

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 19/01320/FUL Full Application

Proposal: **Erection of a detached double garage and change of use of open space to private garden. (Amended plans received on 19.4.21)**

Location: Neds Cottage, Hetton Le Hill Farm, Elemore Lane, Easington Lane, Houghton-le-Spring

Ward: Hetton
Applicant: Mrs Tracy Huitson
Date Valid: 12 May 2020
Target Date: 7 July 2020

PROPOSAL

The application seeks planning permission for a change of use of an area of amenity open space to private garden including the provision of a 1.4 metre high stone wall pedestrian entrance gate and wooden double treated timber gates with an opening of 4.6 metres up to 1.3 metres in height. The erection of a garage on land to the west of Neds Cottage, Hetton le Hill Farm, Elemore Lane, Houghton le Spring. The cottage is an attractive stone-built structure that lies immediately adjacent to the main access road running through the hamlet, which is physically attached to other dwellings on its south and east sides. The land in question lies immediately to the front (west) of the cottage, beyond the existing front garden and car parking area.

The garage would be constructed of stone to match the surrounding buildings have a tiled hipped roof and measure a maximum height of 4 metres, width of 6.3 metres and depth of 5.3 metres.

The proposed development affects land at the former Hetton-le-Hill Farm, which stands within the small hamlet of Hetton-le-Hill. The hamlet occupies an elevated site within open countryside to the west of Easington Lane and is accessed via a single-track road leading from Elemore Lane to its north. Hetton-le-Hill historically developed as a farming hamlet, but is now primarily residential character, with a number of newly constructed dwellings and former agricultural buildings converted into cottages and residential units.

PRINCIPLE OF DEVELOPMENT

The site is subject to policy EN10, which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, as noted at the outset of this report, Hetton-le-Hill has become increasingly residential in character and to this end, the former barns and outbuildings of Hetton-le-Hill Farm have all been converted into dwellings. It is therefore considered that the proposed residential development is appropriate with regard to the prevailing pattern of land use, in accordance with policy EN10's requirements.

The land identified within the front garden of Neds Cottage is enclosed by a 1 m high post and rail with shrubs and planting within the garden. The land to be incorporated is surrounded by conifer trees which serves as an important soft edge to the cluster of buildings. The land is

bounded by the garden area of Hetton le Hill Farm, which is screened to the south screened by large trees and its access track to the west. It is considered that a change of use from amenity open space to garden land is acceptable, in principle, given its particular context and setting within the existing complex of dwellings. This is because it appears as a continuation of the front garden area serving Neds Cottage.

With regard to the above comments, it is considered that a change of use of the land to domestic garden is acceptable in principle and accords with the core principles of the NPPF which expect development proposals to effectively re-use land, and the requirements of policy EN10 of the UDP.

REPRESENTATIONS

One representation has been received which sets out the following:-

- The application form does not say that there is already a garage for this property. I viewed Neds Cottage some years ago. There is a garage block at the bottom or its rear courtyard, which belongs to it.
- Pedestrian access is via the courtyard. Vehicular access is via the entrance to neighbouring homes in the turning before parking area to the front of Ned's Cottage.
- The land on which the applicant has applied to build the garage is on a separate title deed to the main house and courtyard.
- There is a covenant on this title deed prohibiting this development.

Local Planning Authority Response

- The Local planning authority are aware that there is a garage block to the rear of the site, one which is owned by the Owners of the application site.
- Covenants are not considered under planning legislation but civil matters and any restrictions would be land owners responsibility to deal with.

DESIGN

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

The Core Strategy Development Plan recently replaced the majority of policies of the Unitary Development Plan. Policy BH1 of the Core Strategy Development Plan (CSDP) states that high quality design and positive improvement, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness.

It also states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The garage would be constructed of stone and slate tiles to match the existing outbuildings and garages that have been constructed on other properties within the vicinity. It would be screened mostly from the street scene by existing high conifer hedging and trees to the south of the site. The size of the garage would retain useable garden space and is of a scale which is replicated

within other curtilages in area It is therefore considered to retain the character and identity of the local context of the area.

The stone wall and wooden gates are also considered to be of a design which would retain the character of the host property and the vicinity with others evident within the street scene. The proposal, as above is therefore considered to comply with the requirements of paragraphs 130 and 134 of the NPPF and Policy BH1 of the CSDP.

Sections 4.35 and 4.36 of the Council's Supplementary Planning document (SPD) provide guidance on proposals for detached buildings within the curtilage of a dwellinghouse, such as garages, sheds, greenhouses and other outbuildings. Such buildings should be located and designed so they will not appear as visually intrusive, will not cause unacceptable harm to the amenity of neighbouring properties and will not harm highway and pedestrian safety. Proposed detached buildings should: Be located to the side or rear of a property, in order to minimise their visual impact.

Respect established building lines and be of a size and design which is respectful of the host property and the wider streetscene. Although it is located to the front of the dwelling, it would not appear incongruous within the streetscene due to the screening of trees, shrubs and conifer hedging. The proposal is therefore considered to comply with Sections 4.35 and 4.36 of the SPD in this respect and would not warrant refusal of the application.

ECOLOGY

NPPF 174 - States that decisions should aim to contribute to an enhance the natural and local environment and Paragraph 179 aims to protect and enhance bio-diversity and geodiversity. The CSDP policies NE1, NE2, NE3, NE9, NE11 relate to the Natural environment and aim to maintain and improve green infrastructure, biodiversity and geodiversity, ecology, local landscape and views.

The Council's ecology team have offered no objections subject to the inclusion of the following conditions in order to comply with the above relevant policies:-

Conditions

1. Policy NE2 'Biodiversity and Geodiversity' of the Core Strategy and Development Plan 2015-2033 states that biodiversity will be protected, created, enhanced and managed by requiring development to provide net gains in biodiversity. The developer must demonstrate how Biodiversity Net Gain will be achieved either on or off site.
2. External lighting should be designed to be sensitive to the surrounding environment. Lights with motion sensors will reduce disturbance to wildlife. Lighting plan should be submitted for approval prior to works commencing.
3. Please consult the guidance provided by BS5837:2012 in order to ensure protection of the roots and crowns of retained trees throughout the development.
4. Any excavations left open overnight must have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°. These excavations should be checked each morning and before infilling.

ARCHAEOLOGY

Paragraph 192 of the NPPF states that planning authorities should maintain or have access to historic environment record, which should be used to assess the significance of heritage assets and the contribution they make to the environment.

paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14, set out that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. where development affects heritage assets of archaeological interest, preference will be given to preservation in situ. However where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding; and
- iii. where demolition or part demolition of a designated built heritage asset or non-designated building of significance has been justified, or substantive changes are to be made to the asset, works must not commence until archaeological building recording of the asset has been carried out and the results deposited with the Historic Environment Record and Tyne and Wear Archives. Furthermore, assessments should predict the likelihood that currently unidentified heritage assets, particularly sites of archaeological interest will be discovered in the future.

COUNTY ARCHAEOLOGIST COMMENTS

The County Archaeologist has commented that the site is located within Hetton-on-the Hill medieval village (HER 261), The village was first recorded in the mid-14th century and it formed half the manor of Hetton (which also included Hetton-le-Hole). In the 16th century the property passed from the Bowes family to the Blakistons, and c. 1800 it belonged to George Baker of Elemore. During an evaluation (Event 4999) undertaken near to the proposed development, medieval or post-medieval gullies were identified cut into the natural subsoil.

Medieval and or post medieval archaeological remains may survive within the boundary of the proposed works. If this application is approved, archaeological work will be required. This will involve all groundworks associated with the construction of the proposed garage being archaeologically monitored as a watching brief.

This work can be secured by the following conditions:

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

Archaeological Watching Brief Report Condition

The building shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

A specification for the work required can be provided upon request.

ENVIRONMENTAL HEALTH ISSUES

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

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

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

Due to the complex and technical nature of land contamination the developer should refer to guidance published by the YALPAG 'Planning guidance development on land affected by contamination'.

The Council's Public Health and Regulatory services team commented that they have no objection subject to a mining report. The report was provided and as such the proposal is considered to be acceptable with regard to Policy HS3 above.

HIGHWAY SAFETY CONSIDERATIONS

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

The Council's Network Management team offered no objections and as such the proposal is considered to be acceptable.

HETTON TOWN COUNCIL

Hetton Town Council stated that a member had historical knowledge that the site was the subject of a covenant which restricted further building. It was also mentioned that the application omitted reference to an existing garage on the site.

CONCLUSION

The proposal is considered to be an acceptable form of development which is of a scale and design of other garages and outbuildings within the street scene. It is considered to retain the character of the area and leads to no adverse harm to the residential or visual amenity of the area due to the trees which screen the site.

It would comply with the relevant national and local policies and it is consequently recommended that Members approve the application, subject to the conditions below:

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

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

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

- Amended elevations, site, roof plans received on 19.4.21
- Wall section plan received on 19.4.21
- Location plan received 9.5.19

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

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

4 Prior to the commencement of the development, a scheme for the delivery of biodiversity net gain, either on or off the development site, must be submitted for the approval of the Council as Local Planning Authority. For the avoidance of doubt, the scheme should include a programme for the delivery of the proposed measures. The agreed net gain measures must then be carried out in accordance with the agreed programme, in order to ensure biodiversity net gains can be delivered and to comply with Policy NE2 of the CSDP.

5 Prior to the commencement of works a scheme of external lighting should be submitted and approved by the Local Planning Authority. For the avoidance of doubt, the scheme shall be

designed to be sensitive to the surrounding environment and should include lights with motion sensors to reduce disturbance to wildlife, in order to comply with CSDP policy NE2.

6 Any excavations left open overnight must have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees. These excavations should be checked each morning and before infilling. The measures are required in the interests of minimising effects on mammals and in order to comply with CSDP policy NE2.

7 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

8 The building shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (7) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

Reference No.: 20/02026/LP3 Local Authority (Reg 3)

Proposal: **Refurbishment and extension of disused school building to form 15no. residential accommodation units with support.**

Location: The Old School Building Albert Place Columbia Washington NE38 7BP

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 25 May 2021
Target Date: 24 August 2021

PROPOSAL:

INTRODUCTION

Planning permission is sought for the refurbishment and extension of Old School Building (a disused former school building) to form fifteen residential accommodation units with support, at Albert Place, Columbia, Washington.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises an existing building known as 'the Old School'. It is a red brick Victorian era building with stone copings and a slate roof. The building has a number of decorative features including gables with water tabling, chimneys, tall feature windows on gables and tall dormer windows along with stone lintels and cills.

Application details state that the school was originally built in 1893 and was closed in 1993. For some time since the school was closed it housed the Washington Church of Christ community group. However, application details state that this group has not used the building for many years, and it is currently vacant and in a state of disrepair.

To the west of the application site is the access road to Columbia Grange School, with the school building being to the south west. Commercial units and residential properties are positioned beyond this access road further to the west. Existing dwellings are positioned to the north of the application site across Oxclose Road, and commercial units are positioned to the north east. To the east of the application site across Albert Place there are some newly constructed bungalows, and to the south adjacent to the site there are two residential properties.

Existing access into the site is taken directly from Albert Place to the south side of the site. This access provision is shared with the existing residential property to the south, and provides access into the yard (the hardstanding area which surrounds the existing building to the south and west).

The application site is located within a mixed residential and commercial area, with good access to essential amenities and public transport.

THE PROPOSED DEVELOPMENT

The proposed development seeks planning permission to convert and extend the existing 'Old School' building to create a specialist supported living residential facility for adults with learning difficulties. The specialist supported living residential facility would consist of fifteen single-person (single-bedroom) accommodation units, each containing an individual kitchen, bathroom, bedroom and living area.

The proposed development would provide a safe environment for residents who would be transitioning towards independent living, but who are still in need of some level of support service. The units are intended to accommodate residents in the medium to long term, hence why the scheme has been designed to allow for a sense of ownership. Overnight accommodation for supporting staff would be required, which would be provided via a staff bedroom and a staff lounge and kitchen. This would provide for 24-hour support for residents. The property will be owned and managed by Sunderland City Council.

As part of the City Council's requirements, the scheme has been designed whereby it would have the potential to be adapted in the future to house elderly residents.

In addition to converting the existing 'Old School' building, the proposed development would include the construction of three single storey extensions; two to the rear (west) elevation, and one to the front (east) elevation. The proposed rear extensions would have gable features, lower in height than the parts of the existing building to which they would attach. The proposed front extension would have a flat roof and would replace an existing small lean-to part of the building. Some new door openings would also be inserted into the existing building.

The proposed extensions would be constructed in the following external building materials:

- o White glazed brick walls (to provide a visual contrast to the existing red brick), with variations in profile and bond in certain locations to form feature panels;
- o Decorative brick soldier courses of grey glazed brick;
- o Sawtooth profiled brick features;
- o Pitched roofs of slate of a similar colour and appearance to the existing roof tiles;
- o A flat roof front extension;
- o Windows and doors in either timber, composite or aluminium black in colour.

The existing building would also be refurbished as follows:

- o Although existing masonry and decorative features are in good condition, some remedial repair work may be required, including re-pointing;
- o New openings into existing walls decorated with brick soldier courses with a red brick to closely match the existing masonry; and
- o Replacement of existing windows and doors to enable the colour and finish of the fenestration to be consistent between the new and old parts of the building.

Application drawings also indicatively illustrate solar panels on the south elevation of the proposed rear extensions.

Proposed boundary treatment would be altered with the removal of a section of wall along Albert Place to provide car parking bays, and by replacing existing metal gates with timber gates of the same height.

An indicative landscaping plan illustrates that a rear (inner) courtyard would be formed between the proposed rear extensions. This would act as an outdoor communal space including seating. As part of the proposal an existing tree would be removed to accommodate car parking spaces off Albert Place, however replacement planting would be provided throughout the site.

There would be a level access around the site and into each entrance into the building (with ramps used where necessary due to external site levels).

The proposed development would provide six new parking bays, including two accessible bays. These bays would be accessed directly from Albert Place. Application details state that it is not anticipated that any of the residents would be car owners, and so car parking provision would simply be to serve support / maintenance staff and visitors.

Recyclable and non-recyclable waste would be stored to the south side of the site.

The application has been supported by the following documents:

- o Planning Statement by dpp (dated November 2020)
- o Design, Access and Heritage Statement by JKKD (dated October 2020)
- o Phase 1: Desk Top Study Report by arc environment (dated October 2020)
- o Transport Statement and appendices by itransport Planning (dated November 2020)
- o Flood Risk Assessment by Fairhurst (dated November 2020)
- o Drainage Strategy by Fairhurst (dated August 2021)
- o Bat Survey by OS Ecology (dated May 2021)
- o Statement on Policy VC5 'Protection and delivery of community facilities and local facilities' by JDDK Architects
- o Biodiversity Net Gain Assessment by JDDK Architects (dated July 2021)

PLANNING HISTORY

2017 - Planning permission Ref: 17/00184/FUL granted to change the use of the premises from a D1 use to a combined D1 and B1 use. The submitted Planning Statement states that the B1 part of this use was not implemented.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Childrens Services
Tyne And Wear Archaeology Officer
Network Management
Washington Central - Ward Councillor Consultation
Flood And Coastal Group Engineer
Northumbrian Water
Northern Electric
North Gas Networks
Land Contamination
Nexus
Northumbria Police
NE Ambulance Service NHS Trust
Fire Prevention Officer
Environmental Health
Planning Policy

Final Date for Receipt of Representations: **04.08.2021**

REPRESENTATIONS:

Public consultation - Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, a site notice being displayed to the front of the site and a notice being posted in the local press.

The following consultees were consulted on the application.

