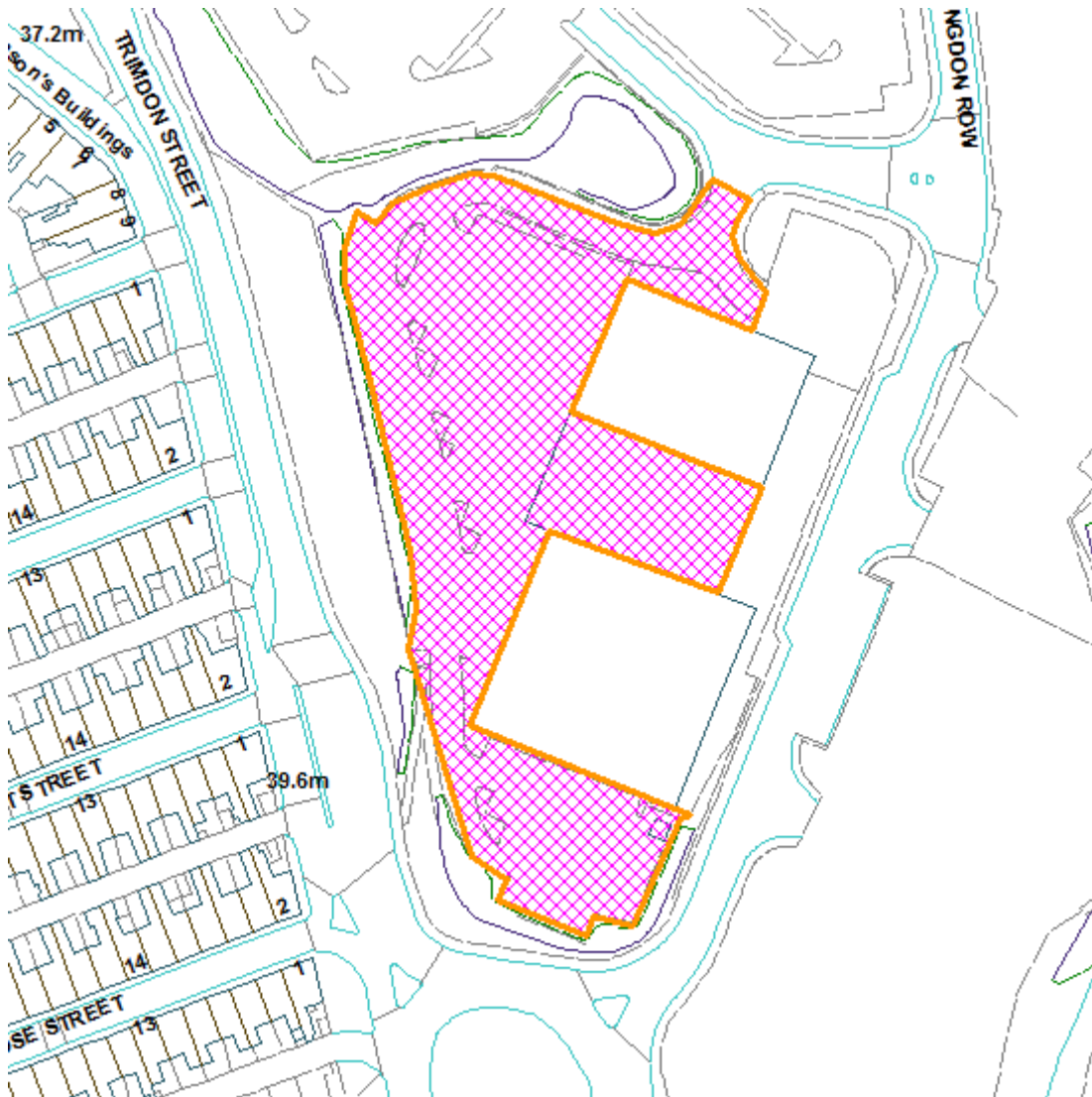
**Ward:** Millfield

**Applicant:** Sanne Group Nominees 1 (UK) Ltd

**Date Valid:** 1 March 2017

**Target Date:** 31 May 2017

### Location Plan



## PROPOSAL:

The proposal relates to the change of use from use Class A1 to a flexible use class A1 and D2, to include the installation of a 964 square metres mezzanine taking the total floor area to 2135 sq.metres along with external works to the existing building at Unit 2, Trimdon Street Retail Park, Sunderland.

The application site is currently vacant, formerly occupied by PC World. The unit measures 1383 sq.metres, with 1171 sq.metres at ground floor and 212 square metres mezzanine and is located in the middle of the retail terrace between an existing Halford and Currys/PC World.

The site is irregular in shape and provides a car park that serves all three units. The site is located outside the City Centre boundary and is therefore considered to be an "out of centre."

The site has been subject to a number of previous applications.

Planning permission (99/01441/OUT) was granted in February 1999 for the :  
"Redevelopment of land to provide 2no. retail units with associated access, parking and servicing facilities."

