

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

AGENDA

**Extraordinary Meeting to be held in Committee Room 1 on
Monday, 18th February, 2019 at 4.00p.m.**

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

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

Civic Centre,
SUNDERLAND.

8th February, 2019

Item 3

Development Control (South Sunderland) Sub-Committee

18th February 2019

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 18/00255/FU4
Land Adjacent To Chester Road/Former Pennywell Estate Pennywell
Sunderland

COMMITTEE ROLE

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

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

1.

South
Sunderland

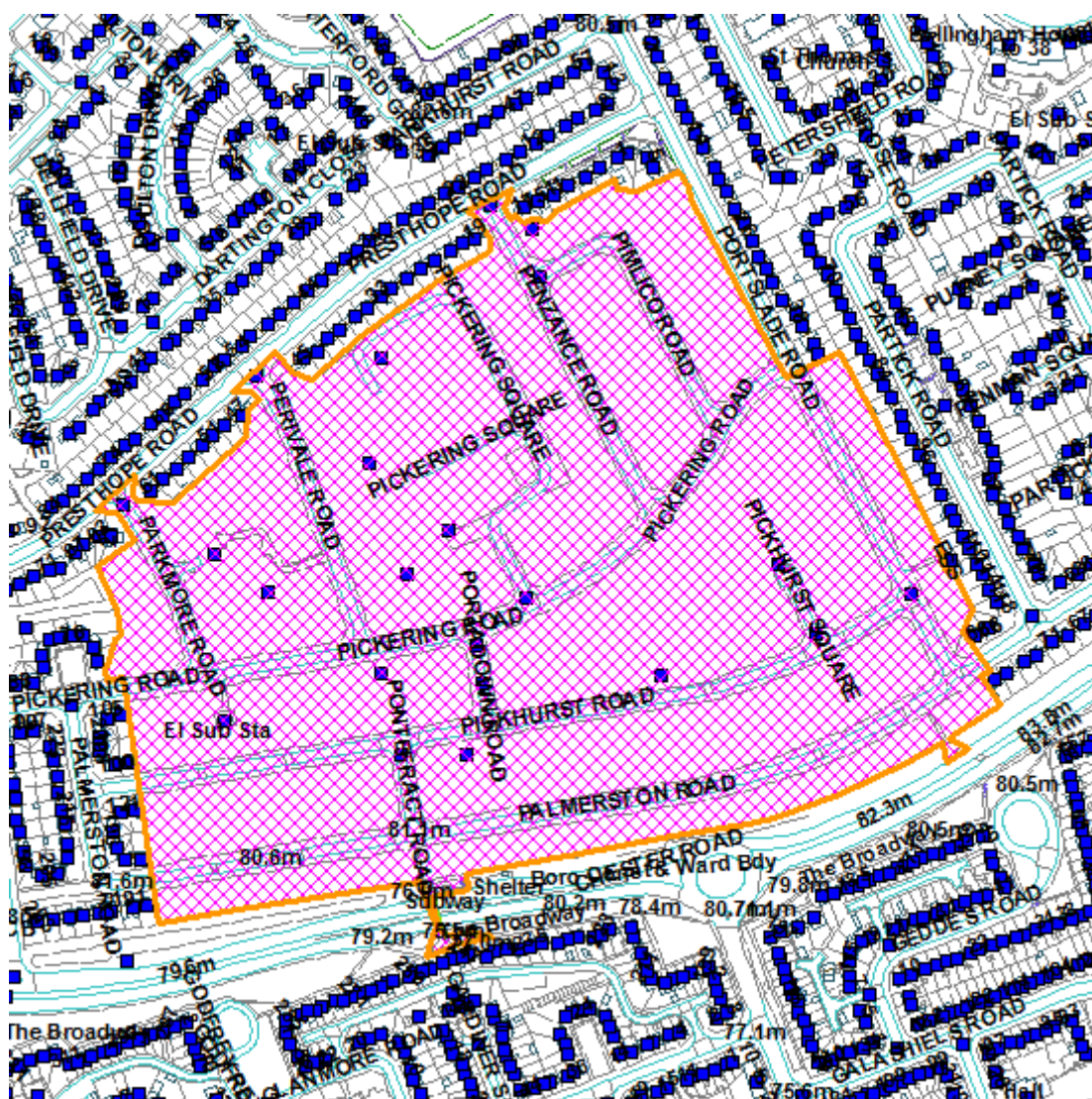
Reference No.: 18/00255/FU4 Full Application (Reg 4)

Proposal: Construction of 118 dwelling houses, including drainage infrastructure, landscaping, public open space and stopping up of public highway.

Location: Land Adjacent To Chester Road/Former Pennywell Estate Pennywell Sunderland

Ward: St Annes
Applicant: Gentoo Homes
Date Valid: 22 February 2018
Target Date: 24 May 2018

Location Plan



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PROPOSAL:

The application seeks full planning permission for the construction of 118 dwelling houses (including drainage, landscaping, public open space and stopping up of the public highway) on land adjacent to Chester Road, Pennywell.