- o Director of Children's Services
- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Built Heritage and Regeneration
- o Planning Policy
- o Environmental Health
- o Transport Development (the Local Highway Authority)
- o Tyne and Wear Archaeology Officer
- o Nexus
- o Chief Fire Officer
- o Housing People Services
- o Northumbria Ambulance Service
- o North Gas Networks
- o Northern Powergrid
- o Northumbrian Water
- o Northumbria Police
- o Watermans (Land contamination)
- o Three Ward Councillors

Press notice expiry date: 24/06/2021

Site notice expiry date: 24/06/2021

Neighbour notifications expiry date: 17/06/2021 & 30/07/2021

Consultation expiry date: 16/06/2021 & 04/08/2021

Neighbour Notification Responses

Owner / occupiers of 17 Oliver Street, Washington

Support for the following reasons:

- o A great use of the building
- o Need more places like this for young people and adults with additional needs

Owner / occupiers of 94 Roche Court, Washington

Supports application

Owner / occupiers of Columbia House, Albert Place, Washington

Support for the proposed use and renovation of the Old School Building being in keeping with the period in which the school and our home (the former headmaster's house) was built.

However, concerns raised are as follows:

- o Concerns have previously been raised with the Council (the applicant) regarding the use of the former schoolyard for parking. This was due to concerns as to our safety when entering and leaving our property, the safety of any visitors and the structural integrity of our home. The proposed route would take all of the vehicles past the entrance to our home. Plans were therefore re-drafted with parking being moved to the front of the school building and the three parking bays to the rear being for our sole use. However, this is not reflected in the current proposal.
- o The proposed access was the former schoolyard gate and was never intended to be used for vehicle access. This is reflected by the gap between our house and the school building

being 3.56 metres in width. When using our front door this would mean us stepping directly into potential traffic.

o A specific risk assessment / method statement highlighting our safety and safety of any visitors to our home in relation to this proposed vehicle route should have been carried out. Due to the very small gap between our home and the school we do not believe this could be used for site traffic, the delivery of materials, plant and the removal of waste materials. This needs to be addressed by the Construction Traffic Management Plan which we feel will need to be discussed with us to ensure our safety and the protection of our property taking foundations into account.

Case Officer Comments: The planning application has been amended so that the only proposed car parking provided would be accessed directly from Albert Place. Neighbours (including the objector) were re-notified of the amended proposal, and no further representations were received.

Internal consultee responses

Environmental Health

The proposed development is acceptable subject to a condition being attached to any planning permission requiring the submission of a Construction Environmental Management Plan.

Planning Policy

The site is considered a community facility - the supporting planning statement suggests that it was previously used as a Church. Policy VC5 'Protection and Delivery of Community Facilities and Local Services' of the adopted CSDP is relevant, and states that the loss of community facilities should be resisted unless either; a replacement facility is provided, or the community facility's loss is justified as it is no longer needed, and it has been demonstrated that it is not suitable for any other community use. The applicant will be required to demonstrate that they have marketed the facility for at least 24 months, consulted with the Local Voluntary and Community Sector and advertised in the local press. No supporting evidence has been provided justifying the loss of the community facility.

The supporting Planning Statement states that the building is vacant and no longer in use by the Washington Church of Christ, and therefore it will sustain beneficial use of the 'Old School' building to deliver residential accommodation to meet specialist housing needs for adults with learning difficulties in Sunderland. Should the applicant not be able to demonstrate compliance with Policy VC5 as part of any planning application, consideration should be given as to whether the benefits of the scheme in meeting specialist housing needs and the community benefit arising from this would outweigh the loss of the community building.

Policy H1 'Housing Mix' of the adopted CSDP, indicates (inter alia) that developments would be supported for supported accommodation. It states (at Criterion 2) that development where appropriate and justified should seek to ensure there is a choice of suitable accommodation for special housing needs. Policy BH1 'Design Quality' and BH2 'Sustainable Design and Construction' of the adopted CSDP are relevant in relation to design; and Policy NE2 'Biodiversity and Geodiversity' of the adopted CSDP sets out that proposals, where appropriate, must demonstrate how they would provide net gains in biodiversity. As the site contains trees, Policy NE3 'Woodland, Hedgerows and Trees' of the CSDP is relevant, and the site is a non-designated heritage asset and so the proposed development should be assessed against Policy BH7 'Historic Environment and Policy BH8 'Heritage Assets' of the CSDP. The amenity impact of the proposal should be assessed against Policy HS1 'Quality of life and amenity' of the CSDP.

Conservation Team

No objections to the proposed development.

A non-designated heritage asset, the former school building is an attractive property that has internal and external architectural detailing. Whilst not listed, it is pleasing to see the architect has taken a sympathetic approach to the extensions and conversion of the premises, with many of the features being retained and enhanced, whilst giving the premises a new sustainable use. The proposed extensions would be subservient to the main building, dropping below the ridgeline whilst mirroring the general form of the original premises. The materials proposed would be a direct contrast to the existing, giving a clear definition between the old and new, reflecting good conservation practice and allowing the buildings evolution to be clearly seen.

Flood and Coastal Team (the Lead Local Flood Authority)

First and second representations

Further information is required to confirm connection points, and to provide evidence to satisfy that 55mm of rainfall would be retained on site (source control is usually provided through rainwater harvesting, infiltration or evapotranspiration).

It is likely that surface water could leave the site at two gateways, and so adequate drainage should be provided to prevent surface water from leaving the site.

Third representation

In relation to flood risk and drainage further details have been submitted and reviewed. It is suggested that there should be a condition attached to any planning permission to require the submission of a verification report - to demonstrate that all sustainable drainage has been constructed as per the agreed scheme.

Transportation Development (the Local Highway Authority)

First representation

The application site is in a sustainable location and offers opportunities for travel by sustainable modes. There are no road safety issues in the vicinity of the site, and the proposed development would have no material impacts on the highway network in terms of its capacity and safety. The use of the existing gated access to serve three car parking spaces would be acceptable. However, given that it serves as the pedestrian access to the adjacent residential property (Columbia House), the applicant is requested to provide a segregation pedestrian access to this property (different surface materials for pedestrian and vehicle routes delineated by granite setts or similar). Proposed access to car parking to the front, pedestrian access arrangements, and servicing arrangements (for refuse collection/post delivery etc.) would be acceptable.

Proposed car parking provision of 9 spaces would be in excess of the Council's parking space standards (it is not anticipated that residents would have their own cars), however it would still be acceptable. The 10 cycle spaces are welcomed.

A sustainable travel welcome pack for staff and visitors would be welcomed, and it is recommended that this be controlled by way of a condition attached to any planning permission. A Construction Traffic Management Plan (CTMP) should also be submitted for consideration, and this should also be controlled by way of a condition attached to any planning permission.

Footway crossings would be required for the proposed development at the applicant's expense.

Case Officer Comments: Car parking spaces to the south side of the application site have been removed from the scheme, with the only car parking spaces now proposed being to the front accessed directly from Albert Place.

Second representation

The applicant has confirmed that the only car parking proposed would be 6 parking spaces to the front of the property. Type and quantum of the proposed development requires a parking provision of 5 parking spaces. Therefore 6 parking spaces would be in accordance with the Councils parking standards. Taking the above into account Transportation Development has no objections to the application.

Education officer

No response provided

External Consultee responses

Tyne and Wear Archaeology Officer

Based upon the documents provided with this application, no archaeological work would be required if the proposed works are approved.

Northumbrian Water

The applicant has contacted Northumbrian Water about the proposed conversion of this unit. It is Northumbrian Water's preference to seek surface water separation. Northumbrian Water actively promote sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- o Discharge into ground (infiltration);
- o Discharge to a surface water body;
- o Discharge to a surface water sewer, highway drain, or another drainage system; and
- o As a last resort, discharge to a combined sewer

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Tyne and Wear Fire and Rescue Service

No objections to the proposal

Nexus

Nexus welcomes this type of development and recognises that it is in good placement for proximity to local services within Columbia. The site is well served by the bus stops located on Oxclose Road. The Go North East 85 service currently supplies daily half hourly service connections to Washington Galleries and Concord Bus Station. These bus interchanges provide regular connections to Sunderland, Gateshead and Newcastle. Nexus is satisfied that the current transport provision would offer new residents the opportunity to travel regularly by sustainable travel modes, and that any future extension of transport services would only enhance this.

Housing People Services

No response provided

Northumbria Ambulance Service
No response provided

Northumbria Police

Northumbria Police have no objection to the proposed development. However, the following observations are made.

- o No reference is made in the Design Access Statement as to how the safety of residents might be achieved, and whilst the Planning Statement references Paragraph 127 of the NPPF there is no design detail to suggest how this will be achieved. The only reference was to the security of bikes.
- o The adjacent licensed premises have been the source of complaints from residents regarding anti-social behaviour.
- o Given the vulnerability of the target residents it is recommended that the premises achieve Secured by Design (SBD) certification as a minimum required level of security. Refurbishment can, in some circumstances, present greater challenges than new build development, however Northumbria Police would be happy to work with the applicant towards achieving SBD Bronze Award for bespoke development.

Case Officer Comments: The applicant's agent has confirmed in writing that the application would seek to achieve a Secure by Design Bronze Award. They have also stated that they would provide a new lockable gate to the vehicular entrance to prevent staff / visitors from using the rear car park. Colombia house residents would be provided with a key along with Old School staff, for use in emergency or infrequent maintenance access only.

Land contamination consultant

The Phase 1 Land Contamination Report concludes that the site is located within a Low geotechnical risk setting, a low ground contamination risk setting for human health and a negligible ground contamination risk setting for controlled waters. However, the report recommends that intrusive investigation works are completed to support the proposed development.

The findings of the Phase 1 Land Contamination Report are agreed with. A Phase 2 ground investigation is required, and so a Phase 2 Land Contamination Report should be submitted. The ground investigation should conform to the requirements of BS10175:2011+A2:2017.

Should the site be proposed to be reprofiled/ increased and / or reduced in level, the chemical testing of the site soils should be suitable to characterise the existing site and the site soils following reprofiling. Any areas of proposed soft landscaping should be subject to suitable characterisation.

As part of the Phase 2 works the internal areas should be inspected, particularly the basement area, to identify any potential visual or olfactory evidence of contamination (former boiler rooms or fuel/chemical storage). This should be reported as part of the Phase 2 works. A number of the potential key contaminants of concern are volatile therefore a Photo Ionisation Detector (PID) is recommended during the field works for headspace screening for volatile contaminants. Consultation should be undertaken with the Environment Agency and Sunderland City Council Departments Environmental Health and Building Control to gain publicly available information regarding the site. Prior to the ground investigation commencing this information should be reviewed and used to inform the design of the ground investigation as appropriate.

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

COMMENTS:

ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity / impact on non-designated heritage assets;
3. Impact on residential amenity;
4. Landscaping and impact on trees
5. Impact on highway and pedestrian safety;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination;
9. Impact on archaeology; and
10. Planning obligations.

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the existing urban area, and it emphasises the need to develop in sustainable locations.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community.

Saved Policy EN10 of the Unitary Development Plan (UDP) states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. It states that proposals for development in such areas will need to be compatible with the principle uses of the neighbourhood.

The application site is located within the existing built up urban area. The proposed development would contribute to meeting a specialist housing need, in a sustainable location with good access to public transport (regular bus services are nearby as acknowledged by

Nexus in their consultation response). The application site is not allocated for a specific land use within the Council's development plan, and so saved Policy EN10 of the UDP applies. The application site is located within an area featuring a range of residential and commercial uses. Given the nature of the proposed development it is considered that it would be compatible with the prevailing pattern of land uses in the neighbourhood.

It is considered that the proposed development would accord with Policy SP1 and Policy SP3 of the adopted CSDP and saved Policy EN10 of the UDP.

Housing Policies

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites. It states that new homes will be achieved including via the conversion and change of use of properties.

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to providing specialist housing needs, providing a mix of house types, tenures and sizes which is appropriate to its location, achieving an appropriate density for its location, and requiring 10% of dwellings on developments of 10 or more to meet building regulations M(2) Category 2 (accessible and adaptable dwellings). It states that, where appropriate, development should seek to ensure there is a choice of suitable accommodation for older people and those with special housing needs including extra care housing.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing.

The proposed development would comprise the conversion and change of use of a building to provide a specialist housing need (for people with learning difficulties), and it would be of an acceptable density at this location. It would be designed to accord with building regulations in relation to adaptability and sustainability. It is therefore considered that the proposed development would accord with Policy SP8 and Policy H1 of the adopted CSDP. Given the nature of the proposed development for a residential institution, it is considered that a financial contribution in relation to affordable housing provision would not be necessary in this instance (see planning obligations section below).

Loss of Community Facility

Policy VC5 'Protection and delivery of community facilities and local services' of the adopted CSDP states that community facilities and local services will be protected by resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community use.

The glossary to the CSDP defines community buildings as "A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

Paragraph 8.34 of the adopted CSDP states that evidence that may be required to support a proposed development which would lead to the loss of a community facility could include the nature and condition of the building including cost of repairs to enable it to operate; the nature and location of comparable facilities; the potential to re-locate the community use elsewhere; and / or evidence that the local community has been notified of the intention to close the facility.

Paragraph 8.35 of the adopted CSDP further states that the Council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss. The applicant will be required to provide written evidence that they have marketed the facility for at least 24 months and consulted with the Local Voluntary and Community Sector and advertised in the local press.

The existing building was most recently occupied by community groups, and so the proposed development would constitute the loss of a building last used as a community facility. However, the applicant has submitted a document seeking to demonstrate that the building is no longer suitable to be used as a community facility. The applicant's submitted document states that the building is currently vacant and is in a state of disrepair, and that the most recent community group that owned the building (the 'Washington Church of Christ') has not occupied it for many years ago (application details state 20 years ago).

Application details state that the 'Washington Church of Christ' group sold the building in 2016. It was then occupied initially (within the first year) by one or two community groups, however there was no long-term interest. The possibility of refurbishing the premises to provide a mixed use of offices / meeting rooms and community rooms was explored and indeed a scheme was granted planning permission Ref: 17/00184/FUL (see Planning History above). However, there was limited interest in this scheme and it was not considered to be viable due to the cost of refurbishment.

The submitted document, seeking to demonstrate that the building is no longer suitable to be used as a community facility, states that the building requires substantial remedial works to make the building habitable. It states that it is not suitable to most small community groups due to the need for these costly remedial works, and due to heating and maintenance costs. It also states that there are other more suitable facilities elsewhere in the local area that meet the needs of the community, including Washington Village Community Association, Columbia Village Community Association, as well as several church buildings (Glebe Methodist Church, Holy Trinity Church and Our Blessed Lady Catholic Church) within one mile of the application site, and five primary schools which can be used for such purposes.

The applicant has not provided evidence that they have marketed the premises for at least 24 months and consulted with the Local Voluntary and Community Sector. However, they have provided a clear justification regarding why a building of this nature is no longer required as a community facility and that it is no longer suitable for any other community uses. On this basis, it is considered that the proposed development providing a specialist housing needs at this sustainable location would accord with Policy VC5 of the adopted CSDP.

Notwithstanding the above, a significant material consideration in the decision-making process is the fact that the building is currently vacant (and has been for a considerable period of time), and that the proposed development would provide for a specialist type of housing to fulfil a specialist and valuable housing need for the community. Whilst not a community facility, the proposed development would provide significant community benefits, which it is considered would override any harm resulting in the loss of the vacant community facility.

Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity / impact on non-designated heritage asset

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- o Create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- o Be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- o Deliver acceptable standards of amenity;
- o Promote natural surveillance;
- o Clearly distinguish between public and private spaces;
- o Create visually attractive and legible environments;
- o Maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- o Not detract from important views of buildings, structures and landscape features;
- o Create safe, convenient and visually attractive areas for servicing and parking;
- o Maximise durability and adaptability throughout the lifetime of the development;

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets (including non-designated heritage assets) based on their significance in accordance with national policy, and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets (including non-designated heritage assets) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. It further states that development affecting non-designated heritage assets should take account of their significance, features and setting.