In March a further permission was granted (00/00539/FUL), for the:  
"Redevelopment to provide 3 no. retail units (within use class A1) with associated access, services and parking to include stopping up and change of use of all-purpose highway to landscaping and car park. The consent was implemented on site and subject to conditions Condition 14 limited the retail goods that could be sold from the unit and stated:

The Class A1 development hereby permitted shall not be used for the retailing of any of the following goods without the prior consent of the local planning authority:

- (a) food and drink (excluding the sale of food and drink for consumption on the premises);
- (b) fashion clothing (excluding cycle and protective clothing);
- (c) fashion accessories;
- (d) footwear;
- (e) jewellery;
- (f) cosmetics and toiletries;
- (g) pharmaceutical goods;
- (h) books and magazines (excluding computer manuals, cycle and car manuals and magazines);
- (i) toys;
- (j) sports goods;
- (k) camping equipment, in order that the local planning authority may retain control over the development.

In May 2004 planning permission was granted (04/01345/CLP) for a:  
"Proposal to establish the lawfulness of the potential future installation of mezzanine floors within the retail units of the park."

The current proposal includes the installation of a new 964 sq.m. mezzanine. This would lead to an additional 752 sq.m of mezzanine floorspace.

The current proposal seeks only a Use Class D2 operation for JD Sports. The flexibility to retain the existing Use Class A1 is to allow for the unit to be used as a retail unit under its existing terms if JD Sports vacate the premises.

It is therefore suggested that should Members be minded to approve the proposal the following conditions be imposed.



1. The unit can be used for Use Class A1 or Use Class D2 purposes.
2. When the unit is used for Class D2 purposes, it shall be used as Health and Fitness Centre only and for no other purpose (including any other use within Use Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the class in any statutory instrument amending or replacing that Order). Class A1 retail sales that are ancillary to the operation of the Health and Fitness Centre will also be permitted.
3. Following the future cessation of the unit's use as a Health and Fitness Centre within Use Class D2 it shall revert to being permitted to be used for Class A1 purposes and shall not be used for the retailing of any of the following goods without the prior consent of the local planning authority:
  - (a) food and drink (excluding the sale of food and drink for consumption on the premises);
  - (b) fashion clothing (excluding cycle and protective clothing);
  - (c) fashion accessories;
  - (d) footwear;
  - (e) jewellery;
  - (f) cosmetics and toiletries;
  - (g) pharmaceutical goods;
  - (h) books and magazines (excluding computer manuals, cycle and car manuals magazines);
  - (i) toys;
  - (j) sports goods;
  - (k) camping equipment.

The external elements required to facilitate the JD Sports operational requirements, include:

1. The removal of an existing doorway and replacement with a new glazed screen to match the existing facade.
2. The installation of a new fire door on the front return elevation to meet the standards required by building regulations.
3. Existing ventilation on the rear elevation to be sealed up with metal cladding, to match the existing facade.

#### **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  
Southern Area Command - Police  
NE Ambulance Service NHS Trust  
Nexus  
Fire Prevention Officer

Final Date for Receipt of Representations: **04.04.2017**

## **REPRESENTATIONS:**

Nexus - No comments.

Public Protection and Regulatory Services - In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that should Members be minded to approve the proposal a condition be imposed which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

## **POLICIES:**

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

S2A

B2 Scale Layout and Massing

T14 Transportation

## **COMMENTS:**

The key planning issues to consider in relation to this application are:

1. Planning and retail policy considerations.
2. Highway considerations.
3. Design and amenity considerations.

### **1. Planning and retail policy considerations.**

The National Planning Policy Framework (NPPF) was published on 27th March 2012. Paragraphs 2, 11, 12, 13 and 196 of the NPPF emphasise that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions.

Paragraph 14 sets out the guiding principle for the national policy framework and says that it....."should be seen as a golden thread running through both the plan making and decision taking."

For decision-taking this means, unless material considerations indicate otherwise:

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

Thus, if an application accords with the development plan, the provisions of Paragraph 14 of the NPPF suggests that it should be permitted without delay, unless material considerations indicate

otherwise. Conversely, it is clear that applications which do not accord with an up-to-date development plan should be refused, unless material considerations indicate otherwise. The second decision taken bullet point in Paragraph 14 of the NPPF only comes into force if the development plan is "...absent, silent or relevant policies are out of date."

Paragraph 17 sets out 12 core planning principles that should underpin plan-making and decision taking, one of which is particularly relevant and states that planning should:

"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."

Whilst paragraphs 18 and 19 expand upon this by stating that:

"The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future." and

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The development plan for this part of Sunderland comprises the saved policies of the City of Sunderland Unitary Development Plan (UDP), adopted in 1998, together with the saved policies of UDP Alteration No.2 (Central Sunderland), adopted in September 2007. Given that both of these plans were adopted prior to the publication of the NPPF (March 2012). Paragraph 215 states that following 12 months from the day of the NPPF's publication "...due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework..."

In light of the above, it is considered that there is a degree of conflict that exists between UDP policies S1 and S2 of the UDP with their requirement to sustain and enhance centre(s), with the more up-to-date Development Management policies of the NPPF, i.e sequential tests.