The site lies towards the south west of the City; approximately 1km east of the A19. The site has a broadly square shaped plan form and the surrounding land uses are residential to the north and east, Chester Road immediately to the south and residential further to the south and residential immediately to the west; with commercial / industrial development further to the west.

The area where the dwelling houses are proposed lies towards the south east of the site and covers around 5.1 hectares. The proposed development would be two-storey dwelling houses comprising 23 two bed, 41 three bed, 16 four bed and 38 bespoke. The access would be off a newly construction junction onto Chester Road. There would be an area of open space to the north west and both a drainage valley and 2 metre high acoustic fence to the south facing Chester Road.

The proposed development also includes stopping off a series of highway accesses to the north and west of the site.

The Council has issued a screening opinion, in May 2018, confirming that the proposed development would not be EIA development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Flood And Coastal Group Engineer
Northumbrian Water
Natural England
Flood And Coastal Group Engineer
Tyne And Wear Archaeology Officer
St Annes - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water
Director Of Childrens Services
Nexus
Southern Area Command - Police
NE Ambulance Service NHS Trust
Fire Prevention Officer
Northern Electric
The Highways Agency

Final Date for Receipt of Representations: **03.05.2018**

REPRESENTATIONS:

There has been one representation submitted on the grounds that the applicant should repair their existing properties before building new ones.

Officers would advise that the application in question needs to be determined on its own merits.

POLICIES:

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

Supplementary Planning Document: Residential Design Guide (2008)

Core Strategy and Development Plan (2015-2033). The Core Strategy has recently been submitted to the Secretary of State. The document can therefore only be given limited weight.

R_1_Working towards environmentally sustainable development

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

R_3_Infrastructure provision, etc. in association with developments

R_4_Incorporation of energy saving measures

H_1_Provision for new housing

H_4_Density of housing development to at least reflect that of the locality

H_8_Windfall sites to accord with other policies unless specific benefits are provided

H_14_Negotiation for special needs housing in major developments

H_15_Encourage / negotiate for accessibility standards in housing developments

H_16_Negotiation for affordable housing in major developments

H_21_Open space requirements in new residential developments (over 40 bed spaces)

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EN_12_Conflicts between new development and flood risk / water resources

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

B_2_Scale, massing layout and setting of new developments

B_20_Undertake and encourage provision of works of art in major new developments

CN_13_Protection and enhancement of important views

CN_14_Landscaping schemes and developments prominent from main transport routes

CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_22_Developments affecting protected wildlife species and habitats

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

T_22_Parking standards in new developments

COMMENTS:

Principle of the Development

The provisions of UDP policy R1 states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a satisfactory balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by:

- (i) making the most efficient use of land, energy and other resources;
- (ii) reducing reliance on the use of the private motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo."

Officers consider that the proposed development would make a contribution towards (i) through making use of a vacant piece of land within the City.

Officers also consider there would be a contribution towards (ii) given the findings of the Transport Assessment which identifies, at 3.6, that "walking access to the site is available via footways in the surrounding area which link the site to the surrounding residential, employment, leisure and retail areas" and that "the proposed site is well placed to take advantage of the existing bus services which operate from the surrounding highway".

Officers will assess (iii) in the relevant sections below (such as ecology).

The UDP has a general resource utilisation policy, R2, which states that

"In considering proposals for new development, the Council will take into account the extent to which they

- (i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity (of roads, public utilities, schools, etc.);
- (ii) Minimise the need for travel (by employees, visitors and residents alike); and
- (iii) make use of vacant and derelict land."

Officers consider there would be a contribution towards (i) and (iii) through making use of a vacant piece of land within the City. Officers also consider there would be a contribution towards (ii) for the reasons noted above in the consideration of UDP policy R1(ii).

The UDP has a general energy conservation policy, R4, which states that

"In assessing proposals for development (including changes of use), the Council will have regard to evolving government policy on the efficient use of energy and use of non-fossil fuel sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy saving technology. Combined heat and power schemes will be encouraged in major new development and restructuring schemes."

The sustainability statement section of the submitted planning statement states that the proposed development intends to adopt "a fabric first specification which achieves a high level of carbon and energy efficiency". The statement also states that "technologies will be incorporated within the development to obtain the appropriate level of water efficiency". Officers consider these details would accord with the above policy.

The UDP has a general housing policy, H1, which states

"New housing will be provided which:

- (i) Maximises locational choice (subject to environmental and infrastructure constraints) whilst allowing for a variety of needs in appropriate environments.
- (ii) Caters for reduced out-migration and increasing household formation.

- (iii) Assists in the regeneration of existing residential areas.
- (iv) Secures the re-use of vacant and derelict land wherever possible.

Officers consider that there would be a contribution towards (i) and (ii) through providing a residential scheme within a built up area of the City. Officers also consider there would be a contribution towards (iii) and (iv) through re-using a currently vacant piece of land.

The UDP has a windfall sites policy, H8, which states

"Proposals for housing development, additional to those referred to in policy H3, must normally be in accord with other policies and proposals of this plan. Where a proposed development would conflict with another policy or proposals, or would result in housing provision over the plan period significantly exceeding the requirements in H3 and H5, the Council will also take into account any special need or benefit for which the development provides."