The Council's Development Management Supplementary Planning Document (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

Paragraph 126 of the NPPF (July 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF 2021 states that the National Design Guide and the National Model Design Guide should be used to guide decisions on applications in the absence of local produced design guides or design codes.

Paragraph 203 of the NPPF (July 2021) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's Conservation Team have stated that they have no objections to the proposal in relation to its impact on this non-designated heritage asset.

The proposed front extension would be visible from Albert Place and Oxclose Road, and the proposed rear extensions would be visible from Oxclose Road. It is considered that the proposed works to refurbish the existing building would improve its appearance (re-pointing etc), and that the proposed extensions constructed in a white glazed brickwork with grey glazed decorative brick soldier courses would add a positive and direct contrast to this Victorian era building. Although the front extension would include a flat roof, it is considered that this extension, as well as extensions to the rear (which would have a lower ridgeline than the existing building) would be sufficiently subordinate whereby they would not detract from the appearance of the existing building when viewed from Albert Road and Oxclose Road. The extensions would provide clear definition between old and new, which would allow the buildings evolution to be clearly seen.

Proposed boundary treatment along Albert Road would be acceptable (reducing it to less than one metre in height and erecting timber gates), and hard and soft landscape features would improve the appearance of the site (which largely consists of hardstanding around the existing building). All other boundary treatment would remain as existing which would be acceptable.

Although car parking would be provided to the front of the development, replacing part of the existing boundary wall as well as a tree and shrubbery, it is considered that this would not materially detract from the appearance of the overall scheme. Replacement planting would mitigate the loss of the large mature tree to the front of the site.

Full details of all external building materials have not been provided. The applicant's agent has requested that a condition be attached to any planning permission to require that these details be controlled by a condition attached to any planning permission. It is therefore recommended that a condition be attached to any planning permission to require (notwithstanding details submitted) full details of all external building materials (relating to alterations and extensions to the building, boundary treatment and hard surfaces) to be submitted to and approved in writing by the Local Planning Authority - prior to the commencement of development. Subject to the compliance with this condition it is considered that the proposed development would be of an acceptable scale, massing, layout, appearance and setting which would respect and enhance the positive qualities of nearby properties and the locality. The proposed extensions would be sufficiently subordinate in relation to the existing building, and would provide contrast which would preserve the significance of this non-designated heritage asset, and the proposed courtyard and landscape features would provide a good level of space and an attractive setting for future residents.

The proposed development would deliver thermal performance via wall, roof and floor insulation in accordance with current building regulations. It would also seek to provide solar panels (shown indicative on submitted drawings). It is therefore considered that the proposed development would incorporate sustainable design and construction.

The applicant's agent has stated that the proposed development would seek to achieve Secured by Design bronze status.

Subject to the discharge of and compliance with the recommended condition, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact, and impact on the non-designated heritage asset. As such it would accord with Policy BH1, Policy BH2, Policy BH7 and Policy BH8 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (July 2021).

3. Impact on residential amenity

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

The nearest neighbouring dwellings to the application site are positioning to the south, namely Columbia House and Dunroamin, the curtilage boundaries of which are adjacent to the application site. Indeed, the dwelling Columbia House itself is adjacent to the application. Columbia House has openings facing the application, with a door and window serving a hallway (a non-habitable room) and two obscure glazed windows at ground floor. Dunroamin also has windows facing the application site, and there is a boundary treatment between although this is not particularly high. Nearest windows to the side of Dunroamin would be approximately 14 metres from nearest windows to the side of the application building.

Habitable room windows within the proposed development would face the common boundary shared with Columbia House and Dunroamin. However, all of these facing windows would serve ground floor rooms. The whole proposed development would be at ground floor with the exception of a mezzanine floor which would be created centrally within the building, with windows facing Albert Place to the east. The previous uses at the application site, namely a school and community facility, would also have caused some overlooking towards Columbia and Dunroamin.

Given the nature of the proposed development as a supported residential facility, the fact that any habitable windows facing Columbia House and Dunroamin would be at ground floor, the existing built form described above, and the previous uses of the application site, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of Columbia or Dunroamin in relation to privacy / overlooking, overshadowing or outlook / dominance.

Adequate separation distances (at least 21 metres) would be provided between the proposed development and neighbouring dwellings to the north, west and east (including the new bungalows being constructed across Albert Place). Given these separation distances it is considered that the proposed development would have no unacceptable impacts on the

amenities of the occupiers of dwellings to the north, west or east in relation to privacy / overlooking, overshadowing or outlook / dominance.

Each of the fifteen units (except one) would provide a minimum target area of 37m² in accordance with the Nationally Described Space Standard, which would be acceptable given the layout of the building and the nature of the proposed development. The spacing between directly facing units across the shared courtyard would also be acceptable.

The Council's Environmental Health have raised no objections to the proposed development. They have stated that although the site is located appropriate 85 metres from the A195, it benefits from a significant intervening grassed and heavily planted area. The external noise climate meets guidelines, and given the substantial construction of the building they have advised that the inclusion of standard double-glazed units / acoustic trickle vents where necessary would be sufficient to achieve satisfactory internal noise levels. However, they have recommended that a condition be attached to any planning permission in relation to the submission of a Construction Environment Management Plan (CEMP). This is required to ensure that all potential environmental impacts of construction site works are identified and mitigated as appropriate to protect existing residents.

Given the comments from Environmental Health, it is recommended that a condition be attached to any planning permission requiring the submission of a CEMP.

Subject to the discharge of and compliance with the recommended condition in relation to the CEMP, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy BH1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Landscaping and impact on trees

Policy BH1 'Design Quality' of the adopted CSDP states that to achieve high quality design and positive improvement, development should provide landscaping as an integral part of the development including retaining landscape features and reflecting surrounding landscape character.

Policy NE3 'Woodlands / hedgerows and trees' of the adopted CSDP states that development should give consideration to trees and hedgerows both on individual merit as well as on their contribution to amenity and interaction as part of a group within the broader landscape setting.

The application site includes limited soft landscaping with the exception of some planting and a large mature tree adjacent to Albert Place. This large tree would be removed to accommodate the proposed development. The applicant proposes to enhance the site with an appropriate soft landscape scheme. This would be integral to the development and it is considered that it would improve the appearance of the site when viewed from the public domain. However, the submitted hard and soft landscape scheme is only indicative. It is therefore recommended that a condition be attached to any planning permission to require the submission of a detailed hard and soft landscaping scheme. Subject to the discharge of and compliance with this condition, it is considered that the proposed development would accord with Policy BH1 (in relation to landscaping) and Policy NE3 of the adopted CSDP.

5. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that:

- o New vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- o They deliver safe and adequate means of access, egress and internal circulation;
- o Where an existing access is to be used, it is improved as necessary;
- o They are assessed and determined against current standards for the category of road;
- o They have safe and convenient access for sustainable transport modes;
- o They will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should incorporate pedestrian and cycle routes, provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, and that planning applications should include Transport Assessment / Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

A concern was originally raised by the owner / occupier of Columbus House (the residential dwelling immediately to the south) in relation to vehicle and pedestrian conflict if car parking spaces were created and accessed via the southern vehicle access off Albert Place. However, the applicant has agreed to amend the scheme whereby the only car parking spaces would be accessed directly off Albert Road. The owner / occupier of Columbus House was re-notified of the amended proposal and has raised no further objections.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the application site is in a sustainable location with good access to public transport nodes, and that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety. The six proposed car parking spaces to the front of the site off Albert Place would accord with the Council's parking standards, servicing arrangements would be acceptable, and cycle parking is welcomed. They have advised that conditions should be attached to any planning permission requiring the submission of a sustainable travel welcome pack for staff and visitors, and a Construction Traffic Management Plan. They have also advised that any required footway crossings for the proposed development would be at the applicant's expense.

It is recommended that suggested conditions relating to a sustainable travel welcome pack and a CTMP be attached to any planning permission, however the Construction Traffic Management Plan should form part of a wider Construction Environment and Traffic Management Plan. It is also recommended that conditions be attached to any planning permission to require the car parking bays, covered cycle stands, refuse and recycling bin stores and bin collection areas to be to be constructed / completed on site, made available for use, and retained henceforth for their designated purpose.

It is recommended that an informative to applicant be attached to any planning permission relating to works associated with the footway crossing.

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable

impacts on the highway network in terms of capacity or safety. Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

6. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. It states that development that would have an adverse affect on a Site of Special Scientific Interest will be required to demonstrate that the reasons for the development clearly outweigh any nature conservation value of the site. It further states that development that would adversely affect a Local Wildlife Site or Local Nature Reserve will be required to demonstrate that there are no reasonable alternatives, and that the development would clearly outweigh the need to safeguard the value of the site.

The application site is not positioned close to any European, national or local designated sites. The nearest Site of Nature Conservation Importance (SNCI) is positioned approximately 350 metres away to the north west, across the busy road Northumbria Way. Given the nature of the proposed development, intervening land uses and separation distances, it is considered that it would have no adverse impacts on any European, national or local designated site.

As part of the planning application a Bat Survey by OS Ecology dated May 2021 has been submitted. The Bat Survey states that dusk survey work was undertaken on 28th September 2020, with a further survey undertaken on 21st May 2021. During the first survey a number of common pipistrelle bats and a single soprano pipistrelle bat were recorded emerging from locations associated with the roof structure. The roof structure was considered to be used as day roosts by a small number of bats. A further survey was undertaken on 21st May 2021 which recorded no bats emerging from the property, although bats were recorded in the local area. No evidence of nesting birds were recorded during the survey, and no other protected species were recorded. However, the invasive species Montbretia was recorded on site.

The Bat Survey concludes that without appropriate mitigation and / or compensation, the proposed development would result in a loss of potential roosting locations, potential disturbances and harm to roosting bats during construction works, potential harm to nesting birds if works are undertaken during the bird breeding season (March to April inclusive) and the potential spread of Montbretia. The Bat Survey includes a list of recommendations as follows:

- o Avoidance measures - External lighting that could affect bats to the east of the building should be avoided, no works should take place to the roof structure, and works should not be undertaken during the bird breeding season.
- o Mitigation strategy - Any works to the roof structure should not take place unless in accordance with a licence from Natural England, vegetation should be cleared in accordance with an invasive species method statement, and works to the building should be undertaken to a detailed method statement.
- o Compensation - Bat roost opportunities should be included in the building either as retained features or as bat boxes fixed to the structure, and that opportunities for nesting birds should be incorporate into the development.

Given that there is clear evidence of bats using the building, it is recommended that a condition be attached to any planning permission to require the proposed development to be undertaken in accordance with the recommendations set out within Section 6 of the Bat Survey in relation to bats (avoidance measures, mitigation strategy and compensation scheme). The

recommendations within Section 6 of the Bat Survey also state that a detailed bat method statement should be undertaken relating to works to the building. It is therefore recommended that a condition be attached to any planning permission to require this to be submitted.

The recommendations set out within Section 6 of the Bat Survey also refer to nesting birds and the invasive species Montbretia. However, there was no evidence of nesting birds at the application site and birds are afforded statutory protection. It is recommended that an informative to applicant be attached to any planning permission to remind the applicant of the statutory protection afforded to birds and the need to undertake works outside of the bird breeding season. An informative to applicant is also recommended to remind the applicant that it is an offence to cause the invasive species Montbretia to grow in the wild under the Wildlife and Countryside Act 1981.

The submitted Biodiversity Net Gains Assessment concludes that the proposed development including soft landscaping would provide some net gains in biodiversity on a site that currently has little if any biodiversity value (with the exception of roosting bats). These biodiversity net gains are welcomed.

Subject to the compliance with the condition relating to bat avoidance measures, mitigation and compensation as set out within the submitted Bat Survey, and the discharge of and compliance with the condition in relation to the detailed bat method statement, it is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP.

7. Impact on flooding/drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Development will be required to include or contribute to flood mitigation, compensation and / or protection mitigation, where necessary, to manage flood risk associated with or caused by the development.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development, constructed in accordance with the submitted drainage strategy, would not increase flood risk to the site or the surrounding area.

It is considered that the surface water drainage strategy for the proposed development, comprising permeable paving within car park areas, underground attenuation tanks, underground pipes to convey surface water, and a flow control chamber prior to connecting into the public sewer network, would be acceptable. Northumbrian Water have raised no objections to the proposed development in terms of how it would affect their assets, and the Council's Lead Local Flood Authority have also raised no objections to the proposed development in relation to flooding and surface water drainage. However, the Lead Local Flood Authority have recommended that a condition be attached to any planning permission requiring the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme. It is recommended that such a condition be attached to any planning permission.

It is considered that the proposed development would have no unacceptable impacts in relation to flood risk / surface water drainage, subject to the compliance with the recommended condition. It is therefore considered that the proposed development would accord with Policy WW2 and Policy WW3 of the adopted CSDP.

8. Impact in relation to land contamination

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 Land Contamination report has been submitted with the application, and the Council's Contamination advisors have raised no objections to the conclusions of this report in relation to the proposed development. However, they have advised that a Phase 2 ground investigation should be undertaken, with the findings documented in a Phase 2 Land Contamination Report. It is therefore recommended that conditions be attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report, and depending on the conclusions of this report, the submission of a remediation strategy (if necessary) and a verification report (if necessary). It is also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

9. Impact on archaeology

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

10. Planning Obligations

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Council's Planning Obligations Supplementary Planning Document.

Paragraph 55 of the NPPF (July 2021) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

The proposed development would provide a specialist form of housing to create a supported residential facility for adults with learning difficulties. On this basis given the nature of the proposed development it is considered that planning obligations in relation to the provision of affordable housing, open space, off-site play, or education provision would not be necessary to make the development acceptable in planning terms. The scheme would be managed by Sunderland City Council to meet a specialist housing need and would not comprise open market housing. The residents would most likely use landscaped space within the application site rather than open space in the wider vicinity, and they would not increase pressure on existing play facilities or education provision.

Conclusions

The proposed development would comprise a specialist form of supported living residential accommodation for adults with learning difficulties, and although it would result in the loss of the use of the building as a community facility, the applicant has clearly demonstrated that this building is no longer required / suitable for this use. This is due to its size, condition in need of remedial works, and due to the availability of more suitable community facilities in the locality. In any case the loss of the community facility would be outweighed by the very nature of the proposed development for a specialist form of housing, which would provide benefits to the community.

The proposed development would be in a sustainable location and would be compatible with existing land uses. Subject to the discharge of and compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts on this non-designated heritage asset or when viewed from the public domain, and it would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on landscaping and trees, highway and pedestrian safety, ecology, or in relation to flooding / drainage and contamination. No planning obligations are necessary to make the proposed development acceptable.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document (SPD) and within the NPPF (July 2021). It is therefore considered to be an acceptable form of development.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Members GRANT CONSENT under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the recommended schedule of conditions.