Furthermore, policy S2A of Alteration No.2, which deals amongst other things, with the development in locations outside the City Centre Retail Core and City Centre Boundary, is also not considered to be fully compliant with the NPPF. Firstly, because this policy incorporates criteria relating to need and scale, which are no longer required by the NPPF. Secondly, the policy refers to there being no unacceptable impacts on vitality and viability of the retail core, as opposed to "significant adverse impact" as stipulated by the NPPF. Thirdly, because Policy S2A states that there will be a strong presumption against retail development outside the City Centre boundary, which again is not consistent with the up-to-date tests as set in paragraphs 24 and 26 of the NPPF.

Paragraphs 24 -27 set out that proposals for leisure development which are not in accordance with the Development Plan and are outside of any centres, should be subject to the sequential test and, where more than more than 2500 square metres of floorspace is proposed, an impact test (unless there is a lower locally set threshold). As there is no locally set threshold for an impact assessment in the Development Plan one is not required, however a sequential test has been applied and evidenced in the submission.

Paragraph 24 of the NPPF sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that '...applications for main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered'. In considering out of centre proposals, such as the

development proposal, Paragraph 24 states '...preference should be given to accessible sites that are well-connected to the town centre.'

In applying the sequential approach, Paragraph 24 requires applicants and local authorities to demonstrate flexibility on issues such as format and scale. Furthermore, important case law has determined that there is a requirement for developers, retailers and local authorities to demonstrate flexibility and realism in applying the sequential approach, with flexibility relating to such matters as format and scale, while sequentially preferable locations must be able to provide for a retail development that will serve a similar function and achieve similar objectives to the development being proposed.

The applicant's sequential assessment submission considered the following:

Sunderland City Centre has a total of 65 vacant units, two of which measure over 2135 sq.metres.

One unit was formerly BHS store and has been occupied recently by Sports Direct 86-87 High Street - 2390 square metres.

The second unit is 3 -10 John Street which measures 2360 square metres over 5 trading floors and has recently been granted consent for a three storey hotel along with retail space across three units. Covering 1760 square metres the remaining space is not large enough to accommodate the proposed health and fitness club in the configuration required which includes the provision of facilities at both ground and mezzanine floor level. The site is therefore considered not an available or suitable site for the proposal.

With the above in mind, it is considered that there are no available sites in the City Centre that are suitable for the proposal and as the proposal site is an edge of centre location it is considered that the sequential test is satisfied in accordance with Paragraph 24 of the NPPF and the proposal is acceptable on planning and retail policy grounds.

## **2. Highway considerations**

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policies T8 and T9 seek to improve facilities for pedestrian and cyclists respectively.

Further to consultations with the Network Management Section observations were received relating to the existing car park, staff numbers and class sizes for the leisure facility. The current proposal is situated within a shared car park, with a good provision of bicycle parking spaces, and is also in close proximity to existing bus stops along Trimdon Street, with further stops available along Hylton Road.

In terms of staffing numbers the proposal will generate 3 full time positions and 12 part time positions and occupancy levels for patrons will be limited by an appropriate Building regulations notice, that will establish that the proposed floor space, use and number of fire exits are all appropriate.

With the above in mind, given the significant numbers of car parking spaces that are in the immediate vicinity, it is considered that the existing site can accommodate the proposed use. However it is noted that the exact occupancy figure will be available and reported to members prior to determination.

In conclusion, it is considered that the Transport Statement has satisfactorily demonstrated that the highway network will be able to cope with the traffic associated with the development proposal. It is also considered that the existing levels of parking are satisfactory for the size of the development, while the site is also considered to be in close proximity to the City Centre and well served by public transport.

### **3. Design and amenity considerations.**

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

The proposed scheme provides only minor external alterations and it is not considered that the proposal raises any concerns with regards to design and amenity considerations.

### **Conclusion.**

As has been discussed above, the application proposal is considered to satisfy the sequential test, in accordance with paragraph 24 of the NPPF, which provides a more up to date planning framework than the existing saved UDP policies S1 and S2 and Alteration No.2 policy S2A which are not considered to be fully consistent with the NPPF.

The proposed development is located within an existing retail development in a sustainable and accessible location adjacent to the city centre boundary and with reference to the NPPF it is considered to confirm with one of the key objectives of the NPPF which is to secure economic growth and create jobs, whilst also promoting well-being by enhancing access to health and fitness facilities.

With the above in mind, it is considered that the proposed development generally accords with the relevant UDP policies and moreover is fully compliant with the more up-to-date NPPF guidance and as such it is recommended that Members approve the proposal subject to the conditions listed.

### **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

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

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

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

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

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

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

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

**RECOMMENDATION** : Approve subject to the conditions listed below:-

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. SLP/TSRP/SAV, Location Plan received 01.03.2017.

Drawing No. 10144.P.03, Unit 2 Existing Elevations received 01.03.2017.

Drawing No. 10144.P.04, Unit 2 Existing Section A-A received 01.03.2017.

Drawing No. 10144.P.05.Rev A, Unit 2 Proposed Ground Floor Plan received 01.03.2017.

Drawing No. 10144.P.06.Rev B, Unit 2 Proposed Mezzanine Floor Plan received 01.03.2017.

Drawing No. 10144.P.02, Unit 2 Existing Ground and Mezz Floor Plans received 01.03.2017.

Drawing No. 10144.P.07, Unit 2 Proposed Elevations received 01.03.2017.  
Drawing No. 10144.P.08, Unit 2 Proposed Section B-B received 01.03.2017.