Officers would advise that the application has been given consideration throughout using the contents of the above policy.

The UDP has a policy, EN10, which states

"All proposals for new development will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood."

Officers would advise that the application has been given consideration throughout using the contents of the above policy.

The proposed development would further contribute towards the spatial strategy of the Publication Draft Core Strategy and Development Plan (2015-2033) through the provision of a residential development within the existing urban area (policy SP1).

Officers would also draw to attention that, as a material consideration, the site has been identified as being deliverable within the next 1-5 year in the most recent Strategic Housing Land Availability Assessment (2018).

Officers would advise that the principle of the development also needs to include consideration of any planning obligations. These can be seen below.

The UDP, at policy R3, states

"Where the effects of a development would require additional off-site infrastructure or community facilities (including open space and formal recreation) 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 City Council to enable suitable provision, protection or investigation to be made".

The UDP, at policy H16 states

"The City Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing (suitable for those unable to buy or rent in the open market) to be provided on major new housing sites and restructuring schemes

(developments of 50 dwellings or more). Suitable arrangements to ensure that the housing remains affordable will be required".

The UDP, at policy H21, states

"Within new residential developments of more than 40 bedspaces:

- (a) Amenity open space / casual playspace should be provided as follows
 - (i) A minimum of 0.4ha per 1000 bedspaces where the site is within 0.5km of a neighbourhood (or larger) open space.
 - (ii) A minimum of 0.9ha per 1000 bedspaces where the site is not within 0.5km of a neighbourhood (or larger) open space.
- (b) Additionally, in the case of family dwellings, formal (equipped) children's playspace should be provided at a minimum of 0.2ha per 1000 bedspaces.

In applying this policy, the Council will take into consideration existing provision in the locality."

The potential contributions are noted below.

Affordable housing: Officers would advise that the Council usually seeks for 10% of the dwelling houses on site are affordable; which would be 12 units for the proposed scheme.

Ecology: The HRA suggests a contribution towards Strategic Access Management and Monitoring of ?67,091.26 and mitigation within Pennywell Children's Forest.

Nexus: "requires that the developer pay for two four-weekly All Zone Network One travel passes per dwelling. The travel plan should be amended to include this as well as details of how residents can apply for these".

NHS Sunderland Clinical Commissioning Group: ?75,300 towards the expansion of local healthcare infrastructure.

Play space: Officers would advise that the Council usually seeks ?701 per dwelling house; in accordance with UDP policy H21.

Officers would draw to attention that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 state that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms.
- b) Directly related to the development.
- c) Fairly and reasonably related in scale and kind to the development.

In terms of the request from the NHS, officers would advise that at present there does not exist sufficient evidence meet test (c) above, i.e. fairly and reasonably related in scale and kind to the development.

In terms of the request from Nexus, officers consider that the provision of an travel pass would not be necessary to make the development acceptable in planning terms.

In terms of the other requests, the applicant has submitted a confidential viability report. The applicant has explained that the viability report should be kept confidential as "the viability report contains commercially sensitive information relating to the proposed development and an exemption from publication is sought".

The executive summary explains that the scheme "cannot be developed viably due to the high abnormal costs... The affordable housing and other planning obligations... would worsen this position however, to a point where it could not be justified or supported".

The Council commissioned the District Valuer (DV) to independently assess the submitted viability report. The Council, after several weeks, received a draft confidential report from the DV. The applicant subsequently provided a response to the issues raised in the report. Given that paragraph 11 of the Framework states that decisions should be made "without delay", officers asked the Council's Property Team to consider the response. The Property Team have advised that they are Chartered Surveyors who have "extensive experience of the subject property market and the assessment of viability and S.106 contribution offers in response to applications received to the LPA".

The Property Team have concluded as below

"After accounting for the increase in GDV as a result of the change to affordable housing mix and value, the scheme continues to provide a negative land value.

Assuming there are no affordable units required or S.106 payments, there is a nominal sum of... which could be made available for the payment of S.106 contributions.

When determining viability none of the calculations have allowed for a land value that would be reasonable for this site. If included this would impact the assessment of viability further.

As highlighted in the report, although they appear reasonable the costs of the scheme and abnormal costs should be investigated further to confirm their accuracy."

Officers would advise that, in terms of the final point raised by the Property Team, that the costs of the scheme and abnormal costs provided by the applicant are taken in good faith.

Officers would advise that the absence of contributions towards affordable housing and play space will need to be given consideration in the conclusion section below.

Art

The UDP, at policy B20, states that

"The City Council will undertake and encourage the provision of works or art, craft or decoration in major new developments and as part of the enhancement of the built environment and the open landscapes of the City"

The submitted landscape strategy shows, in the south western corner of the site, a "Gentoo entrance feature / signage".

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy; subject to a condition ensuring the submission of final details.

Design

The UDP, at policy H4, states

"Housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought, particularly where they relate to a public transport corridor."

The UDP, at policy B2, states

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality' Large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

The Council's Residential Design Guide seeks to "ensure the delivery of sensitive and appropriately designed sustainable development".