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:

- Drawing No. 1962100_Bld.dwg Sheet 3 Revision A (Existing Elevations) received 29/10/2020
- Drawing No. 4029-JDDK-DR-A-2001 (Existing Site / Floor Plans) received 29/10/2020
- Drawing No. 139285/1001 Revision A (Proposed Levels) received 29/10/2020
- Drawing No. 139285/2001 Revision D (Proposed Drainage Layout) received 11/08/2021
- Drawing No. 139285/2003 (Drainage Construction Details - Sheet 1) received 29/10/2020
- Drawing No. 139285/2004 Rev B (Drainage Construction Details - Sheet 2) received 02/08/2021
- Drawing No. 4029-JDDK-XX-ZZ-DR-A-3001 Rev 4 (Proposed Elevations) received 04/08/2021
- Drawing No., 4029-JDDK-DR-A-2002 Rev 9 (Proposed Plan) received 13/07/2020
- Drawing No. 4029 30 02 Rev 2 (East Boundary Elevation) received 13/07/2021
- Drawing No. LS000184/001 Rev P02 (Indicative Landscape Plan) received 02/08/2020

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

3 Notwithstanding details submitted, prior to the commencement of development hereby permitted, samples and / or detailed specifications of all external materials for the proposed development (alterations and extensions to the building, boundary treatments and hard surfaces) shall be submitted to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to preserve the significance and features of the non-designated heritage asset, and comply with Policies BH1, BH7 and BH8 and adopted Core Strategy and Development Plan.

4 Prior to the commencement of the development hereby permitted, a Construction Environmental and Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment and Traffic Management Plan must identify all potential impacts upon the local environment and neighbouring properties arising from construction works and set out the mitigation measures to be applied to adequately control and minimise those impacts.

To ensure the environmental and traffic impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policies HS1, HS2, BH1, ST2 and ST3 of the adopted Core Strategy and Development Plan.

5 Notwithstanding details submitted, the development hereby permitted shall not be occupied until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, and the approved hard landscaping scheme has been completed on site. The soft landscaping scheme shall include the type, height, species and location of all new trees and shrubs as well as any proposed seeding and turfing. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

In ensure a satisfactory form of development, in the interests of visual amenity, and to comply with Policies BH1 and NE3 of the adopted Core Strategy and Development Plan.

6 Prior to the occupation of the development hereby permitted, a Sustainable Travel Welcome Pack to be issued to all staff and residents, shall be submitted to and approved in writing by the Local Planning Authority. The objectives of the Sustainable Welcome Pack should be to:

- o Reduce the need to travel and single occupancy travel to and from the development;
- o Promote walking and cycling as a healthy and sustainable way of travelling to and from the development; and
- o Encourage the use of public transport where walking and cycling are not possible.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the first occupation of the development hereby permitted, the vehicle parking bays and 5 no. covered cycle stands, as shown on Drawing No. 4029-JDDK-DR-A-2002 Rev 9 'Proposed Plan' received 13/07/2021, shall be completed on-site and made available for use. The vehicle parking bays and 5 no. covered cycle stands shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policies ST2 and ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the development hereby permitted being brought into use, the refuse and recycling bin store and bin collection areas, as shown on Drawing No. 4029-JDDK-DR-A-2002 Rev 9 'Proposed Plan' received 13/07/2020 shall be constructed, made available for use, and retained henceforth for their designated purpose. Refuse shall only be placed outside of the curtilage of the premises on days of awaiting collection.

To ensure a satisfactory form of development in the interests of amenity and highway safety, and to comply with Policies BH1, ST2 and ST3 of the adopted Core Strategy and Development Plan.

9 The development hereby permitted shall be undertaken in strict accordance with the avoidance measures, mitigation strategy and compensation scheme in relation to bats, as set

out within Section 6 'Recommendations' of the Bat Survey by OS Ecology dated May 2021 (received 25/05/2021).

To avoid, mitigate and compensate for adverse impacts on bats, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

10 Prior to the commencement of the development hereby permitted, a detailed bat method statement, to be read in conjunction with the mitigation strategy and compensation scheme in relation to bats, as set out within Section 6 'Recommendations' of the Bat Survey by OS Ecology dated May 2021 (received 25/05/2021), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in strict accordance with the approved detailed bat method statement.

To mitigate any adverse impacts on bats, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

11 Prior to the first occupation of the development hereby permitted, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme within the Drainage Strategy by Fairhurst dated August 2021 (received 11/08/2021) and drainage notes received 29/10/2020, and illustrated on Drawing No. 139285/2001 Rev D (Proposed Drainage Layout) received 11/08/2021, Drawing No. 139285/2003 (Drainage Construction Details - Sheet 1) received 29/10/2020, and Drawing No. 139285/2004 Rev B (Drainage Construction Details - Sheet 2) Rev B received 02/08/2021. This verification report shall include:

- o As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- o Construction details (component drawings, materials, vegetation);
- o Health and Safety file; and
- o Details of ownership organisation, adoption and maintenance to be read in conjunction with the document titled 'Drainage Management and Maintenance Plan' by Fairhurst dated October 2020 (received 29/10/2020).

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SUDS and to reduce the risk of flooding, and to comply with Policies WW2 and WW3 of the adopted Core Strategy and Development Plan.

12 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- o adjoining land;
- o ground waters and surface waters;
- o ecological systems;
- o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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

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

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of the development hereby permitted, a Verification Report

(that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are 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 Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies HS1 and HS3 of the adopted Core Strategy and Development Plan.

Reference No.: 21/00483/FUL Full Application

Proposal: **Development of 45 no. dwellings (Use Class C3), with associated car parking, landscaping and infrastructure (additional ecology information submitted).**

Location: Land South Of Redburn Row Redburn Row Houghton-le-Spring

Ward: Hetton

Applicant: Adderstone Living Ltd

Date Valid: 3 March 2021

Target Date: 2 June 2021

PROPOSAL:

Full planning permission is sought for the development of 45no dwellings (Use Class C3), with associated car parking, landscaping and infrastructure on land at Redburn Road, Chilton Moor, Houghton-le-Spring.

The proposal affects two irregularly-shaped plots of undeveloped green open land on the south side of Redburn Road and Black Boy Road, at the western edge of Chilton Moor. Although the two plots appear capable of agricultural use, both are relatively overgrown, with no obvious signs of recent animal grazing or crop planting in evidence.

Site A is the larger of the two plots and has an area of just under 1 ha. Its northern edge is bordered by Black Boy Road and then, after the junction between the two, by Redburn Road. To the south is open agricultural land stretching away towards Rainton Meadows Nature Reserve and Local Wildlife Site (LWS), which contains the Joe's Pond Site of Special Scientific Interest (SSSI), whilst to the west is the (currently mothballed) Leamside railway line, which also serves as the border with County Durham.

Site B, meanwhile, has an area of approximately 0.4 ha and is bordered by Redburn Road on its north side and agricultural land to its east and south. Whereas Site A's boundaries to Black Boy Road and Redburn Road are generally open, save for a section of mature hedging at the north-east corner of the site, Site B is primarily enclosed by dense hedging interspersed with a number of mature trees. Both plots are relatively flat.

The two plots stand approximately 70 metres apart and are separated by an area of fairly rough open space (outside the ownership of the applicant); this land is subject to planning approval for a development of 5 no. residential dwellings (planning application refs. 16/00091/HYB and 21/00685/REM), which is currently under construction. A public right of way (Houghton Footpath 106) leading from Redburn Road to Rainton Meadows runs alongside the western boundary to Site B, following the line of a disused mineral line.

As noted above, the land to the south of the two plots is primarily agricultural in nature, as is the land further east, on the far side of the Leamside line. However, on the north side of Redburn Road are the buildings of Chilton Moor Farm and the modern residential cul-de-sacs of The Mews (approved in 1991, application ref. 91/0025B) and Maiden Law (approved in 1983,

application ref. 83/1629), all of which are accessed from Redburn Road and together form the south-western edge of the urban area of Chilton Moor.

A development of 70 no. dwellings by Persimmon Homes has recently been completed to the north-east of the application site (application refs. 14/01647/FUL and 16/01321/VAR), whilst planning approval is also in place for a development of 141 no. dwellings on land to the north of Black Boy Road (application refs. 16/02123/OU4 and 19/01826/REM). Development of this site has recently commenced.

The application site has also been subject to a recent planning application for new housing. To this end, as Members may recall, outline planning permission was granted on 9th June 2015 for the erection of 27 no. dwellings across the two plots (application ref. 14/01804/OUT), with matters relating to layout, scale and access given formal approval. The approval was subject to a section 106 agreement which secured the provision of affordable housing within the development, together with financial contributions towards a road safety scheme, off-site biodiversity enhancements and mitigation measures, education facilities and off-site play facilities. The outline planning permission has not been followed by an application for reserved matters and so the outline permission has now expired.

A full planning application for 50 no. dwellings was then submitted by Gleeson Homes in November 2017 (app. ref. 17/02012/FUL). This was refused by the Council's Development Control (Houghton, Hetton and Washington area) Sub-Committee in June 2019 for reasons relating to design quality, the poor standard of amenity being delivered by the scheme, impact on ecology, impact on education provision (as the applicant would not commit to making a financial contribution to support this) and a lack of affordable housing being delivered by the scheme. The application was also unable to support other financial contributions requested in relation to ecology and off-site play provision.

The current full planning application has been submitted by Adderstone Living Ltd. and it proposes a development of 45 no. dwellings across the two plots, with 33 no. dwellings proposed to Site A and 12 no. dwellings proposed to Site B. The development is proposed to provide a mixture of 2- and 3-bedroomed detached and semi-detached dwellings and will include 8 no. semi-detached bungalows, 6 no. of which will stand alongside Black Boy Road. All dwellings will be afforded front and rear gardens of varying sizes, off-street parking spaces to their front or side and many will benefit from detached or attached private garages.

All of the dwellings within the development are proposed to be affordable; the bungalows would be available for affordable rent, with the remainder available as 'rent to buy' units. The dwellings will be delivered to Karbon Homes, a registered provider with a widespread presence in the north-east.

The Design and Access Statement submitted with the application advises that all proposed dwellings have gross internal floor areas that are designed to meet or exceed those required by the Nationally Described Spacing Standards criteria. Dwellings are also designed to meet the accessibility criteria set out by Part M4(2) of the Building Regulations.

The development to Site A is proposed to be accessed from Redburn Road, just to the east of its junction with Black Boy Road, whilst the development to Plot B is also proposed to be accessed from Redburn Road, to the east of its junction with Maiden Law.

The dwellings within Site A are largely set back from Redburn Road and Black Boy Road behind an area of open space, which will also contain a sustainable drainage pond. Further strips of landscaping will be present along the edges of both plots to provide some separation to

Redburn Road. The development within Site B includes a small below-ground pumping station associated with the drainage infrastructure for the site; this will be reached via a gated access between plots 2 and 3.

The submitted boundary details and landscaping proposals show the hedges to Site B being retained (following a programme of laying, a reduction in its height and spread and additional planting to fill gaps) and supplemented on the interior side by fencing to new gardens. Boundaries between new gardens will primarily be fencing, whilst around open space and to the roadside boundaries, it is proposed to erect galvanised metal fencing. The outer boundaries to Site A, facing agricultural land and the former rail line, are also proposed to be fencing. The proposals also involve sections of acoustic fencing; where this is proposed to the plots adjacent to Black Boy Road, it is proposed to be screened by new hedge planting. Sections of new ornamental hedge planting are also proposed within the development.

Further soft landscaping within the site will take the form of areas of turf planting, amenity grass planting to the main area of open space and hedge, tree and shrub planting, with a predominance of native species being used. The SuDS pond is proposed to be planted with species-rich meadow grass, tussock grass and new native planting.

The proposals have also been amended to take account of issues raised during the consideration of the application. The following amendments have been made:

- Plots 15 and 16 reconfigured to address Urban Design comments, so that the plots fit more comfortably into the south west corner and have larger areas to the rear;
- The area around the pumping station has been amended with plots 1B-4B gaining larger gardens to address Urban Design comments;
- The house types have been amended to Adderstone Living house types with the elevation treatment remaining as previously proposed. The size of the properties has been slightly increased but do not change the number of bedrooms for either Site A or B. The internal layout for each housing type is similar;
- Changes to boundary treatments and landscaping proposals as described within this report;
- Plots 01B and 02B moved southwards to enable retention of Tree 8;
- Fence lines for Plots 01B and 02B repositioned to allow 3m easement from drainage;
- Additional level of detail added to layout including hard standing for bins and private paths;
- Turning head courtyard additional paths shown;
- Plots 04-09 moved east by max. 300mm to allow for increased gable to gable of 2.2m allowing for path and fence position.

The application has been accompanied by a comprehensive range of supporting documentation, namely:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Statement of Community Involvement;
- Preliminary Ecological Appraisal (updated during consideration of application);
- Breeding Bird Survey Report;
- Bat Survey report;
- Biodiversity Net Gain metric calculations (updated during consideration of application);
- Arboricultural Method Statement and Tree Protection Plan;
- Flood Risk Assessment and Drainage Strategy (updated during consideration of application);

- Noise Assessment;
- Air Quality Screening Assessment;
- Phase I Land Contamination report;
- Phase I and II Geo-environmental Site Investigation and Risk Assessment;
- Ground Gas Risk Assessment;
- Ground Contamination Remediation Strategy;
- Archaeological Evaluation Report;
- Construction Management Plan (CEMP);

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Hetton - Ward Councillor Consultation
 Northumbrian Water
 Land Contamination
 Environmental Health
 Flood And Coastal Group Engineer
 Fire Prevention Officer
 NE Ambulance Service NHS Trust
 Northumbria Police
 Network Management
 Hetton Town Council
 Tyne And Wear Archaeology Officer
 Director Of Children's Services
 Natural England
 Network Rail
 Nexus
 The Coal Authority
 Tyne And Wear Archaeology Officer
 Durham Wildlife Trust
 Tyne And Wear Archaeology Officer
 Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **26.07.2021**

REPRESENTATIONS:

Ward Councillors - comments have been received from Cllrs Juliana Heron and Neil Macknight:

From Cllr Heron:

- Objects to the application and wishes to attend Planning Committee;

From Cllr Macknight:

- The proposal is contrary to the Council's adopted Plan, which restricts new residential development in the Coalfield area of the city;
- The Houghton area has been the focus of a disproportionate amount of new residential development and this will further erode greenspace in the Ward;

Public consultation - the application was subject to initial public consultation on receipt, via neighbour notification letter, site notice and press notice. Two further rounds of consultation to advise interested parties of the receipt of amended plans and other revised and additional supporting information have also been undertaken. The third public consultation exercise, undertaken to advise interested parties of the receipt of additional ecology information, is ongoing and will end shortly after the Committee meeting.