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The premises shall be used for Use Class A1 (retail) or Use Class D2 (Health and Fitness Centre) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). Class A1 retail sales that are ancillary to the operation of the Health and Fitness Centre will also be permitted.

Following the cessation of the unit's use as a Health and Fitness Centre within Use Class D2 it shall revert to being permitted to be used for Class A1 purposes and shall not be used for the retailing of any of the following goods without the prior written consent of the Local Planning Authority;

- (a) food and drink (excluding the sale of food and drink for consumption on the premises);
- (b) fashion clothing (excluding cycle and protective clothing);
- (c) fashion accessories;
- (d) footwear;
- (e) jewellery;
- (f) cosmetics and toiletries;
- (g) pharmaceutical goods;
- (h) books and magazines (excluding computer manuals, cycle and car manuals and magazines);
- (i) toys;
- (j) sports goods;
- (k) camping equipment.

In order to achieve a satisfactory form of development and to accord with policy B2 of the UDP.

- 5 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and T14 of the UDP.

**Reference No.:** 17/00562/FUL Full Application

**Proposal:** Raising of rear garden levels and erection of boundary fence to rear (amended plans and additional information received 5/5/17)

**Location:** 27 Seaforth Road Sunderland SR3 1UP

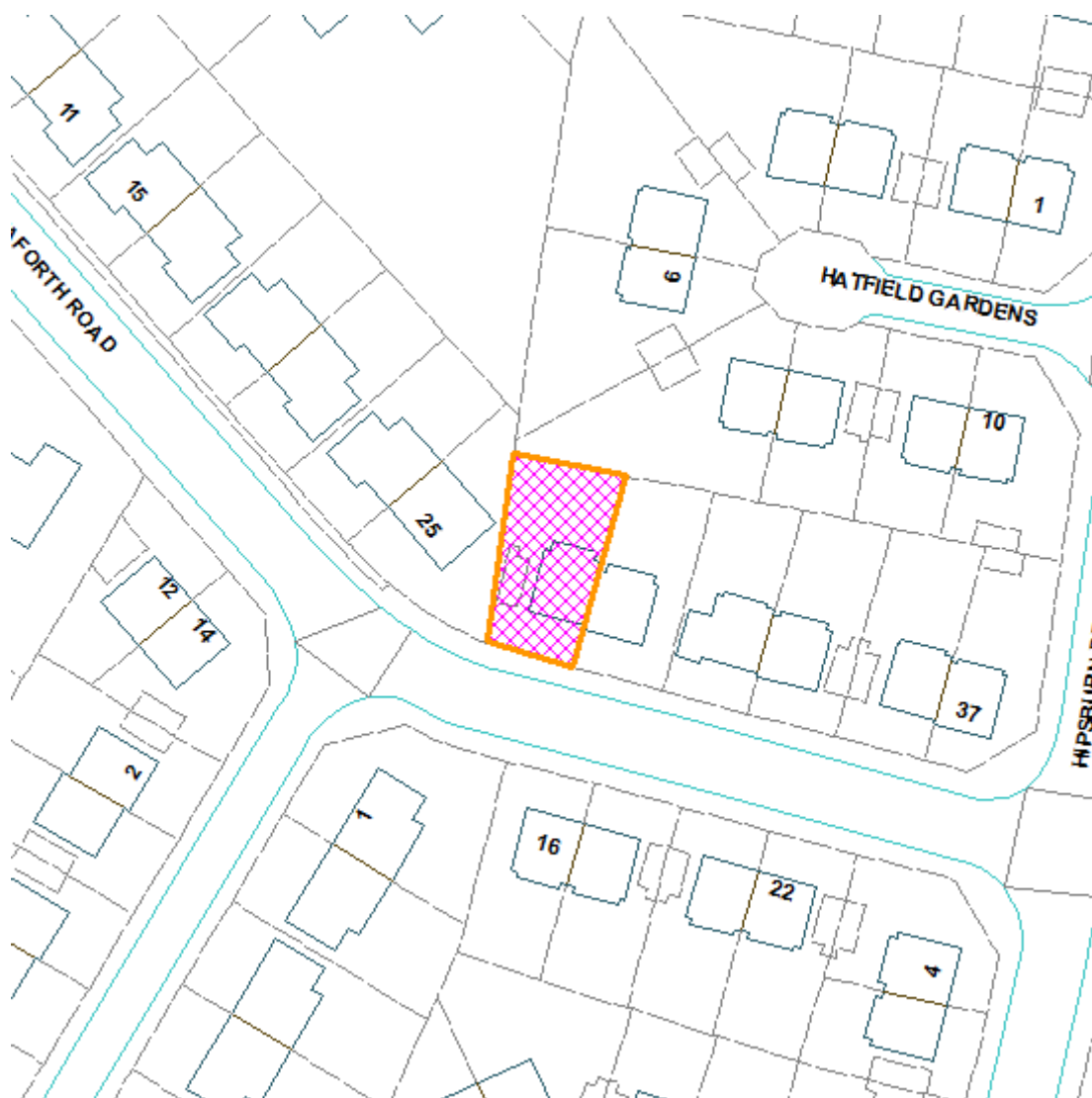
**Ward:** Barnes

**Applicant:** Mr Graeme Marsh

**Date Valid:** 20 March 2017

**Target Date:** 15 May 2017

### Location Plan





## **PROPOSAL:**

The application site is a two storey semi-detached house situated within an estate of similar properties. It has a flat-roofed two storey extension to the side, and a single storey extension to the rear which has recently been extended to occupy most of the width of the extended house. There are gardens to the front and rear and a driveway to the front of the garage. The ground levels fall down the street so that the property is slightly higher than the adjoining property at no. 29 and substantially lower than the neighbouring property no 25, which is set at an angle to the application site as the houses follow a slight bend in the road.