The design & access statement states that the "the layout of the site has been informed by the existing topography of the land" and that "2 & 3 storey dwellings create a strong image for the site whilst maximising views to the south and opportunities for south facing gardens". The statement continues by stating that "house types have been designed to aid in generating a new image for the site. Elevations are contemporary and well balanced to create a modern, vibrant and active frontage making a positive contribution to the high quality development".

The Council's Urban Design Officer has advised that

"Urban design previously raised concerns over the visual appearance of the noise attenuation treatment, the recent amendments to the submitted proposal have reduced the overall height down to 2m and provide a more appropriate treatment through the provision of a 'living' wall.

There are several instances where boundary treatments will present onto the public realm, in particular at the entrance to the site. I therefore advise that boundary treatment is conditioned.

I would also recommend that materials are conditioned.

As previously discussed, to ensure inclusive access throughout the site a condition should be added for finished floor levels to be submitted."

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy (subject to the suggested conditions).

Drainage

The UDP, at policy EN12, states that

"In assessing proposals for development, the Council will seek to ensure that the proposal would not be likely to increase the risk of flooding elsewhere."

The submitted Flood Risk Assessment states that the "development is acceptable from a flood risk perspective" and "is assessed as having a low flood risk from all sources" and that "in order to deliver a sustainable drainage solution... an equivalent greenfield runoff discharge to the adopted sewer system"

The submitted Drainage Strategy states that "due to the clay nature of the soils infiltration will not be a feasible method of surface water disposal and there are no nearby watercourses to which a discharge is feasible. It is therefore proposed that surface water will discharge to the public sewers". The Strategy continues by stating that "surface water flows... will generally be collected

through a combination of permeable private drives and traditional piped networks which will discharge into two interconnected SuDS basins... They will then discharge to the public sewer at Greenfield Runoff Rate." The Strategy also provides a recommendation for maintenance including monthly grass cutting and debris removal and annual removal of sediments.

The Lead Local Flood Authority have stated that they "suggest that the documents submitted should be approved without condition".

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy.

Ecology

The UDP, at policy CN19, states that

Special Areas of Conservation, Special Protection Areas and RAMSAR sites, either designated or proposed for designation, will be conserved. Development will not be permitted unless;

- (i) It is directly connected with or necessary to the management of the nature conservation interest of the site;
- (ii) It would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- (iii) The developer can demonstrate that there are imperative reasons of overriding public interest for the development and no alternative site is available.

Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of NATURA 2000 is protected.

The UDP, at policy CN20, states

Development which will adversely affect a designated or proposed Site of Special Scientific Interest either directly or indirectly will not be permitted unless no alternative site is reasonably available and the benefits of the proposed development would clearly outweigh:-

- (i) The intrinsic national importance of the designation; and
- (ii) The national value of the network of such site; and in all cases;
- (iii) Any appropriate mitigation or compensatory measures are secured through the use of planning conditions or where appropriate, planning obligations.

The UDP, at policy CN21, states

Development which will adversely affect a designated or proposed Local Nature Reserve, Site of Nature Conservation Importance or regionally important geological / geomorphological site either directly or indirectly will not be permitted unless:-

- (i) No alternative site is reasonably available and the benefits of the proposed development would outweigh the regional or local value of the site.
- (ii) Any loss of nature conservation or earth science interest can be fully compensated elsewhere within the site or in its immediate environs through the use of planning conditions and, where appropriate, planning obligations.

Also, in the case of an LNR, the effects of a proposal will be considered against the need to protect the following:-

- (i) The ecological integrity of the LNR;
- (ii) The contribution the LNR makes to education about or enjoyment of wildlife and nature conservation; and

(iii) The proper management of the LNR.

The UDP, at policy CN22, states that

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

Officers consider that also of relevance are the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2017. The submitted Habitats Regulations Assessment (HRA) explains that the "Regulation restricts the granting of planning permission for development which is likely to significantly affect a European site, and which not directly connected with or necessary to the management of the site, by requiring that an 'appropriate assessment is first carried out of the implications of the development for the site's conservation objections"

The submitted HRA identifies that within 5.4km of site lies the Northumbria Coast Special Protection Area and Ramsar site and the Durham Coast Special Area of Conservation. The HRA identifies that the proposed development could lead to a potential impact, "being an increase in visitor pressures" that "can lead to displacement of foraging birds? degradation of qualifying habitats via increased footfall". The HRA identifies the most likely receptor "for this impact is a 2km stretch of coastline from the docks to Salterfen Rocks? This impact as found to be significant, alone and cumulatively in combination with other projects".

The HRA has proposes mitigation to "encourage the use of alternative green space; including "creation of greenspace within the proposed housing estate, improvement of pathways and links to nearby walking opportunities". The HRA also proposes management of the woodland to the north west of the site including "thinning of woodland alongside pathways" which would "continue for at least 10 years post-development".

The HRA also proposes mitigation via a financial contribution towards the Strategic Access management and Monitoring (SAMM). The HRA identifies that the SAMM "funds wardens along the coastline; they are appointed to monitor European Site".