The following representations have been received to date:

From occupier of 16 Fountains Crescent, Houghton-le-Spring:

- Strongly objects to more development without updating of infrastructure;

From occupier of 48 Kirklea Road, Houghton-le-Spring:

- No amenities in the local area to support more housing;
- Development will increase traffic in an already busy area;
- Development will affect local wildlife and nature;

From occupier of 7 Aylesbury Drive, Sunderland:

- Objects on the basis that more greenspace will be lost and that the Council has an 'appalling' record of approving environmental destruction, citing example of new housing being built along the edge of South Sunderland;

From occupier of 37 Abbey Drive, Houghton-le-Spring:

- Development is encroaching on green space and will cause destruction of wildlife habitat;
- Insufficient amenities for residents, including medical facilities and schools;
- Development will destroy the character of the area;

From occupier of 4 Relton Close, Houghton-le-Spring:

- Concerns over amount of development taking place in the area, also impact on local road infrastructure and ecology;

From occupier of 6 Relton Close, Houghton-le-Spring:

- A lot of new housing has already been built/has planning approval in the area;
- Chilton Moor will lose its rural appeal, which has been valuable during COVID-19 pandemic;
- New development is increasing traffic along Redburn Road, which is narrow and has no streetlighting;
- Concerned over effect on Durham Wildlife Trust site at Rainton Meadows;
- Agree with comments from Campaign for Protection of Rural England (see below);
- Objections raised in Statement of Community Involvement need to be properly considered, particularly concerns over school crowding;
- Little weight should be given to historic planning permissions;
- Need for housing has to be weighed against impact on community, identity and environment;
- Coalfield area is already overdeveloped and more will harm the physical, mental and emotional wellbeing of the local community;
- Global pandemic has shown us the value of greenspaces;

From occupier of 7 Relton Close, Houghton-le-Spring:

- Cites amount of new housing being built in locality;

- Focus should be on improving existing areas rather than allowing greenfield development;
- Redburn Road is inadequate to deal with additional traffic and does not have footpath or streetlighting;
- Negative impact on Rainton Meadows nature reserve, which is well-used by the local community;
- Main road through Chilton Moor/Fencehouses is already extremely busy, more housing will only exacerbate the issue;
- Dubmire Primary School is overcrowded;
- Coalfields area is already overdeveloped, focus should be on existing areas;
- Concerns over flood risk;

From occupier of 9 Relton Close, Houghton-le-Spring;

- Chilton Moor is attractive because of its proximity to open space, this is being lost through new housing development;
- Concerns over suitability of Redburn Road for access and traffic;
- Local schools already overcrowded;
- Cites comments within the Council's Core Strategy and Development Plan regarding infrastructure improvements required in the Coalfields area to support residents and businesses at Rainton Bridge Industrial Estate;
- Suggests development should be required to make same contributions to schools and road improvements as with previous applications at the site;

From occupier of 14 Relton Close, Houghton-le-Spring:

- COVID-19 pandemic shows how valuable open space is to our wellbeing;
- Area has been 'massively overdeveloped' in recent years, with no new infrastructure forthcoming;
- New development would have a massive impact on wildlife and habitats at Durham Wildlife Trust site at Rainton Meadows;
- Development will lead to more traffic on an already-busy back road, which is used as a shortcut to Rainton Bridge Industrial Estate and has no footways/cycle tracks;
- Doesn't know how the road can cope without it becoming dangerous;

From occupier of 4 Atherton Drive:

- Area has been subject to a great deal of new house building, housing of the type proposed is not required;
- Persimmon Homes development adjacent to Atherton Drive is not of appropriate design or density for the area and has caused drainage problems;
- Concerns over flooding in the area;
- Numbers of proposed dwellings on the site just demonstrate greed;
- Concerns over impact on local infrastructure, e.g. schools, doctors, and also impact on local road network;
- Concerns over loss of greenspace/countryside;

From occupier of undisclosed property in Atherton Drive estate, Houghton-le-Spring:

- Development in the area has already eroded 'green belt' land and wildlife sites;
- Roads in the area cannot cope with more traffic, with Redburn Road and the bridge over the Leamside rail line used as a 'rat run' by large vehicles;
- Land should be left as 'green belt' and used to provide nature walks instead;

From occupier of Chilton Moor Farm House, Houghton-le-Spring:

- Does not consider there to be any significant differences between this proposal and the refused application for 50 dwellings from Gleeson Homes and the Council's previous concerns should therefore apply to this proposal;
- Site A is an old ash/refuge tip and is concerned where water will go;
- Concerns over impact on trees and hedges;
- Believes Council's Plan restricts new development in Coalfield area, particularly given the amount of recent housing development in the area;
- Concerns over position of plot to south-east corner of Site A, which is very close to boundary fence;
- Promised road safety improvements to Redburn Road and local footpath network have not yet materialised;
- Concerns for elderly residents given distance to bus stops/amenities;
- Notes that a pig farm is operating nearby (in County Durham), which is causing problems in area due to smells;
- Will this proposal make contribution to school places, road improvements etc?;

From occupiers of Thornton Cottage, Redburn Road:

- Wrong type of development in the wrong location;
- Too many houses crammed onto two small sites
- Increased traffic onto an already inadequate road;
- No apparent funding for improved infrastructure and amenities;
- Loss of wildlife habitat close to a nature reserve;
- No apparent consideration for the impact this development will have on local residents;
- Appreciates that Government targets make it difficult for the Council to refuse new housing but considers that this could be a special case given amount of new housing built in area and impact this has had on local countryside and infrastructure;

From Durham Wildlife Trust (DWT), who manage nearby Rainton Meadows visitor centre and nature reserve:

- Development will lead to biodiversity net loss, contrary to Local Plan and National Planning Policy Framework requirements;
- Proposal exceeds site allocation in draft Allocations and Designations Plan;
- Considers that the submitted Preliminary Ecological Assessment inappropriately assesses the ecological importance of the site and neighbouring sites, so proposed mitigation measures are unrepresentative;
- More information on breeding and wintering birds is required as site hosts farmland bird species and birds of conservation concern;
- Indirect impact on Rainton Meadows and birds present on surrounding land due to increased number of people and their pets;
- Proposed habitat mitigation measures for great crested newt are not appropriate;
- Site mitigation measures do not compensate for site impacts on priority species such as hedgehog and brown hare;

From Campaign to Protect Rural England (CPRE):

- Considers that the site is an intrusion into the countryside;
- Suggests that little weight can be given to the Council's Allocation and Designations Plan (A&D Plan) given its draft status and also little weight should be given to the previous approval of housing on the site given differences between it and the current proposed development;
- Questions whether site is deliverable given previous permission was not implemented;
- Suggests focus should be on brownfield sites rather than intruding into the countryside;
- Notes that the site borders 'open countryside' as defined by the Council's Core Strategy and Development Plan;

In response to some of the comments made by objectors to the application, it must firstly be noted that the Council's adopted Core Strategy does not place a 'restriction' on new housing development in the Coalfields area. Whilst land use allocations and policies within the Core Strategy may dictate that residential development is not appropriate at some locations within the Coalfields area, there is no specified limit on new residential development or policies which indicate that new housing proposals will be resisted.

Concerns relating to the development of greenfield land, design, ecology, highway safety, amenity, local infrastructure and drainage are given consideration in the following sections of this report.

Members should note that public consultation on the most recent bat survey report submitted in respect of this planning application will not expire until 2nd September 2021. Any additional representations received prior to the Committee meeting will be reported to Members at the meeting.

External and internal consultation responses:

Natural England - no comments to make on the application. Recommends that the Council refers to Natural England's standing advice or own ecology staff for further advice on potential ecological impacts of the development.

The Coal Authority - confirms that the development lies within a coal mining Development High Risk Area and so coal mining features and hazards need to be considered through the planning application process. The Coal Authority considers that the Geo-environmental Site Investigations submitted with the application have properly considered risks from coal mining and the conclusion that the application sites are not at risk from past coal-mining activity and that no further investigations are accepted. On this basis the Coal Authority has no objections to the application. Advice is provided on risks from mine gas, which should be considered further by the Local Authority's own technical experts.

Northumbrian Water - no objection to the development. It is requested that a condition be imposed which requires the development to be carried out in accordance with the submitted Flood Risk and Drainage Strategy, to ensure that foul water is discharged to the combined sewer and surface water is discharged to the existing watercourse.

Tyne and Wear County Archaeologist - advised that previous archaeological assessments and geophysical surveys of the two sites had identified a series of remains of potential industrial archaeological interest, including the routes of a former wagonway and railway and a smithy. It was recommended that trial trenching be undertaken to inform the extent of any further archaeological mitigation required. The County Archaeologist has advised that the trenching and submission of the subsequent evaluation report can be secured by planning conditions, however the applicant has elected to undertake the recommended trenching 'up front' and has submitted an evaluation report into the excavations carried out on the two sites.

Following review, the County Archaeologist has advised that the provided evaluation trial trenching report has been reviewed. It is noted that a total of 7 no. trenches were excavated across a development area split across two plots, Site A and Site B. In Site A, trench 1, demolition rubble was identified in addition to structural foundations possibly of the cottages fronting Black Boy road and a drain. In trench 2 no archaeological remains were identified. In Site B, it was identified that the site has limited archaeological survival and no structural remains were identified. In the report it is suggested that the archaeological features previously located on Site B, could have been entirely reduced at some point, and that this area does not

retain a lot of archaeological potential. The report does not provide recommendations for further work.

Based on the findings outlined in the provided evaluation report, it is considered that no further archaeological investigation will be required if the proposed works are approved.

Northumbria Police Designing Out Crime officer – no objections, but advises that plots 29 to 33 are quite isolated, facing the public open space with limited parking. Also recommends that sections of 1.8 metre high boundary fencing are replaced with 1.5 metre fencing with trellises, to allow for greater surveillance of, for example, parking areas and the neighbouring open countryside, and that the height of railings is increased between plots 3-4, 14-15 and 22-23. Additionally, it is suggested that a railing is introduced to the side of plot 28, to create defensible space with the adjacent public open space.

Tyne and Wear Fire and Rescue Service - no objections.

Nexus (Tyne and Wear Passenger Transport Executive) - notes that Chilton Moor and the B1284 are well-served by bus routes, although the nearest bus stops are more than the 400m walking distance from the site, in excess of Nexus' Planning Liaison Policy recommendation. Nevertheless, Nexus have no further comment to make given the relatively low number of dwellings involved in the proposals.

Network Rail - notes that there are long-term aspirations to re-open the mothballed Leamside rail line and so the line is currently safeguarded to allow future use. There are, however, no objections to the proposed development, subject to conditions relating to construction methodology and drainage, to ensure there are no negative effects on the integrity of the railway corridor. Informative advice is also provided regarding other measures recommended to ensure the development will not unacceptably affect Network Rail's operational land and in relation to the developer including appropriate soundproofing into the development to futureproof the scheme against noise in the event the rail line is reactivated.

Hetton Town Council - resolved to object to the planning application, for the following reasons:

- Does not consider the previous approval of housing at the site to be relevant given that it was for 27 houses;
- Hetton Town Council has objected to the proposed inclusion of the site in the Council's Allocations and Designations Plan;
- Although not allocated as 'open countryside' in the Council's Core Strategy, the proposal is still an incursion into the countryside, creating development on the south side of Redburn Road;
- Questions whether the site is deliverable;

The Town Council also highlights the following concerns:

- o Negative effect on nearby Rainton Meadows Nature Reserve;
- o Increased traffic congestion, particularly HGV's;
- o Flood risk zone;
- o Lack of supporting infrastructure;
- o Detrimental effect on Wildlife - great crested newts, bats, otters;
- o Detrimental effect on surrounding grassland and hedgerows;
- o Loss of Public Footpath;
- o Inadequate Highway access;
- o Pedestrian Safety;
- o Coal Authority High Risk Area through possible contamination;

- o Potential detrimental effect on proposed reopening of the Leamside Line as outlined in the submission from Network Rail;
- o Loss of visual amenity and impact on the character and appearance of the area.

The Town Council regards the Coalfield Area as already being over-developed and any future developments will further add to the deprivation of physical, mental and emotional wellbeing of the community.

Council's Built Heritage team - no objections; development is not considered to affect any heritage assets.

Council's Environmental Health team and Land Contamination consultant - no objections to the development in relation to noise, air quality and land contamination.

The submitted noise assessment is considered to satisfactorily identify prevailing sources of noise (primarily from road traffic) and the report's methodology and conclusions are considered to be acceptable and to robustly demonstrate that with suitable mitigation measures, the development will achieve targets set out in noise guidelines. It is recommended that the mitigation measures recommended by the report, namely noise barriers at selected locations and the specified glazing and ventilation, are incorporated into the development. It is requested that a final scheme of noise attenuation is submitted for the approval of the Council as Local Planning Authority; this can be secured via a condition.

In relation to air quality, the submitted Screening Assessment is considered to satisfactorily demonstrate that the proposed development will not have a significant impact on local air quality.

The Council's Environmental Health team have also requested that a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) be imposed in the event the application is approved. A CEMP has been submitted by the applicant; however the Council's Environmental Health team has advised that some improvements to it are required before it can be accepted. An updated CEMP has been prepared and is currently being reviewed by the Council's Environmental Health team; it is anticipated that this review will be completed ahead of the Committee meeting.

The Council's Land Contamination consultant initially advised that whilst the submitted Land Contamination reports and Remediation Strategy did not appear to highlight any significant concerns relative to the suitability of the site for a residential development, some further information was required to support conclusions made around ground gas, risks from previous development at the sites, soil conditions, risks from coal mining remains (in relation to which the Coal Authority's advice should be sought), unexploded ordnance and invasive species, before the application could be approved.

Following further discussions with the applicant's planning agent, it has been agreed that the outstanding issues can be addressed via appropriately worded conditions. The Coal Authority has also reviewed the proposals (comments outlined above).

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - initially advised that further details were required before the application could be approved. In particular, further information was requested in relation to SuDS management, drainage layout, hydraulic modelling, infiltration testing, source control interception and the treatment of surface water run-off, including during construction works. Surface water is proposed to discharge to the Red Burn, to the east of Site B.

Following discussions between the LLFA and the applicant's drainage consultant and the submission of an updated Flood Risk Assessment and Drainage Strategy for the development, these matters have been satisfactorily resolved and the LLFA has confirmed that there is now no objection to the application. It is requested, however, that in the event the application is approved, a condition is imposed which requires the submission of a verification report, to confirm that the agreed sustainable drainage measures have been integrated into the development.

Council's Highways team - the following comments have been received:

- o Development should be built to an adoptable standard, with costs to be met by the applicant;
- o An agreement under s278 of the Highways Act will be required in relation to any works to the existing highway;
- o A road safety scheme is to be introduced to Redburn Road, to the east of its junction with Black Boy Road, to include the provision of signs and road markings, along with traffic orders to reduce speeds and potentially introduce weight limit restrictions. The scheme would also be accompanied by the provision of new footways, to benefit residents of the development and other pedestrians. It is anticipated that the scheme would be designed and delivered by the Council, with costs met by the applicant as appropriate and the works secured either by a s278 agreement or via a financial contribution secured through an agreement under s106 of the Town and Country Planning Act 1990;
- o Advice is also provided on the internal parking layout, construction traffic routes and active/sustainable travel;

A Construction Environmental Management Plan has been submitted by the applicant, however the Council's Highways team have asked that further details on construction traffic routes are provided before it can be agreed. An updated CEMP has been submitted by the applicant; this is currently being reviewed by the Council's Highways team and it is anticipated that this review will be completed ahead of the Committee meeting.

Council's Ecology team and Ecology consultant – the Council's Ecologist initially identified a number of matters to be addressed/to be given further consideration:

- impacts arising from new homeowners on ecologically sensitive areas will need to be considered in more detail especially when the application is proposing an increase in number of dwellings on site from the earlier outline permission;
- the Preliminary Ecological Appraisal references farmland birds and breeding birds on site (para 4.3.4) but has not carried out any breeding bird surveys despite the scheme increasing in size. The land is currently suitable for a variety of farmland birds' species;
- the impact on breeding birds and wintering birds in particular birds of conservation concern should be understood prior to determination to ensure that mitigation measures are appropriate and robust;
- despite a potential small increase in hedgerows the application currently results in a biodiversity net loss which is contrary to NE2 policy and the NPPF;
- the landscaped masterplan lacks detail in terms of site preparation and creation of some of the habitats on site, this is required to enable a review of the proposed habitats suggested to be created on site as part of the calculation for biodiversity net gain to assess their robustness and appropriateness;
- the SuDS pond is suggested to be designed to provide habitat for great crested newts, but it is located next to the roads and surrounded by housing with no linking habitat in or out of the feature. The drainage strategy suggests that the basin will rarely hold any water for a

prolonged period suggesting that the species mix is not suitable, and it will not support amphibians or great crested newts as suggested;

- it is recommended that the developer demonstrates net gain measures either on or off site, using the Defra Metric, and includes habitat creation and management plans;
- further clarity is requested regarding offsite contributions stated in the PEA by Taxus Ecology. All mitigation measures would be expected to be maintained for the lifetime of the development as a minimum.

In response to the above, the applicant updated the submitted Preliminary Ecological Appraisal, commissioned a breeding bird survey, updated/amended the submitted biodiversity net gain proposals and metric calculation and has provided further details on landscaping, including in relation to the SuDS pond. The applicant has also agreed to make a financial contribution, to be secured via a s106 agreement, towards off-site mitigation and management measures to nearby ecologically sensitive areas which will potentially be affected by the development.