The rear garden backs onto the garden of 7 Hatfield Gardens, a corner plot tucked into the head of the cul de sac. The rear gardens in the vicinity of the application site fall away to the north and east so that Seaforth Road is on a higher ground level than Hatfield gardens. The rear garden of the application site is therefore lower than no 25 to the north west, and higher than no. 29 to the east, all of which are higher than Hatfield Gardens to the north.

The application arises from the unauthorised raising of the rear garden levels to achieve a level contiguous with the entrances to the single storey extension across the whole rear garden. Prior to the development taking place, the garden was over two levels. The application is an attempt to regularise the situation and includes the erection of a new boundary fence to the rear.

Between the applicant's submission and the letters of objection, there are a number of disagreements regarding the original garden levels of the application site and the neighbouring gardens, and the amended drawings were requested in an attempt to portray the proposal as accurately as possible. The agent has represented the situation as far as he understands it and, together with evidence submitted by the objectors, it is possible to understand the scale of the raising of the garden levels.

Garden sleepers have been used to create the supporting structure to retain the additional fill material. The garden level would have undulated slightly across the area but it would appear that the lower tier of the garden has been raised by 600mm. The impact of this from the neighbours' garden will vary again due to the slope of the land as can be seen by how the fence slopes to the north east corner leaving only approximately 500mm of the fence exposed above the new garden level. The proposal includes an increase in the height of the rear fence by 600mm.

This type of proposal would normally be determined under the powers delegated to the Chief Executive, however, given the objections received, the application has been referred for determination by the Development Control Sub-Committee at the request of a Councillor.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Barnes - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **24.05.2017**

## **REPRESENTATIONS:**

Network Management - no objections

Neighbours -

Three letter of objection have been received to the original submission and a further three letters have been received in response to further consultation regarding amended plans and additional information. The objectors' main concerns relate to;

- The inaccuracy of the drawings initially submitted,
- The fact that the development has been carried out without first gaining planning permission or consulting with neighbours,
- The capacity of the retaining structure to support the weight of the additional soil and the safety implications of failure,
- The possibility of contamination from unknown substrate used,
- Overlooking and loss of privacy of the neighbouring properties,
- The overshadowing and visual impact of the new fence upon neighbouring properties,
- The question of responsibility for maintenance of the fencing,

It is the developer's responsibility to ensure that any works undertaken have complied with all relevant regulations and in a responsible manner. The method of construction and materials used cannot therefore be considered in the context of the planning application. However, the application arises as a result of action by the council's Compliance Team and at a site visit during on-going works, it was noted that the sleepers were secured together and reinforced by brackets fastened to the ground.

Other issues raised will be addressed within the consideration of the proposal in the main body of the report.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

## **COMMENTS:**

In assessing the proposal the main issues to consider are the impact of the development upon the appearance of the host property and the street scene in general and the effect upon the residential amenities of the neighbouring properties.

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the Unitary Development Plan (UDP) requires the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. Following any development, neighbouring properties, including gardens, should still have a reasonable level of privacy without direct overlooking of windows and gardens, and should still have a reasonable outlook.

The development is restricted to the rear garden and therefore not easily visible from the public point of view. Views of the garden itself will be partly screened by the boundary fence, with vantage points being mainly confined to views from upper windows. In terms of the visual impact of the development therefore, it is unlikely that the development will adversely impact upon the visual amenities of the street scene. In terms of the impact upon the host property, taken in isolation, the development appears to have been carried out to a good standard of finish and the development represents a standard residential garden. The development therefore has no detrimental impact upon the host property. The impacts of the development will therefore be conferred upon the occupiers of the neighbouring properties.

Whilst the garden levels have been raised, the property to the north west, no.25, remains at a higher ground level than the application site. Similarly, the garden of no. 25 is still elevated from the application site and it is considered that the new levels will not offer users of the garden any vantage point that would result in an unacceptable level of overlooking of the windows or garden of no. 25.

The neighbouring property to the east, no 29, is lower than the application site. This garden is not flat and slopes down towards the rear fence. Whilst there was previously a difference in levels, at the lowest level of the garden of no 29, the development results in a difference in levels of approximately 8500mm. Conifers have been planted in the garden of 29 along the boundary fence in an attempt to provide additional screening. Despite this, it is considered that the elevated garden levels allows a vantage point for overlooking of the garden area of the neighbouring property and the rear windows, which are at a lower level than those of the application site. The development provides a family garden within which a children's climbing frame has recently been added. This will provide an additional vantage point from which overlooking of the garden and windows of no. 29 is likely.