The submitted Extended Phase 1 Survey identifies that within 2km of the site there are four Sites of Special Scientific Interests and seven Local Wildlife Sites. The Survey identifies that the "proposed development is not likely to have any direct impact on any of these sites".

The Survey identifies that the site "is mostly made up of amenity grassland and hard standing" and that "these habitats are widespread and common, and of low ecological value". The Survey further identifies that "no evidence of any protected species was found" and that "enhancement recommendations include planting of native species of trees, creation of wildflower meadows around the basins and installing bat tiles or bricks in 1 in 5 houses that border greenspace".

The Council's Ecologist has advised that they have "no objections to the proposal".

They have advised that an "appropriate assessment has been undertaken and submitted to Natural England which concludes that there is no adverse impacts affecting the integrity of the European site providing that the mitigation measures identified... are secured as part of a planning permission".

They have further advised that a Section 106 agreement should be "secured to cover financial contributions towards the SAMM (Strategic Access Management and Monitoring) scheme and its management". The contribution would be £22,363.75 prior to any works taking place on site,

£22,363.75 upon occupation of 30 dwellings and a final instalment of £22,363.75 upon occupation of 60 dwellings.

The Ecologist has also advised that the applicant would, prior to any works taking place on site, need to have an agreement with the relevant landowners to facilitate the provision of use of alternative green space.

The Ecologist has finally drawn to attention that "the proposed mitigation within Pennywell Children's Forest to mitigate impacts on the European site is for 118 dwellings as per the planning application and not 500 as suggested within the submitted report entitled "Access Enhancement Plan - Pennywell Children's Forest December 2018". The Ecologist has also noted that the "management of the features created within the forest should be for a minimum of 20 years rather than 10 years".

The Ecologist has recommended conditions including signage, phasing, access and a management plan.

Natural England have advised that they have "no objection - subject to appropriate mitigation being secured". They have advised that the mitigation should be secured includes "mitigation as proposed in the Habitats Regulations Assessment submitted by the applicant, including access to greenspace and a contribution to a strategic access management and monitoring scheme" and that "we advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures".

They have further advised that the measures contained within the submitted Habitat Regulations Assessment "should be carried out in full and secured as part of any planning permission by appropriate condition and legal agreement". They have noted that the proposed "mitigation to prevent impacts on European designated sites: encourage the use of alternative greenspace; financial contribution to Sunderland Council's Strategic Access Management and Monitoring scheme".

The Council's Ecologist has further advised that they have sent copies an assessment of the likely significant effect on a European Site (screening) and appropriate assessment of a proposal likely to have a significant effect on a European Site to Natural England for their consideration.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with the above policies (subject to the suggested planning obligations and conditions).

Ground Conditions

The UDP, at policy EN14, states

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

- (i) Unstable or potentially unstable;
- (ii) contaminated or potentially at risk from migrating contaminants
- (iii) Potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to 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."

The submitted Phase I Geotechnical and Geoenvironmental Assessment summarises that potential contaminative sources affecting the site on site include made ground, an electricity substation, magnesian limestone bedrock and fly-tipped materials and off site includes electrical substation and an active petrol filling station approximately 225m to the east. The Assessment includes a Preliminary Conceptual model which identifies potential contamination pathways and receptors. The Assessment concludes with recommendations for further work including geoenvironmental testing and ground gas monitoring.

The Environmental Health Officer has advised that the "development is acceptable subject to appropriate conditions". These conditions include a Phase II investigation.

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy.

Highway

The UDP, at policy T14, states

Proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
- (ii) Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modification to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer.
- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment
- (iv) make provision for the loading and unloading of commercial vehicles.
- (v) indicate how parking requirements will be accommodated."

There would be a contribution towards (i) given that the Transport Assessment identifies, at 3.6, that "walking access to the site is available via footways in the surrounding area which link the site to the surrounding residential, employment, leisure and retail areas" and that "the proposed site is well placed to take advantage of the existing bus services which operate from the surrounding highway".

In terms of (ii and iii), the Highway Authority have advised that the Transport Assessment has assessed a number of key junctions and that to assist with the layout of the new site access, there are proposals to reduce the speed limit on a section of the A183 from 40 to 30mph. The Highway Authority has further advised that the proposed stopping up of the highway can be supported; subject to the subway being "replaced with an at-grade controlled crossing provided within the traffic signal junction scheme being delivered at an early stage to provide a safe alternative route for pedestrians". The Highway Authority have advised that "the proposed development of 118 dwellings is supported".

Highways England who operate the A19, have advised that the A19 / A183 junction can "accommodate the proposed development of 118 units".

Nexus, the Tyne & Wear Passenger Transport Executive, have advised that "in order to incentivise travel by public transport by all residents... Nexus requires that the developer pay for two four-weekly All Zone Network One travel passes per dwelling. The travel plan should also be amended to include this as well as details of how residents can apply for these". The Highway Authority has also advised that they support such a provision.

In terms of (iv) these provisions would not be relevant given that residential nature of the proposed development.

In terms of (v), the Highway Authority have provided advice upon parking provision which could be included as a condition if the application were recommended for approval.