The additional information submitted by the applicant was reviewed by the Council's Ecology consultant and a number of outstanding issues remained. In particular, it was considered that the biodiversity net gain calculations actually demonstrate a significant net loss of biodiversity across the two sites. The breeding bird survey is considered to be robust, however the submitted landscaping proposals do not reflect the mitigation recommendations (i.e. native planting) provided by the report. In addition, the Ecology consultant highlighted that some of the trees proposed to be felled could provide bat roosting habitats, as was noted in respect of the 2017 planning application. It is recommended that a survey of the trees is undertaken prior to the determination of the application, in order to determine the likelihood of the trees being used by bats at the present time.

In relation to biodiversity net gain, the applicant has offered to make a financial contribution of £29,400 towards providing off-site gains in biodiversity. The landscaping proposals have also been updated to better reflect the bird survey report's recommendations. In relation to bats, an initial survey of the trees at the site indicated that the trees had a 'moderate' roost suitability; the Council's Ecology consultant consequently advised that in order to robustly assess the trees and comply with best-practice guidance, the trees should be subject to one dusk emergence and a separate dawn re-entry survey. The additional survey work has since been undertaken in accordance with best-practice guidance.

The biodiversity net gain proposals, updated landscaping proposals and bat survey report have been reviewed by the Council's Ecology consultant. The proposed approach to biodiversity net gain, i.e. the proposed financial contribution to off-site gains, is considered to be acceptable and the contribution is proportionate to the scale of the development. The proposed landscaping is also considered to be appropriate to the site location and a development of this nature and the location of bird and bat boxes is also considered acceptable. The bat surveys, meanwhile, are considered to be robust and have not recorded any roosts on site. The recording of an off-site small pipistrelle bat maternity roost reinforces the need for habitat creation works in and around the site and the implementation of an appropriate lighting strategy.

The Council's Ecology consultant ultimately advises that the proposals are acceptable in relation to ecological and biodiversity considerations, subject to the securement of the proposed mitigation and enhancement measures and a financial contribution to the delivery of biodiversity net gains.

Council's Landscape officer - initially identified a number of matters to be addressed/to be given further consideration:

- o Enquired as to whether a greater number of the mature trees around the perimeter of site B could be retained and requested that further analysis of the value of the trees be undertaken;
- o Questioned whether it's possible to retain and maintain the hedges around the perimeter of site B alongside the proposed boundary fencing. It is considered important that these hedges are retained to provide screening and for amenity and ecological value;
- o Recommended that new hedging/structure planting be included in front of the southern boundary to site A, to screen the fencing in views from the adjacent countryside;
- o Suggested that the proposed boundary to Black Boy Road was too 'urban' in character and that its design should be revisited;
- o Questioned the ability of the SuDS pond to provide meaningful open recreational space as well as providing the proposed drainage and ecological benefits;
- o Requested more detail on hard surfacing, levels and proposed planting, although it is accepted these matters could be subject to planning conditions;

In response to these comments, the applicant has:

- amended the proposals to enable the retention of a further tree at site B;
- provided further detail on the proposed relationship between the retained hedging and boundary treatments at site B;
- incorporated some new hedging in front of the boundary to Black Boy Road;
- provided further detail on the treatment of the SuDS pond, seeking to demonstrate that it will have value as amenity space;
- provided additional details on proposed treatment of hard surfaces, materials, site levels and planting;

The applicant has, however, advised that there is a reluctance to introduce planting to the outside of the southern boundary to site A for maintenance reasons; it is suggested that the form of the boundary treatment, i.e. boundary fence with trellis, will allow for planting within rear gardens to be seen from afar and soften its appearance within the wider landscape.

The Council's Landscape officer has reviewed the proposed changes to the scheme and welcomes the retention of a further tree and notes the arrangements regarding the new hedging to the Black Boy Road boundary. The details provided in relation to the treatment of hard surfaces, boundary treatments etc. are broadly acceptable, although it is considered that some final details can be secured via a condition. In relation to the recommended planting to the southern boundary, it is advised what whilst this remains preferable, it is not essential, and the proposed trellis arrangement is noted. It is also suggested that a condition be imposed which states that if any of the retained hedging to site B is unable to be retained or has to be removed, new planting is carried out.

It is still questioned whether the SuDS pond can provide meaningful open space for the development, however this needs to be considered in the context of the wider open space provision within the scheme.

Council's Education officer - has requested a financial contribution of £191,236 to support primary and secondary educational provision in the area. The figure provided is based on the anticipated number of school-age children to reside at the development and the Department for Education's benchmark data to estimate the cost of creating additional school places.

POLICIES:

In the Core Strategy and Development Plan, the site and development is subject to the following policies: SP1, SP7, SP8, HS1, HS2, HS3, H1, H2, BH1, BH2, BH3,

BH9, NE1, NE2, NE3, NE4, NE9, NE11, WWE2, WWE3, WWE4, WWE5, ST2, ST3, ID1, ID2.

In the Unitary Development Plan the site is subject to the following policies: EN10.

COMMENTS:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a

public consultation exercise, ended 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

A wide range of CSDP policies are relevant to the consideration of the proposed development, as set out below.

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 - sustainable design and construction should be integral to major development proposals.

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH9 - the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

NE9 - new development should respect the prevailing landscape character, taking into account elements identified in the Council's Landscape Character Assessment. Development which clearly has a significant adverse impact on distinctive landscape characteristics is unlikely to be supported unless the impact is outweighed by the benefits of the development.

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 - requires new development to maintain water quality.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

Also relevant is policy EN10 of the Council's UDP, which states that where a site is not subject to a specific land use allocation, the existing pattern of land use is intended to remain.

With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map shows the sites being allocated for new housing by policy H8.46; the policy gives an indicative capacity of 32 dwellings across the two sites. Appendix 1 to the draft A&D Plan provides site specific policy requirements for housing allocations; those applicable to the application sites include ensuring that:

- o Impact on local infrastructure including roads, schools and health care is addressed.
- o Access to local facilities and services are enhanced where appropriate.
- o A mix of house types and affordable housing are provided.
- o An active frontage is provided over Black Boy Road and Redburn Row.
- o The character and density created is appropriate for the urban-rural edge.
- o Suitable vehicular access is provided to the site from Redburn Row with appropriate junction improvements installed on Black Boy Road and an appropriate traffic calming scheme is provided on Redburn Row.
- o Connections are provided into the existing Public Right of Way and an appropriate shared-use route/multi-user route is provided to the northern boundary of the site (to Redburn Row).
- o Appropriate buffer is retained to the Leamside Line to mitigate potential impacts from reintroduction of rail line.
- o Ecological requirements are addressed and the design and layout are informed by the ecological mitigation hierarchy.
- o Any potential archaeological remains are identified and recorded and that appropriate mitigation measures agreed.
- o Green Infrastructure Corridors are maintained.
- o The proposals would not have a significant adverse impact upon the value and integrity of the wildlife network and healthy trees/hedgerows are retained where possible.
- o SuDS must be included within the development in connection with other mitigation measures as required.
- o Coal mining risk assessment is undertaken and agreed with the Council.
- o Any identified contamination on site is suitably remediated.
- o Appropriate measures to be incorporated to achieve a satisfactory noise climate.
- o Air quality levels are acceptable.

The countryside to the south and west of the sites form part of a wider wildlife network as designated by policy NE14. The supporting text to the policy advises that sites affected by this designation must have regard to the objectives of aforementioned policy NE2 of the CSDP in respect of development affecting wildlife corridors.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);

- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

With reference to the above national and local planning policy background and taking into account the characteristics of the proposed development and the application site, it is considered that the main issues to examine in the determination of this application are as follows:

1. The Council's position in respect of housing land supply and delivery;
2. Land use and housing policy considerations;
3. The implications of the development in respect of residential amenity;
4. The implications of the development in respect of design and visual amenity;
5. The implications of the development relative archaeology;
6. The impact of the development in respect of highway and pedestrian safety;
7. The impact of the development in respect of ecology and biodiversity;
8. The impact of the development in respect of flooding and drainage;
9. The impact of the development in respect of ground conditions;
10. The implications of the development in respect of education provision;
11. The implications of the development in respect of affordable housing;
12. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 60 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 61, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 68 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 74, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

As indicated by paragraph 11 of the NPPF, if a local planning authority cannot demonstrate five-year supply of housing land, development plan policies which are relevant to housing should be considered out-of-date and planning permission granted for housing development unless the policies of the NPPF indicate otherwise.

In accordance with the requirements of paragraph 68 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land

availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Sites for housing have also been allocated through the adoption of the CSDP, including the Housing Growth Areas, and further sites are to be allocated for new housing as part of the draft A&D Plan.

In order to provide some certainty on the matter, in October 2020 the Council requested that the Planning Inspectorate review its housing land supply position and subsequent to this request, the Planning Inspectorate provided a Report on the Council's Annual Position Statement (APS). The Inspector's report recommends that the Council can confirm that it has a 5-year housing land supply for the period up to 31st October 2021. This is based on an annual housing requirement of 819.5 dwellings per annum and results in a housing land supply of 5.3 years. On this basis, the Council considers that it is able to demonstrate a 5-year supply of housing land and this forms the context for the consideration of this and other planning applications for housing development.

Given the position set out above, and with regard to the guidance of paragraph 11 of the NPPF, would contend that the relevant policies within the CSDP, the draft A&D Plan and the UDP can be given appropriate weight.

Members must note, however, that the Council being able to demonstrate a 5-year housing land supply does not entitle it to automatically refuse planning applications for housing on sites which are not allocated for housing through the CSDP or the draft A&D Plan and which have not been identified by the SHLAA. Nor should planning permission automatically be refused where a planning application proposes a greater number of dwellings than is identified as a potential site capacity by the relevant CSDP, draft A&D Plan policy or the SHLAA.

Both the NPPF, at paragraph 61, and policies SP1 and SP8 of the CSDP make it clear that housing land supply and delivery targets are minimum figures (with policy SP8 setting out an aspiration to exceed the minimum target of 745 dwellings per year) and the Council as Local Planning Authority is obliged to consider the merits of any such application in respect of all relevant material planning considerations, including the benefits that may be derived in terms of housing availability from developing an unallocated site or delivering a greater number of dwellings than a site allocation policy recommends.

2. Land use and housing policy considerations

The plots of land subject to the housing development are not subject to a specific allocation within the Council's adopted Core Strategy and Development Plan. Land to the south is identified as 'open countryside' by the CSDP, but this designation does not apply to the application sites. Nor do the application sites or the adjacent land within the City boundary fall within the Green Belt.

The sites are, therefore, still subject to adopted policy EN10 of the UDP, which advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain - new development proposals must respect the prevailing land uses in the neighbourhood.

Clearly, it has previously been determined that the application sites are, in principle, suitable for housing development given the approval of the outline planning application in 2015 (ref. 14/01804/OUT). Additionally, there was no objection to the broad principle of developing the sites for residential purposes in the consideration of the refused planning application for 50

dwellings in 2019 (ref. 17/02012/FUL). To this end, it is concluded that as existing housing stands on the opposite side of Redburn Road, the proposed residential development would be, in terms of broad land use principles, an acceptable use of the application site and would not unacceptably conflict with the aims and objectives of aforementioned policy EN10 of the UDP.

Allied to the above, whilst the application sites are not allocated for housing development by the proposals map of the UDP or the CSDP (which primarily served to allocate strategic-level housing sites, such as those removed from the Green Belt), it has been identified as a deliverable housing site (within 6-10 years) in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA, December 2020), with a suggested site capacity of 27 no. dwellings. The plots are also identified as housing sites by the Council's draft A&D Plan, with policy H8.46 indicatively identifying a capacity of 32 no. dwellings across the two plots.

Clearly, therefore, by virtue of their inclusion in the SHLAA and their proposed allocation for housing through the A&D Plan, it is envisaged that the two plots will be contributing to the Council's supply of housing land over the Plan period and support the objectives of policies SP1 and SP8 of the CSDP, which both aspire to exceed the Council's minimum targets of housing delivery.

In terms of their current status, the development sites would appear to be capable of agricultural use, although they do not appear to have been subject to agricultural activity for some time, with no obvious evidence of grazing or crop planting. It is understood that the land has been left fallow in accordance with farming policies and practices and as such, could reasonably be made available for agricultural purposes. Regard must therefore be given to policy NE12 of the CSDP, which seeks to protect the most valuable agricultural land in the City (i.e. Grades 2 and 3A) from development resulting in its irreversible loss. The approach of these policies also broadly reflects the advice of paragraph 174 of the NPPF, which requires Local Authorities to recognise the economic and other benefits of the best and most versatile agricultural land.

Natural England's Agricultural Land Classification map for the North-East region identifies the site as constituting Grade 3 land, although this mapping does not differentiate between Grade 3A and 3B land. However, a review of the MAGIC website, which is the Government's authoritative geographic information database, has shown the land to be Grade 3B and consequently, the proposal will not lead to the loss of prime, valuable agricultural land, in accordance with the aims and objectives of policy NE12 of the CSDP and paragraph 174 of the NPPF.

In summary, given the previous approval of residential development on these sites, their inclusion in the Council's most recent SHLAA and the proposed allocation of the sites for housing within the Council's draft A&D Plan, the broad principle of a residential development of the site is considered to be acceptable. It is acknowledged that the proposals involve the development of a greenfield site and would not, therefore, bring about any direct benefits in terms of regeneration or the redevelopment of brownfield land, but it must be recognised that the land is envisaged as contributing to the delivery of housing within the City over the Plan period by the SHLAA and the draft A&D Plan and that some selected greenfield sites will have to be developed to ensure the Council is able to meet its housing land supply and housing delivery targets.

Many objectors to the planning application have observed that the proposed development of 45 no. dwellings exceeds the previously-approved figure of 27 no. dwellings at the sites. It also exceeds the suggested site capacity of 27 no. dwellings set out within the SHLAA and 32 no. dwellings set out by policy H8.46 of the draft A&D Plan.

The site capacity figures provided by the SHLAA and policy H8.46 of the draft A&D Plan are, however, indicative and, in the case of the suggested site capacity within the SHLAA, produced using a baseline starting point of delivering 30 dwellings per hectare, with adjustments made for considerations such as planning application history, on- and off-site constraints and viability. Meanwhile, the supporting text to draft policy H8.46 (paragraphs 4.7 and 4.8) advises that 'the indicative dwelling number of each site identified above has been informed by the Development Frameworks prepared for each site or the consented number where the site already has the benefit of planning permission. However, it should be noted that the stated number is purely indicative and is based on the information available at the time. As further technical studies are undertaken in support of a planning application, this may demonstrate that a higher or lower dwelling number is justified. Any subsequent proposal should therefore be treated on its merits taking into consideration the relevant policies contained within this Plan and the CSDP alongside all other material planning considerations'.

In light of this, whilst the number of dwellings proposed by the application does exceed the indicative site capacity figures provided by the SHLAA and policy H8.46 of the draft A&D Plan, the determination of the planning application must be informed by an appraisal of all relevant material considerations and all relevant plan policies. It follows that exceedance of these indicative capacity figures would not, in isolation, represent a sound reason to resist the proposed development of 45 dwellings (particularly as the SHLAA is not a policy document (it merely identifies available housing land) and given the draft status of the A&D Plan). Rather, it would have to be established, following an appraisal of all relevant material considerations and plan policies, that tangible harm will be caused by the number of dwellings proposed by the development which would justify the refusal of planning permission.