Similarly, to the rear, the property at no 7 Hatfield Gardens sits at a lower level than the application site. The garden is roughly triangular-shaped and the area behind the application site is as well-used as the rest of the garden. The application site faces the corner of the property which has a single storey structure on the side elevation. With the pre-existing difference in height of the gardens, the new garden level reaches approximately 1m above the garden of no. 7. It is considered that this results in serious overlooking and loss of privacy of the occupiers of no. 7 Hatfield Gardens. Users of the play equipment will be roughly on a level of the first floor windows of no. 7 resulting in the opportunity for overlooking of those windows, as well as the ground floor.

The proposed new fence will result in a structure of a height of over 2m which will disrupt the rhythm of the fence line along the rear boundary of no. 7 as it stretches from the application site along to no. 31 Seaforth Road. This will appear as an obtrusive structure which will emphasise the difference in heights of the garden. Additionally, as it will be much lower from the garden of the application site it will still not prevent overlooking over the fence or from the play equipment.

If found to be acceptable, the application may set a precedent for similar developments within the vicinity of the application site. The cumulative impacts of the increased garden levels would have implications for overlooking and loss of privacy for neighbouring properties within the area, particularly those to the rear at Hatfield Gardens, to the detriment of the residential amenities of those properties affected.

## **CONCLUSION**

With regard to the above comments, it is considered that the development will result in a loss of outlook from neighbouring properties to the detriment of their visual amenities, and a level of overlooking and loss of privacy that would result in a serious detriment to the living conditions of the occupiers of neighbouring properties with a consequent adverse impact upon the residential amenities of those properties. Additionally, the development could set a precedent for similar applications, to the detrimental of the residential amenities of neighbouring properties.

The proposal is therefore considered to be contrary to policy B2 of the UDP and is unacceptable. It is consequently recommended that the application is refused planning permission.

## **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.

**RECOMMENDATION:** : Refuse

**Reasons:**

- 1 The proposal would be detrimental to the amenities of adjacent residential properties by reason of overlooking and loss of privacy and as such would be in conflict with the requirements of the core principles of the NPP and policy B2 of the Council's adopted UDP.
- 2 The development would introduce an over dominant and obtrusive element into the gardenscape of the area, to the detriment of the visual amenities of the neighbouring properties and in conflict with the requirements of the core principles of the NPP and policy B2 of the Council's adopted UDP.
- 3 The proposed development would set an undesirable precedent for similar developments within the area, to the detriment of the residential amenities of neighbouring properties and in conflict with the requirements of the core principles of the NPP and policy B2 of the Council's adopted UDP.

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**Reference No.:** 17/00810/LP3 Local Authority (Reg 3 )

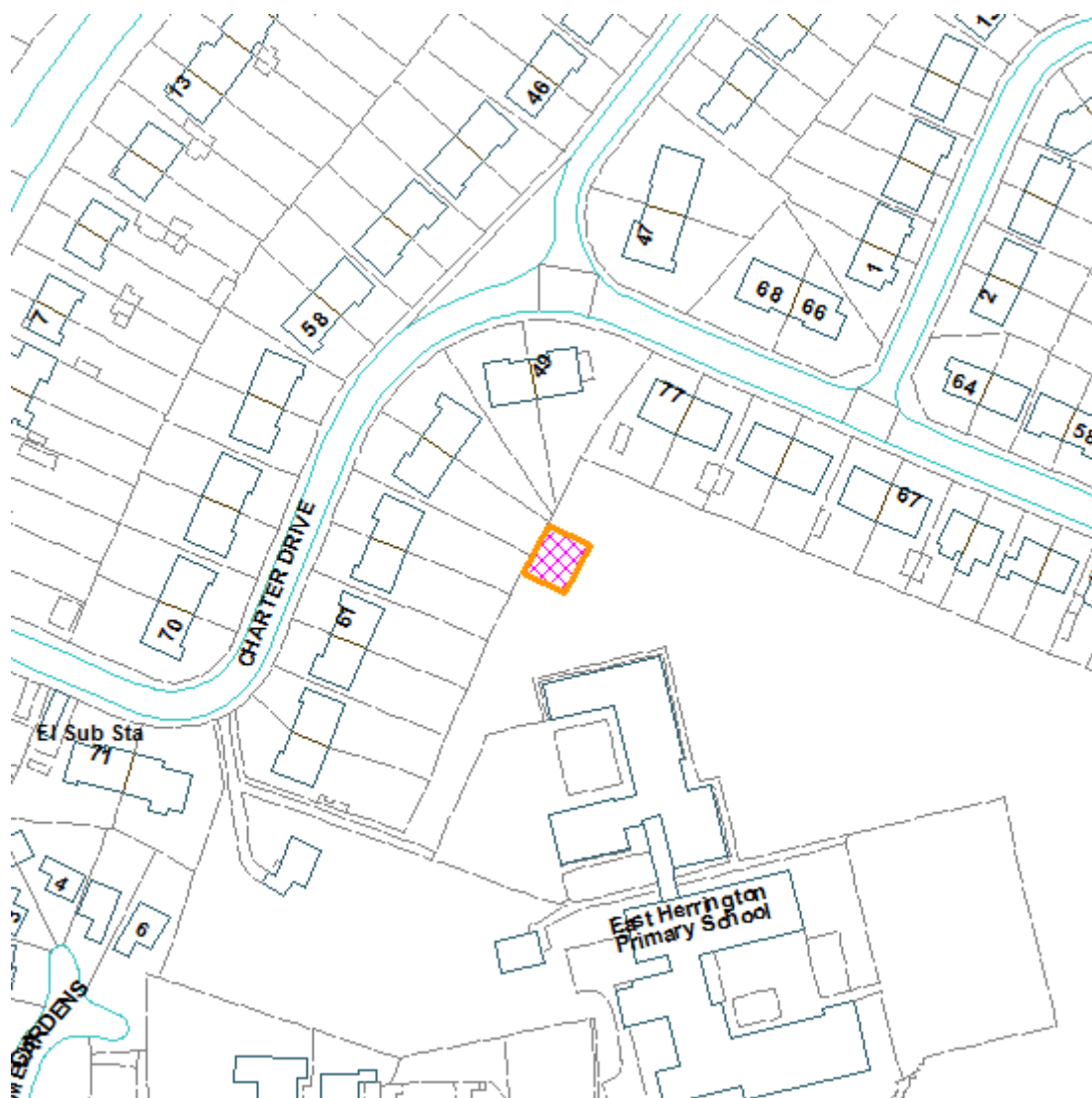
**Proposal:** **Erection of single storey extension to existing nursery lunch room to provide additional 30 pupil early years classroom**