The UDP, at policy T22, states

"In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

- (i) Development type.
- (ii) Locational characteristics."

The Highway Authority have provided advice upon parking provision which could be included as a condition if the application were recommended for approval.

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy.

Landscape

The UDP, at policies CN13 and CN14, states

"The City Council will protect and enhance important public views of townscape, landscape and other features of value in particular as perceived from transport corridors and well used outdoor venues. New development should be located and designed so as not to unduly interrupt or prejudice views of recognised value; opportunities to enhance such views will also be taken into account when considering proposals.

Landscaping schemes and new developments prominent from the main transport routes must be located and designed to take account of their important position in enhancing the image of the City and will be resisted where they would seriously detract from it. Existing uses which detract from views from these routes will be encouraged to undertake improvements or to relocate."

The Sunderland South Proposals Map shows just to the south of the site an "Important Panoramic View".

The submitted design and access statement identifies that "to the southern edge a linear park landscape will be created providing recreational open space and a pleasant outlook for residents... Landscaping areas, designed to maximise their benefits to biodiversity, will incorporate areas of species rich grassland and use native tree and shrub species? Tree planting will provide amenity value to the streetscape enhancing route ways through the site. Boulevard tree planting will use a palette of species chosen for seasonal foliage interest".

The Council's Landscape Architect has advised that "I can confirm that the Landscape Strategy Drawing... and proposed 2m high acoustic barrier with living willow are acceptable".

The comments from the Council's Urban Design Officer have been noted above in the design section.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with the above policies (subject to the suggested planning obligations and conditions).

Living Conditions

The UDP, at policy EN6, states

"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 noise uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

The submitted noise assessment states that "at all main measurement positions was dominated by noise from the busy A183 (Chester Road)". The assessment identifies that at the "closest proposed housing units to the A183 (-35 metres) would be LAeq(16 hour Daytime, Facade) first floors up to 70dB(A), LAeq (8 hour Night Time) less than 63 dB(A) and maxima worst case 75-80 dB(A). The assessment subsequently identifies a working design criteria for residential parts of the proposed development which include noise amelioration measures to both the building envelope (such as insulated glazing and sound insulation in the roof) and a 3 metre barrier along the southern boundary.

The assessment does, however, note that even with these measures the noise levels in some amenity gardens would be 2-3dB(A) above the recommended guideline value - namely plots 8-11, 25-33 and 43-49. The assessment also states that "it is considered that a change of 3 dB(A) is the minimum perceptible under normal conditions and therefore unlikely to have a significant adverse impact on future residents".

The applicant subsequently amended the above noise survey through the submission of a document entitled "Response to Environmental Health Comments (in relation to Noise attenuation)". The response shows three further options for the acoustic barrier - namely 1.5m, 1.8m and 2m. The applicant has subsequently submitted a drawing showing a 2 metre barrier.

The Council's Environmental Health Officer (EHO) has advised that the "proposed dwellings will experience internal noise levels conducive with the levels recommended in BS8233; subject to appropriate mitigation". The EHO has further advised that

"The gardens of dwellings closest to Chester Road are likely to experience noise levels which are above BS8233. This exceedance is likely to be in the region of +5dB, although the end property at both the far south-east and south west are likely to experience outdoor noise levels slightly higher than this. Whilst it would be preferable to advocate lower outdoor noise levels, paragraph 7.7.3.2 of this nationally recognised document (BS8233) recognises that scenarios such as this may arise in areas with a higher noise environment, such as sites adjoining strategic transport networks, and that a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, may be warranted."

The EHO also advised that conditions should be attached for a scheme of noise mitigation and for the acoustic barrier to be installed and maintained for the lifetime of the development.

In the absence of any material considerations to the contrary, officers would advise the proposed development would accord with the above policy.

The Council's Residential Design Guide, at Appendix 1, states specified standards for spacing between dwellings - for 1 or 2 storey there should be a minimum of 21 metres from any point of facing windows. The proposed dwelling houses would be at least 21 metres from the existing properties on Patrick Road. The exception would be plots 115-118 which only achieve a separation distance of 20.5 metres.

The internal layout of the proposed development would generally meet the specified standards for spacing between dwellings; albeit there are some instances where the distances are slightly lower than should be the case - for example, the distance between the dwelling houses on plots 55 and 63 falls to 18.5 metres (rather than the suggested 21 metres) and the distance between the dwelling houses on plots 69-70 and 68 falls to 12 metres (rather than the suggested 14 metres for main windows facing a side elevation). Officers would, however, draw to attention that the proposed dwelling houses would generally have quite generous gardens which would provide an area of outdoor space for each occupier. The distances in question are also generally only a few metres short of the recommended minimum; rather than being a more substantial shortfall.

Recommendation:

Officers would advise that the principle of the development would generally accord with the development plan and, as a material consideration, the site has been identified as being deliverable within the next 1-5 years in the most recent Strategic Housing Land Availability Assessment (2018).

Officers would also advise that the details of the scheme - including art, design, drainage, ecology, ground conditions, highway safety, landscape and living conditions - have been identified as being in accordance with the relevant policies within the UDP (subject to the successful completion of a Section 106 agreement and the recommended conditions).