One such material consideration is the role the site is able to play in terms of housing supply and delivery - as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 60 stressing that the needs of groups with specific housing requirements must be addressed. Additionally, paragraph 65 states that major housing developments (i.e. of 10 or more dwellings) should deliver at least 10% affordable housing.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs (at least 15% of dwellings should be affordable as per the requirements of policy H2 of the CSDP) and provide a variety of property types, tenures and sizes, including specialised accommodation such as bungalows. Aforementioned policies SP1 and SP8 of the CSDP also set out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum.

It is evident that the proposed development will make a modest but valuable contribution to the delivery of new housing in the City and will utilise a site which has been subject to a previous planning approval and identified as being appropriate and available for new housing through the SHLAA and the draft A&D Plan.

The application also proposes for 100% of the new dwellings to be affordable; the development will therefore make a substantial contribution to affordable housing in the area and it is considered that this benefit of the proposal should be given significant weight in the determination of the application.

Furthermore, weight should be given to the type of housing to be provided by the development, with a number of bungalows being provided alongside 2- and 3-bedroomed detached and semi-detached dwellings, thus providing housing choice for a broad demographic. It is noted that objectors to the application suggest the types of housing being provided are not appropriate for

the site, but as stated, it is considered that the proposed mix addresses the objectives of policy H1 and the NPPF in that the development provides a range of affordable house types which will cater to a wide demographic.

With regard to the above comments, it is considered that the development of housing on the two sites is acceptable in principle given its inclusion within the SHLAA, its proposed allocation for housing in the A&D Plan, the previous decision to approve planning permission for residential development on the site and the absence of any other policy allocation which would mean the site should not be developed for housing.

The approval of planning permission for the development of 45 no. dwellings on the site will also enable the Council to meet its stated objective of exceeding its housing delivery targets and the proposed development will enable the delivery of a greater mix of housing, including bungalows, which addresses the aspirations of policies H1 and H2 of the CSDP. The development of 45 no. dwellings will also make a substantial contribution to the delivery of affordable housing, a benefit of the scheme which should be given significant weight in the determination of the planning application.

Notwithstanding the above, as set out earlier in this report, the determination of the planning application must be made in accordance with the plan as a whole; consequently, the proposals must be assessed in light of all relevant material planning considerations and policies of the plan to establish whether the development of the site, including the number of dwellings proposed by the application, gives rise to harm or any other material planning issues which means the proposed development should not be approved.

3. Implications of development in respect of residential amenity

Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. This policy also requires new development to include initiatives which serve to 'design out' crime.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that dwellings within the development will generally occupy generous plots with substantial front and/or rear gardens. The spacing between the new dwellings largely accords with the recommendations set out in the Council's Development Management Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations); there are some situations where spacing between dwellings is below these recommended distances, but overall it is considered that the proposed layout provides an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with a middle- to long-distance outlook.

In addition to the above, the applicant has confirmed that all dwellings within the development will provide gross internal floor areas which will meet or exceed the Government's nationally

described spacing standards. It has also been confirmed that all dwellings within the development will meet requirement M4(1) 'Visitable dwellings' of Approved Document M of the Building Regulations, whilst the 'Sunningdale' bungalow house types will meet requirement M4(2) 'Accessible and adaptable dwellings'. There are 8 no. 'Sunningdale' dwellings within the development - a total of 18% of properties, in exceedance of the 10% requirement set out by policy H1 of the CSDP.

With regard to noise, policy HS2 of the CSDP and paragraph 185 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The noise assessment submitted with the planning application has considered noise from sources including the adjacent road network and has concluded that subject to appropriate mitigation, i.e. noise barriers at selected locations within the development and specific standards of glazing and ventilation to dwellings, the amenity of occupiers of the development would not be unacceptably impeded by noise.

The conclusions of the report are accepted by the Council's Environmental Health team, who accept that noise does not represent an amenity issue, subject to the imposition of conditions which secure the recommended mitigation measures. In terms of noise and disturbance during construction works, the applicant has submitted a revised Construction Environmental Management Plan (CEMP), which is being reviewed by the Council's Environmental Health team

In relation to the former Leamside rail line, Network Rail have highlighted that there are aspirations for this to be brought back into use, although there is no set timetable for this to happen. Network Rail do not object to the principle of site A being used for residential development and they have not requested that any specific information or mitigation is provided in relation to, for example, potential noise from rail traffic. Rather, Network Rail has asked that an informative note be provided to the applicant to highlight this matter.

The Council's Environmental Health team also accept that the development will not give rise to any unacceptable effects in terms of local air quality.

In terms of the impact of the development on the amenity of existing dwellings, there are no dwellings to the south or west of the application sites. There are existing dwellings to the opposite side of Redburn Road (within Maiden Law and The Mews), but the submitted plans show that separation distances to these dwellings will exceed those recommended by the Development Management SPD - there will be 17 metres from the side elevation of the dwelling to plot 12 and 4 Maiden Law and over 26 metres from the front elevation of the dwelling to plot 1 and 4 The Mews.

In addition, the submitted drawings show that acceptable spacing will be provided between the proposed dwellings and those approved on the intervening plot (i.e. planning app. refs. 16/00091/HYB and 21/00685/REM), with 21 metres between the dwelling to plot 3 in the proposed development and plot 5 of the approved intervening development. A distance of 5.8 - 7.8 metres will be provided between the side elevation of the dwelling to plot 4 in the proposed development and the side elevation of the dwelling to plot 4 of the approved intervening development, which is considered to be an acceptable arrangement given the elevations in question do not contain main living room windows. The submitted plans also show a separation distance of over 34 metres to the nearest dwellings within the approved development on the north side of Black Boy Road (app. refs. 16/02123/OU4 and 19/01826/REM).

Objectors to the development have also suggested that the development could lead to harm to mental well-being as a result of encroachment into the countryside. Whilst it is recognised that

there has been an increased appreciation of the value of open space and countryside during the Covid-19 pandemic, it is observed that there is no public access to the two development sites and the proposals would only result in the loss of two small fields on the edge of the urban area. Additionally, the proposals will not affect the public's ability to use existing public rights of way or reach and enjoy areas of accessible countryside and parkland, such as Rainton Meadows. Consequently, it is considered that it would be difficult to conclude that the development would have a material negative effect on the well-being of local residents due to encroachment into the countryside.

With regard to the above comments, it is considered that the development will not give rise to any substantive harm to the amenity of existing dwellings in the vicinity of the application site or those which are subject to planning approval on the land to the north and to the land between the two application sites. It is also considered that the development will, as a whole, afford future occupiers of the dwellings with an acceptable standard of amenity.

It is therefore considered that the proposals are compliant with the requirements of policies BH1 and HS2 of the CSDP and paragraph 130 of the NPPF in relation to residential amenity.

4. Implications in relation to design and character and appearance of the area

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 124 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

- the identified need for different types of housing and the availability of land suitable for accommodating it;
- local market conditions and viability;
- the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change;
- the importance of securing well-designed, attractive and healthy places.

Paragraph 125, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 126 stating that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place;

Paragraph 131 highlights the important contribution new trees can make to the character and quality of urban environments, and also the role they can play in helping to mitigate and adapt to climate change. New development should incorporate new tree planting throughout, with the provision of tree-lined streets strongly encouraged.

Paragraph 134 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, especially where there is clear conflict with local and national design guidance and policies.

Paragraph 154, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 174 of the NPPF is also relevant in considering visual amenity as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Aforementioned policy BH1 of the CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

The Council's adopted Development Management Supplementary Planning Document (SPD) also provides more detailed guidance for developers in relation to the design and layout of new housing development.

Also applicable in terms of the layout of the development is policy H2 of the CSDP, which requires affordable housing to be grouped in clusters around the site and to be indistinguishable in terms of appearance from the market housing.

Policy BH2, meanwhile, requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency,

reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

Policy NE3 seeks to retain valuable trees and hedges within development proposals whilst with regard to greenspace provision, policy NE4 of the CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of usable amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

Policy NE9, meanwhile, states that to protect, conserve and enhance the varied landscape character, proposals should demonstrate a high quality of landscape design and demonstrate how the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and/or enhance the landscape relevant to the locality as identified by the Council's Landscape Character Assessment are taken into account. Development causing significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless clearly outweighed by the benefits of the development. Policy NE11 seeks to protect key views and requires new development to have an acceptable appearance within views.

As previously highlighted, the number of dwellings proposed through the application substantially exceeds the 27 no. approved through the earlier outline planning permission and also exceeds the indicative site capacity figures in the SHLAA (27 no. dwellings) and draft policy H8.46 of the A&D Plan (32 no. dwellings). Objectors to the application have suggested that too many dwellings are being proposed by the development. It is also recognised that in refusing planning permission for the Gleeson Homes application for 50 no. dwellings (app. ref. 17/02012/FUL), the Council raised significant concerns in relation to the number of dwellings being proposed, the density of the development and the overall design quality of the scheme.

Broadly speaking, the pattern of development found in the locality is that the density of housing decreases from the centre of Chilton Moor towards the south-western edge of the settlement; consequently, larger detached dwellings are found within The Mews and Maiden Law on the opposite side of Redburn Row. In assessing the merits of the previous applications for housing at the site, it was considered that it was appropriate for new development to seek to continue this pattern and provide larger dwellings in a scheme of relatively low density, so as to be compatible with the urban/rural fringe location. The Council's Development Management SPD states that the character and density of urban/rural edge sites should not be unduly dense, a point reiterated by policy H8.46 of the draft A&D Plan.

Whilst it is recognised that the number of dwellings, and thus density of development, proposed by the current application is greater than with the previously-approved application and as indicatively suggested by the SHLAA and A&D Plan, it is considered that the layout of the development is such that the scheme would not appear as incongruously dense or result in harm being caused to the character, appearance and visual amenity of the locality. In particular, it is considered that the proposed arrangement of the dwellings to site A being set behind the 'village green' open space flanking Redburn Road and Black Boy Road means the scheme will present a green and spacious aspect to the main public vantage points of the new housing. Similarly, the development within site B is set back from Redburn Road behind retained verge, trees and hedges, giving the development a 'soft' edge.

The development will also still include some substantial detached and semi-detached dwellings alongside the smaller semi-detached dwellings and bungalows required to provide a range of affordable housing types within the scheme and creating an appropriate scale and massing of housing within the development.

The applicant's planning agent has also made a comparison with recently-approved housing sites in the locality, in particular the housing being built to the north side of Black Boy Road (app. refs. 16/02123/OU4 and 19/01826/REM). It has been highlighted that, in terms of the actual amount of new built development being created, the proposal is less dense than the aforementioned development (Black Boy Road development is 31,166 sq. ft. per hectare, the proposed development is 27,092 sq. ft. per hectare); essentially, a lesser amount of the site will be covered by built development, meaning more of the site will be taken over by greenspace, private gardens and landscaping.

On a more detailed level, it is noted that the dwellings to site A are arranged to face across the open space within the development towards Redburn Road, providing the active frontage to the road sought by policy H8.46 of the draft A&D Plan. The bungalows along the boundary with Black Boy Road do not front the road as it was considered this would present a highway safety risk - their proximity to the Redburn Road junction and the bridge across the railway line would mean it was unsafe for residents or visitors to stop on the highway. Two dwellings within site B present gable elevations to Redburn Road, but some visual interest is provided by first and ground floor secondary windows. Overall, it is considered that the scheme achieves the outward-facing development sought by the Council's Development Management SPD.

With regard to the appearance of the proposed dwellings, a relatively 'traditional' approach has been taken. Dwellings are predominantly proposed to be finished in facing brick, with some feature bungalows rendered, and relief provided by areas of feature cladding to the upper floors of two-storey properties. Roofs are to be finished in slate-effect tiles. Doors and windows will be grey composite and grey uPVC respectively, with white fascias and black rainwater goods. Variation is provided by a range of four dwelling types across the two development plots, with additional visual interest will be provided by projecting gables, peaked features extending into the eaves and canopies to the front elevations of the dwellings. The design and appearance of the dwellings is considered to be acceptable in the context of the application site's surroundings.

In terms of the development's effect on the wider landscape, the application sites fall within the 'Rainton Lowland' character area of the 'Coalfields Lowland Terraces' Landscape Character Type, as identified by the Council's most recent Landscape Character Assessment (LCA). The LCA highlights that the Rainton Lowland area is characterised by its rural/urban fringe nature, with areas of agricultural land, woodland and wildlife sites largely surrounded by settlements such as Chilton Moor, Fencehouses, Houghton-le-Spring and East Rainton. The northern part of the Rainton Lowland character area is relatively flat, with the land rising southwards to a low ridge around East Rainton. The LCA encourages that distinctions between settlements are maintained and that new residential development does not further erode the distinction between urban and rural. New development should also take opportunities to improve the edges of existing settlements. On a broad level, the LCA recommends that Coalfields Lowland be 'enhanced', rather than be subject to 'protection'.

It is also observed that the site is within the scope of a key local view as identified by the draft A&D Plan. The 'Views Report', which forms part of the evidence base to the draft A&D Plan, identifies the key view as being north-west from the A690 approaching East Rainton. It allows views towards Penshaw Monument and Penshaw Hill and the viewpoint is identified as being a 'gateway' into Sunderland.

The proposed development affects two relatively small plots which, it is considered, act as a logical extension to the edge of Chilton Moor and will result in a 'rounding off' of the settlement. Although the housing will be visible from higher land (including the aforementioned viewpoint), the public rights of way and the grounds of Rainton Meadows visitor centre to the south, it is

considered that the development will not unacceptably intrude into the prevailing landscape as it will be viewed against the backdrop of the existing and approved residential areas immediately beyond it to the north and will essentially result in a minor foreshortening of the existing settlement edge. Nor does the development incur into the 'open countryside' designated by the Council's adopted CSDP. The retention of hedging around site B and the proposed boundary treatment to site A will also provide the development with relatively 'soft' edges, assisting the development in assimilating into the landscape.

Given the above, it is considered that the proposed development would not have a significant negative affect on the prevailing landscape or intrude unacceptably into the key view identified in the draft A&D Plan and the Council's Landscape officer has raised no objections in this regard. In terms of landscaping within the development, a series of amendments have been made, including the retention of more trees, the introduction of hedging to the northern boundary, the introduction of a greater amount of native planting in line with the breeding bird's survey recommendations and other amendments to the originally proposed boundary treatment. The Council's Landscape officer is broadly satisfied with the hard and soft landscaping proposals, but has requested that planning conditions be imposed in relation to the retention of the hedging to site B and final details of hard landscaping, retaining walls and the design of the acoustic fencing.

The Council's Landscape officer has queried the usability of the SuDS pond within the 'village green' open space to site A, which is being put forward as part of the open space provision within the development. The SuDS pond is being designed with shallow gradients so that, in practice, it could provide usable recreational space for residents, however it is also intended to be planted with species designed to provide ecological and biodiversity benefits. The applicant's planning agent has, however, highlighted that even if the SuDS pond is excluded from the open space provision within the development, an area of approximately 0.163ha of amenity open space will be provided, exceeding the figure reached using the calculation set out in policy NE4 of the CSDP.

It is also recognised that the site is well-connected to recreational opportunities given its location on the edge of the settlement and the available access to the surrounding countryside via the local public right of way network.

In relation to trees and hedges at the site, as noted previously, it is proposed to largely retain the hedges around site B, save for the insertion of the access into the site. The retained hedges have not been subject to any management for many years and they are proposed to be subject to a programme of laying, a reduction in their height and spread and additional planting to fill existing gaps, as recommended by the Arboricultural Method Statement (AMS) submitted with the application. The development would also necessitate the removal of 6 no. trees around the edges of sites A and B; the AMS advises that two of the trees are category 'B' trees (moderate quality and value) and four are category 'C' trees (low quality and value) of varying condition, with two large hybrid poplars exhibiting limb loss and decaying wounds and nearing the end of their useful life expectancy. A further ash tree is recommended to be removed regardless of the proposed development due to its poor physiological condition (category 'U' tree, i.e. unsuitable for retention).