**Location:** East Herrington Primary Academy Balmoral Terrace East Herrington Sunderland SR3 3PR

**Ward:** St Chads  
**Applicant:** Mr Alan Rowan  
**Date Valid:** 20 April 2017  
**Target Date:** 15 June 2017

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### Location Plan



## **PROPOSAL:**

The site to which the application relates is that of East Herrington Primary Academy. Its main entrance / access is via Balmoral Terrace to the south, whilst there is a separate, somewhat secluded pedestrian entrance to the nursery unit via Charter Drive to the west (off Durham Road. With the exception of the Balmoral Terrace entrance, the vast majority of the site is enclosed by residential dwellings, with their rear garden fences acting as the boundary of the site. The school benefits from playing fields to the east. The school itself comprises of a number of inter-linked single story buildings which have been gradually added to over the passage of time.

Planning permission is sought for the erection of a further single storey extension to the nursery unit that is located to the north east extent of the existing school buildings. The extension itself is of a simple flat-roof construction in form, similar to the most recent extension that was constructed at the site. It is located to the front (east) of the existing nursery building and will occupy an area that currently houses an entrance walkway and landscaping. Access to the site will remain as it is at present via a long, 3 metre wide footpath that runs to the rear of properties on Charter Drive. Once into the school site, the existing entrance into the nursery will be retained.

Size-wise, the proposed extension would be 19.8 metres wide, 24 metres in depth and would be erected with a flat roof to an overall height of 3.6 metres. The wall of the extension nearest the common site boundary shared with the dwellings on Charter Drive will be between 3 and 6 metres away from these boundary fences and will have no windows or openings facing onto the rear gardens. The rear of these dwellings will be in excess of 25 metres away from the aforementioned wall.

The submitted documentation states that the extension would be finished in render which will be horizontally banded in colour, as per a recent similar extension and that the new accommodation provided by the extension will allow the school to provide a new classroom to allow for full-time nursery places to be offered as part of the governments Early Years Initiative, which provides 30 hours of childcare, as opposed to the previous 15 hours provision. This means that the school will be able to offer day-long places for children, instead of just either a morning or afternoon session, which is the current situation.

The application has been advertised accordingly, including neighbour notifications and the posting of a site notice.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Chads - Ward Councillor Consultation  
Network Management  
St Chads - Ward Councillor Consultation

Final Date for Receipt of Representations: **31.05.2017**

## **REPRESENTATIONS:**

### Neighbours

Four letters have been received from the occupiers of neighbouring properties to date. The concerns raised therein relate to:-

- Increased traffic congestion
- The extension is close to the rear boundary fences of dwellings on Charter Drive
- Potential for light pollution from the classroom
- Invasion of privacy
- Noise caused during construction

### Network Management

Have advised as follows:-

#### Increased Trips

Although the school will not be increasing the pupil intake the drop off and pick up times for the early years will change slightly. It is understood that at present there are 2 classes of 30 pupils, one for a morning session and one for an afternoon. Eligible pupils will be entitled to increase their hours from 15 to 30 hours which in turn may affect the number of drop off and pick up trips at the peak periods (9am & 3pm).

#### Drop Off / Pick Up

At present the school has no drop off / pick up facility. For parents using vehicles they rely upon on-street parking, the proposal could increase the number of vehicles trips at peak times.

#### Staff

It is noted that no additional staff are to be employed.