The exceptions to the above would be the absence of a contribution towards affordable housing and play space.

There are, in the opinion of officers, material considerations that outweigh the conflict with the relevant UDP policy relating to open space (H21) which include the provision of gardens within the proposed development, the proposed open space to the north west and the proposed works to the nearby forest which would provide easier access to open space.

The other exception would be the absence of a contribution towards affordable housing. The submitted summary of the viability report states that the scheme "cannot be developed viably due to the high abnormal costs. The affordable housing and other planning obligations would worsen this position however, to a point where it could not be justified or supported".

The Council's Property Team have advised that "after accounting for the increase in GDV as a result of the change to affordable housing mix and value, the scheme continues to provide a negative land value".

Officers consider that the provisions of the National Planning Policy Framework would be a material considerations which states, at paragraph 57, that

"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case?"

The supporting National Planning Policy Guidance states, at reference ID: 23b-004-20150326, that

"Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward".

Officers consider, given the NPPG advice that "affordable housing contributions should not prevent proposed development from going forward", that the proposed development can be supported as a departure from UDP policy H16; given the accordance otherwise with the development plan (except for the provision of open space where material considerations have been identified).

RECOMMENDATION: Members be Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the successful completion of a legal agreement in respect of ecology matters and the draft conditions below.

Conditions:

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

Phase 1 Detailed Site Layout (DRAWING No. 3671 PL 10 H)
Bespoke House Type 3 Bed (DRAWING No. 3671 PL 110 B)
Bespoke House Type 4 Bed (DRAWING No. 3671 PL 111 B)
Elder Det. - Proposed Plans / Elevations (DRAWING No. 3671 PL 103 A)
Elder Semi. - Proposed Plans / Elevations (DRAWING No. 3671 PL 102 A)
Elm - Proposed Plans / Elevations (DRAWING No. 3671 PL 104 A)
Holly - Proposed Plans / Elevations (DRAWING No. 3671 PL 100 B)
Lime - Proposed Plans / Elevations (DRAWING No. 3671 PL 105 A)
Mitford - Proposed Plans / Elevations (DRAWING No. 3671 PL 108 B)
Poplar - Proposed Plans / Elevations (DRAWING No. 3671 PL 109 B)
Spruce - Proposed Plans / Elevations (DRAWING No. 3671 PL 107)
Yew - Proposed Plans / Elevations (DRAWING No. 3671 PL 101 A)
Detached Garage Details Typical Section (DRAWING No. 260-DG-04 T1)
Detached Garage Details Double Garage Elevations (DRAWING No. 260-DG-03 T1)
Detached Garage Details Single Garage Elevations (DRAWING No. 260-DG-02 T1)
Detached Garage Details Single & Double Garage Plans (DRAWING No. 280-DG-01 T1)

Drainage Layout (Drawing No. TRS-14-0000470-D-05-10-STAGE 1A - DRAINAGE LAYOUT A)

Proposed Surface Water Strategy (Drawing No. CLXX(52)4001 A)

SUDS Details (Drawing No. CLXX(95)5001 A)

Proposed 2m high performance acoustic green barrier with living willow

Landscape Strategy (Drawing No. 1012/01 C)

Phase 1 Site Sections (DRAWING No. 3671 PL 20)

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 No dwelling house shall be occupied until a management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the drainage and open space will be maintained. The drainage maintenance shall be in accordance with section 5.3 Operation and Maintenance Plan (Phase 1 only) of the Drainage Strategy (Doc Ref: 1013275-CI-RPT-002 A). The development hereby approved shall thereafter be maintained in accordance with the management plan.

Reason: To ensure, in accordance with UDP policies EN12 and B2, the development hereby approved does not impede the flow of water and respects the best qualities of the locality.

- 4 No development shall commence until a Phase II: Site Investigation report which ascertains whether the land is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report shall be based upon the findings of the approved Phase I report and any additional comments provided by the Local Planning Authority, shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall 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, neighbouring land, controlled waters and ecological systems are minimised 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.

- 5 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no development shall commence until a detailed Remediation Strategy and Verification Plan 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 shall 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.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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.

- 6 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, the use shall not commence until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been 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, neighbouring land, controlled waters and ecological systems are minimised 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.

- 7 No dwelling house shall be occupied until a swept path analysis has been submitted to and approved in writing by the Local Planning Authority. The swept path analysis shall confirm that the proposed road layout can safely accommodate turning and access movements by refuse vehicles and similar sized delivery vehicles. No dwelling house shall be occupied until the approved parking provision has been provided.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

- 8 No dwelling house shall be occupied until parking plans have been submitted to and approved in writing by the Local Planning Authority. The parking plans shall show a minimum of one in curtilage space per dwelling (two bed), increasing to two spaces per dwelling (three and four bed) and visitor parking provision at one space per three dwellings evenly distributed throughout the development sited so as not to restrict through traffic. No dwelling house shall be occupied until the approved parking provision has been provided.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

- 9 No dwelling house shall be occupied until details of an alternative at-grade controlled crossing has been submitted to and approved in writing by the Local Planning Authority. No dwelling house shall be occupied until the approved crossing has been provided.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

- 10 No dwelling house shall be occupied until a final travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include welcome packs to promote non-car options and an undertaking of a baseline survey within six months of occupation of the first dwelling house to monitor the level of vehicle trips and measure travel plan targets.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

- 11 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include a Scheme of Work which details the routing and control of construction traffic. The Plan shall also include details of site compounds, contractor parking, wheel washing and / or road cleaning operations.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

- 12 No dwelling house shall be occupied until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall thereafter be provided on site before the occupation of the respective dwelling house.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the development hereby approved respects and enhances the best qualities of the locality.