#### Existing Restrictions

There are existing parking restrictions on Balmoral Terrace and Charter Drive. Double yellow lines, H-markings and School Keep Clear markings to deter parking. These restrictions have been introduced to assist with the management of parent parking on Charter Drive and Balmoral Terrace. The proposed increase in places are unlikely to create significant issues subject to the parking restrictions being used correctly.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

CF\_5\_Provision for primary and secondary schools

L\_7\_Protection of recreational and amenity land

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**



## Reason for decision

The site to which the application relates is that of East Herrington Primary Academy. Its main entrance / access is via Balmoral Terrace to the south, whilst there is a separate, somewhat secluded pedestrian entrance to the nursery unit via Charter Drive to the west (off Durham Road. With the exception of the Balmoral Terrace entrance, the vast majority of the site is enclosed by residential dwellings, with their rear garden fences acting as the boundary of the site. The school benefits from playing fields to the east. The school itself comprises of a number of inter-linked single story buildings which have been gradually added to over the passage of time.

Planning permission is sought for the erection of a further single storey extension to the nursery unit that is located to the north east extent of the existing school buildings. The extension itself is of a simple flat-roof construction in form, similar to the most recent extension that was constructed at the site. It is located to the front (east) of the existing nursery building and will occupy an area that currently houses an entrance walkway and landscaping. Access to the site will remain as it is at present via a long, 3 metre wide footpath that runs to the rear of properties on Charter Drive. Once into the school site, the existing entrance into the nursery will be retained.

Size-wise, the proposed extension would be 19.8 metres wide, 24 metres in depth and would be erected with a flat roof to an overall height of 3.6 metres. The wall of the extension nearest the common site boundary shared with the dwellings on Charter Drive will be between 3 and 6 metres away from these boundary fences and will have no windows or openings facing onto the rear gardens. The rear of these dwellings will be in excess of 25 metres away from the aforementioned wall.

The submitted documentation states that the extension would be finished in render which will be horizontally banded in colour, as per a recent similar extension and that the new accommodation provided by the extension will allow the school to provide a new classroom to allow for full-time nursery places to be offered as part of the governments Early Years Initiative, which provides 30 hours of childcare, as opposed to the previous 15 hours provision. This means that the school will be able to offer day-long places for children, instead of just either a morning or afternoon session, which is the current situation.

The application has been advertised accordingly, including neighbour notifications and the posting of a site notice.

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Highway issues

### **Principle of Development**

The site in question is covered by UDP Policy CF5 which requires that where possible, the requirements for the provision of education shall be met on existing sites. Clearly, the proposal accords with this policy. Policy L7 requires the playing fields attached to the school to be retained in such a use unless alternative provision is made nearby. The proposals do not impinge upon this land and are thus in accordance. As such, the principle of the development on this site is acceptable in principle.

## **Design and amenity issues**

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. As explained above, a number of objections have been raised by nearby residents in this regard, which are considered in detail below.

### **Visual Impact**

With regards the relationship of the proposed extension with those residential properties which adjoin the school site, the extension would be at least 25 metres away from the rear of these dwellings. In terms of height, the extension is only single storey, of flat roof construction and 3.6 metres in height; considerably lower than the 5.3 metre high hipped-roof offshoot to which it will adjoin. In addition there are a significant number of mature trees to the rear common boundary, which are to be retained and as such, the visual impact of the extension when viewed from the residential properties is considered to be minimal.

### **Noise / light disturbance**

As described earlier, the elevation which faces towards the nearby dwellings is solid in form, with no doors or other openings. The extension does have doors in the northern and southern elevations, however. These are situated 19 metres and 17 metres away from the aforementioned boundary respectively and do not open out towards this. As such, it is not considered that the proposal will give rise to any increase in external noise than at present. It is also noted that one objector voiced concerns with regards light pollution from windows, but clearly, as explained above, the orientation of the extension will prevent this from occurring.

With regards noise disturbance caused during the construction period, understandably this is an inevitable consequence of any construction project. However, the duration and manner in which activities are undertaken can be controlled via the imposition of appropriate conditions, should Members be minded to approve the application.

As such, for the reasons set out above, the design, siting and associated amenity issues are considered to be adequately addressed and in accordance with UDP policy B2.

### **Highway issues**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

As set out above, the Network Management Team have observed that the proposals will not increase the numbers of pupils that will be attending the school, but it may alter the amount of visitors at peak times. Parking restrictions are in place on Balmoral Terrace and Charter Drive, and as such, the proposed increase in places are unlikely to create significant issues subject to the parking restrictions being used correctly. On this basis the proposal is considered to have paid due regard to UDP policy T14.

## Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations and it is therefore recommended that Members should be minded to grant consent subject to Regulation 3.

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

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

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

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

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

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

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

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

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

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

Nature of Decision Made Grant Consent Under Regulation 3

**Recommendation:** Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan 0516022/ARCH/100 Rev P1
  - Existing Ground Floor Plan 0156022/ARCH/101 Rev P1
  - Site Plan as existing 0156022/ARCH/102 Rev P1
  - Ground Floor Plan as Proposed 0156022/ARCH/200 Rev P1
  - Proposed Roof and Drainage Plan 0156022/ARCH/203 Rev P1
  - Proposed Site Plan 0156022/ARCH/210 Rev P1
  - Existing a Proposed Elevations 0156022/ARCH/300 P1

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 CEMP Construction Environmental Management Plan  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Hours of construction, including deliveries;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Sunday in order to protect the amenities of the area and to comply with policy EN1 of the Unitary Development Plan.