- 13 No development above damp proof course shall be undertaken until details and or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the development hereby approved respects and enhances the best qualities of the locality.

- 14 No development shall commence above damp proof course shall commence until finished floor levels for the for the paths leading from the drainage area in a northwards direction have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be undertaken in accordance with the approved levels.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the development hereby approved respects and enhances the best qualities of the locality.

- 15 No dwelling house shall be occupied until details of the entrance feature shown on the submitted Landscape Strategy (Drawing No. 1012/01 C) has been submitted to and approved in writing by the Local Planning Authority. The approved entrance feature shall be provided upon the occupation of the 50 dwelling house and thereafter retained.

Reason: To ensure, in accordance with Unitary Development Plan policy B20, the development hereby approved includes the provision of art.

- 16 No development shall take place above damp proof course level until details of the fabric first specification, detailed in 7.14-7.15 of the submitted planning statement, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be incorporated into the development hereby approved and thereafter retained.

Reason: To ensure, in accordance with Unitary Development Plan policy R4, the development hereby approved incorporates energy saving measures.

- 17 No dwelling house shall be occupied until details of the signage and interpretation boards, as described within section 2.0 of the submitted Habitats Regulations Assessment: Statement to Inform an Appropriate Assessment (December 2018), has been submitted to and approved in writing by the Local Planning Authority. The approved signage and interpretation boards shall be installed before the occupation of the first dwelling house and thereafter retained.

Reason: To ensure, in accordance with Unitary Development Plan policies CN19-CN22, the development hereby approved does not adversely affect designated sites.

- 18 No dwelling house shall be occupied until details of the phasing and access to Pennywell Children's Forest has been submitted to and approved in writing by the Local Planning Authority. The approved access to the forest shall be in place before the occupation of the first dwelling house.

Reason: To ensure, in accordance with Unitary Development Plan policies CN19-CN22, the development hereby approved does not adversely affect designated sites.

- 19 No dwelling house shall be occupied until a detailed woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The management within the approved plan shall thereafter be adhered to.

Reason: To ensure, in accordance with Unitary Development Plan policies CN19-CN22, the development hereby approved does not adversely affect designated sites.

- 20 No development shall be undertaken above damp proof course level until an ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be based upon the recommendation of the final paragraph of section 5.4 of the submitted Extended Phase 1 Survey. The approved details shall thereafter be incorporated into the development hereby approved and shall thereafter be retained.

Reason: To ensure, in accordance with Unitary Development Plan policies CN19-CN22, the development hereby approved does not adversely affect designated sites.

- 21 The landscaping shown on the submitted landscape strategy (Drawing No. 1012/01 C) shall be carried out within the first planting season following completion of the development hereby approved. The landscaping shall be maintained for a period of at least five years.

Reason: To ensure, in accordance with Unitary Development Plan policies CN13 and CN14, the development hereby approved takes into account its important position on a transport corridor.

- 22 No dwelling house shall be occupied until a detailed plan of the open space shown on the submitted Green Infrastructure plan (1012_01) has been submitted to and approved in writing by the Local Planning Authority. The detailed plan shall show site levels and means of enclosure. The approved open space shall be provided upon the occupation of the first dwelling house and thereafter retained.

Reason: To ensure, in accordance with Unitary Development Plan policies CN13 and CN14, the development hereby approved takes into account its important position on a transport corridor and, in accordance with Unitary Development policies CN19-CN22, the development hereby approved does not adversely affect designated sites.

- 23 No dwelling house shall be occupied until a scheme of noise mitigation has been submitted and approved in writing by the Local Planning Authority. The scheme shall demonstrate acceptable internal noise levels will be achieved on site (referred to in N16136). The approved noise mitigation shall thereafter be provided on site and retained for the lifetime of the development.

Reason: To ensure, in accordance with Unitary Development Plan policy EN6, the development hereby approved would not be exposed to unacceptable levels of noise.

- 24 No dwelling house shall be occupied until the acoustic barrier, shown on the submitted landscape strategy (Drawing No. 1012/01 Rev. B) has been fully provided on site. The acoustic barrier shall be retained throughout the lifetime of the development.

Reason: To ensure, in accordance with Unitary Development Plan policy EN6, the development hereby approved would not be exposed to unacceptable levels of noise.

- 25 No dwelling house shall be occupied until a management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the acoustic barrier will be managed and maintained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policy EN6, the development hereby approved would not be exposed to unacceptable levels of noise.