The amendment to the application means that two category B trees (a sycamore and a Norway maple) are able to be retained. The AMS sets out recommendations for tree protection measures before and during construction, to ensure that retained trees and hedges are adequately protected for the duration of works.

Overall, it is acknowledged that whilst the loss of some trees is regrettable, none of the trees to be lost are of high value and the removal of these trees is not considered to be an impediment to the proposed development. The retention of the hedge to site B is positive and the development represents an opportunity for this to be restored and managed in a manner which could extend its useful life expectancy.

The landscaping proposals for the site also include additional tree and shrub planting which, over time, will compensate for the existing trees being lost to the development and is considered to deliver an appropriate level of tree planting for a development of this scale, as sought by paragraph 131 of the NPPF.

Members should note at this point that, as set out in its adopted Planning Obligations SPD, the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. There are no proposals for play facilities to be provided within the proposed development and so the applicant has agreed to make a financial contribution of £704 per dwelling towards off-site play provision in the locality. This would be secured via an agreement made under s106 of the Town and Country Planning Act 1990.

With regard to sustainability, the planning agent has advised that the applicant adopts a 'fabric first' approach to building design, which maximises the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. This helps to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions whilst reducing ongoing maintenance costs.

Buildings designed and constructed using a fabric first approach aim to minimise the need for energy consumption through methods such as:

- o Maximising air-tightness
- o Increased levels of insulation
- o Optimising solar gain through the provision of openings and shading
- o Optimising natural ventilation
- o Using the thermal mass of the building fabric

It is suggested by the planning agent that focusing on the building fabric is generally considered to be more sustainable than relying on energy saving products, or renewable technologies, which can be expensive and may or may not be used efficiently by occupants and that integrating energy efficiency into the building envelope can decrease the requirement for occupant interaction with complex controls and new technologies, reducing the reliance on the end user to achieve the desired energy performance of buildings.

In addition, the agent points out that the drainage strategy for the development has sought to conserve water resources and minimise vulnerability to flooding. The materials proposed are appropriate to the location and the house types provide flexibility and adaptability, allowing for future modification.

It is considered that the applicant's statement evidences that the proposed development has been designed and planned in a manner which gives proper regard to sustainable development principles, in accordance with the objectives of policy BH2 of the CSDP.

The proposed development has been carefully considered against the relevant CSDP, NPPF, Development Management SPD and draft A&D Plan policies which relate to design, character, landscaping, visual amenity and sustainability. For the reasons discussed above, and in

accordance with the requirements of policy BH1 of the CSDP, the amended development is considered to be acceptable in terms of its design, layout, appearance and visual interest and it will deliver a good quality built environment which provides good living conditions for residents and which has an acceptable relationship with the wider locality.

In accordance with the objectives of policy NE4, the development will provide residents with an acceptable quantity and quality of open space and landscaping to create an attractive living environment. In accordance with policies NE9 and NE11, it is considered that the development will not cause significant harm to the prevailing landscape or intrude unacceptably into the countryside or key views. The development will also incorporate existing hedgerows, as required by policy NE3 of the CSDP, and has been informed by sustainability principles, as required by policy BH2 of the CSDP.

In considering the design, layout and the density of the development, it should be taken into account that a scheme of 45 no. dwellings will give rise to significant benefits in terms of not only general housing supply but also the delivery of a substantial amount of affordable housing given that the application proposes for all dwellings to be affordable.

It is consequently concluded that the proposed development is acceptable in terms of design, layout, built form and landscaping and that although the application proposes the erection of 45 no. dwellings at the site, the specific layout and design of the development of means it will relate acceptably to its surroundings and would not appear as incongruously dense or harmful to the character and appearance of the locality.

5. Implications of development relative to archaeology

With regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

As noted earlier in this report, the Tyne and Wear County Archaeologist requested that trial trenching be undertaken at the site given the potential for archaeological remains to present. Whilst the County Archaeologist was satisfied that the trenching could be secured via conditions, the applicant elected to undertake a programme of archaeological evaluation whilst the application was being considered; an evaluation report has been submitted which essentially concludes that there is limited survival of archaeological remains within the development site and that the direct impact of the development on the archaeological resource will be minimal.

As set out in the 'Representations' section of this report, the County Archaeologist is satisfied with the evaluation work undertaken and does not require any additional site investigations to be carried out.

Appropriate archaeological investigations of the site have been undertaken, in accordance with the requirements of policy BH9 of the CSDP and paragraph 205 of the NPPF. The proposals are therefore considered to be acceptable in relation to built heritage and archaeology.

6. Impact of the development on highway and pedestrian safety

Policy ST2 of the CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Policy ST3, meanwhile, states that new development should:

- provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic (including pedestrians, cyclists and public transport) or exacerbate traffic congestion or the risk of accidents;
- incorporate appropriate pedestrian and cycle routes within and through the site, linking to the wider network;
- submit an appropriate Transport Assessment/Statement to demonstrate no detrimental impact on the existing highway;
- include an appropriate level of vehicle and cycle parking;
- make appropriate provision for the electric vehicle charging;
- safeguard existing public rights of way;

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 112 goes on to advise that within the context of paragraph 111, applications for development should:

- give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- allow for the efficient delivery of goods and access by service and emergency vehicles;
- be designed to enable charging of plug-in and other ultra-low emissions vehicles.

Paragraph 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

It is recognised that objectors to the application have raised concerns regarding the suitability of Redburn Road to accommodate additional traffic and pedestrians given its narrowness in parts, the number of bends within the road, the absence of meaningful pedestrian provision and its use as a busy 'rat run' for those seeking to avoid the Black Boy Road/B1284 junction in the centre of Chilton Moor. Concerns have also been raised in relation to the amount of new housing development being built in the area and the effect the additional traffic will have on the capacity and safety of the local road network.

To provide some background to the current situation within the Chilton Moor/Redburn Road area, it should be noted that to enable support of the various planning applications for residential development in this area, the Local Highway Authority has required a range of improvements to the road network. These improvements are to be delivered directly by the developers under agreement with the Council, or with funding provided to enable delivery by the Council.

The completed residential development of 70 no. dwellings on land to the north of Redburn Row by Persimmon Homes required a funding contribution towards the delivery of traffic signals at the junction of Black Boy Road/Chilton Moor Front Street. The remaining funding for the signal scheme is to be provided through the planning permission for 141 no. dwellings on land to the north of Black Boy Road, which is also being implemented by Persimmon Homes.

These developments have also been required to fund the delivery of a road safety scheme along Redburn Row, including a reduction in the speed limit from national 60mph to 30mph. This scheme has been delayed but has recently been subject to consultation with Ward councillors and engagement with residents. It is anticipated that the legal process for the necessary Traffic Regulation Order will be commenced by the end of this month, with the likelihood being that the measures will be in place from October/November 2021 (subject to the receipt of any formal objections to the proposals).

The residential development of 141 no. new homes on land to the north of Black Boy Road also involves the need to deliver a range of other off-site highway improvements, including for the developer to fund the remainder of the installation of a traffic-signal controlled at the Black Boy Road/Front Street junction. Further section 106 funding contributions for these works are secured from the recent Chilton Moor Cricket Club housing development.

The Black Boy Road/Redburn Row junction layout is required to be altered to achieve junction spacing and visibility splay requirements for the Black Boy Road development to achieve the new site access. The alterations also include the construction of new footways and dropped kerb pedestrian crossing points with tactile paving provided.

Traffic signals are required to be installed on the approaches to Black Boy Road Bridge to help control traffic movements across the narrow bridge. The improvements will be subject to a Section 278 Agreement between the developer with both Sunderland and Durham County Council. A stage 1/2 Road Safety Audit is to be undertaken as part of the detailed design. Durham County Council and Durham Constabulary have agreed to the proposal.

A build-out and dropped kerb crossing will also be provided on the north side of Black Boy Road to the east of the bridge to provide a connection to a new footpath link to Houghton bridleway.

The proposed development under consideration has already been granted outline planning permission, which required the provision of new footways along the frontage of both the sites. The development was also required to provide traffic management improvements to the northern section of Redburn Row facing both development plots. This includes forming a build

out between both sites to help control the movement of through-traffic and provide space for pedestrians to move more safely on the highway. These works are planned to be delivered by the developer under agreement with the Council.

All the above highway improvements have been considered necessary to provide capacity and safety on the road network to support the delivery of the new homes in this area, including at the application site. As set out in the 'Representations' section of this report, the Council's Highways team do not object to the current planning application, subject to a condition which requires the agreement of final details of highway improvements to Redburn Road. As set out above, it is anticipated that this would include pedestrian provision along Redburn Road to Black Boy Road, in order to create a connection to the existing footways leading to the services, facilities and public transport options in the centre of Chilton Moor, and also a 'build out' between the development plots to help control the movement of through-traffic using Redburn Road.

All works to the existing highway would be secured via an agreement between the developer and the Local Highway Authority under s278 of the Highways Act.

In addition to the above, there are no objections to the proposed internal road layout, the level of occupier and visitor parking provision. It has also been requested that details of routes for construction traffic are agreed (these are proposed through the submitted Construction Environmental Management Plan) and that further details are provided in respect of encouraging means of sustainable travel. It is considered that such details could be provided and agreed via an appropriately worded condition.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. As a result of the improvements being made to the local road network, it will be capable of safely accommodating traffic from the proposed development of 45 dwellings, subject to the agreement of final details of the highway improvements and pedestrian provision to Redburn Road. Additionally, the proposed access, parking and layout arrangements are acceptable. The proposals will therefore satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 108, 111 and 112 of the NPPF.

7. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraphs 179 and 180 also seek to encourage development which will deliver measurable net gains in biodiversity.

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. development which would have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

The application was initially accompanied by a Preliminary Ecological Appraisal (PEA) of the application sites as well Biodiversity Net Gain calculations. The PEA reaches the following key conclusions:

- habitats on site considered to be of at least local value due to presence of mature trees and hedgerows. Habitats would largely be lost through the development, although hedgerows and some trees would remain;
- there are ecological connections to nearby designated sites and Rainton Meadows. Impacts from additional recreational pressure generated by housing could occur;
- sites potentially used by foraging bats and trees to be felled provide potential roosts. Hedgerows are to be kept, maintaining a foraging habitat, but potential for direct harm to bats and their roosts through tree felling;
- sites considered to be of low value to great crested newt. The SuDS pond could provide a new newt habitat. Specific construction working practices are recommended to minimise residual risk of harm to newt in the event they are present on site;
- sites are of low or local value to otter, reptiles and badger. Risks are low, provided appropriate construction working practices are used;
- sites provide nesting opportunities for a range of species within the grassland, ruderal, hedgerows and trees and is therefore of local value to nesting and foraging birds. Risk of harm if site clearance works are undertaken at the wrong time of the year;

The PEA makes a series of recommendations in terms of measures designed to mitigate for the potential impacts identified above, namely:

- retention of as many hedgerows and trees as possible and promotion of on-site habitat creation and landscaping, using native species as a priority. The small size of the sites may mean achieving biodiversity net gain is not possible and so an off-site contribution may be required. Hedge laying should take place outside of bird nesting season;
- inclusion of bat boxes to one in three houses within the development. A dawn survey of trees to be felled should be carried out to confirm whether they are being used by roosting bats. A licence from Natural England may be required if bat roosts are to be affected. No external lighting to features such as retained trees and hedgerows;
- precautionary working practices in relation to great crested newt, otter, reptiles and badger and potential use of SuDS pond for great crested newt habitat creation;
- bird boxes built into every third property and vegetation removal to take place outside of bird nesting season;
- off-site contribution to biodiversity net gain;
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The Appraisal and calculations were reviewed by the Council's Ecologist, who made the following comments:

- impacts arising from new homeowners on ecologically sensitive areas will need to be considered in more detail especially when the application is proposing an increase in number of dwellings on site from the earlier outline permission;
- the Preliminary Ecological Appraisal references farmland birds and breeding birds on site (para 4.3.4) but has not carried out any breeding bird surveys despite the scheme increasing in size. The land is currently suitable for a variety of farmland birds' species;
- the impact on breeding birds and wintering birds in particular birds of conservation concern should be understood prior to determination to ensure that mitigation measures are appropriate and robust;
- despite a potential small increase in hedgerows the application currently results in a biodiversity net loss which is contrary to NE2 policy and the NPPF;
- the landscaped masterplan lacks detail in terms of site preparation and creation of some of the habitats on site, this is required to enable a review of the proposed habitats suggested to

be created on site as part of the calculation for biodiversity net gain to assess their robustness and appropriateness;

- the SuDS pond is suggested to be designed to provide habitat for great crested newts, but it is located next to the roads and surrounded by housing with no linking habitat in or out of the feature. The drainage strategy suggests that the basin will rarely hold any water for a prolonged period suggesting that the species mix is not suitable, and it will not support amphibians or great crested newts as suggested;
- it is recommended that the developer demonstrates net gain measures either on or off site, using the Defra Metric, and includes habitat creation and management plans;
- further clarity is requested regarding offsite contributions stated in the PEA by Taxus Ecology. All mitigation measures would be expected to be maintained for the lifetime of the development as a minimum.

Subsequent to the receipt of the Council's Ecologist's comments, the applicant has agreed to make a financial contribution of £92,500 towards measures to mitigate and manage potential off-site impacts arising from the development. It is considered that the proposed housing numbers, level of green space within the development, proximity to high value nature conservation sites and cumulative impact with other approved and emerging residential development proposed of the area necessitate a long-term programme of measures for ecological protection. The focus of activity from the developer contribution would be as follows:

£13,000 x 5 years = £65,000 Staff p/t warden
£5,500 x 5 years = £27,500 Project budget
Total = £92,500

Project priorities would be ground nesting, feeding and roosting birds; people, cats and dogs; weekend and evening supplement to current resource and supporting volunteer programme; access and habitat monitoring and management.

The applicant has also submitted a Breeding Bird Survey and amended the proposed landscaping and planting proposals to inform updated Biodiversity Net Gain calculations. The Breeding Bird Survey concludes that the site is of local ornithological value as it supports low numbers of a relatively diverse number of breeding species, some of which are declining and of conservation concern both locally and nationally (including grey partridge, willow tit, tree sparrow and willow warbler).

The report concludes that the construction works would have a slight adverse effect on the local breeding bird community and a very slight adverse effect on the Sunderland breeding bird community. Operational effects of the development will have a slight adverse effect on the local breeding bird population, however as habitats and planting within the development become established, this effect will become negligible. In addition, the provision of new housing and garden habitats within the site is likely to provide new nesting sites for a number of species of national conservation concern that don't currently nest within the Proposed Development Site. These are likely to include classic 'housing estate species' such as House Sparrow, Starling, Swift and House Martin, all of which are declining nationally.

In terms of mitigation, the report recommends that vegetation clearance takes place outside of the bird breeding season (unless the site is firstly checked by an ecologist) and that bird boxes are installed in new dwellings. Hedgerows should be retained and new planting within the development should also be dominated by native species. Care should also be taken in relation to external lighting.

The applicant has also produced updated/revised biodiversity net gain calculations, which show a loss in habitat units as a result of the proposed development of the site, although there are gains in hedgerow units.

The additional information submitted by the applicant was reviewed by the Council's Ecology consultant and a number of outstanding issues remained. In particular, it was highlighted that the biodiversity net gain calculations actually demonstrate a significant net loss of biodiversity across the two sites. The breeding bird survey is considered to be robust, however the submitted landscaping proposals do not reflect the mitigation recommendations (i.e. native planting) provided by the report. In addition, the Ecology consultant highlighted that some of the trees proposed to be felled could provide bat roosting habitats, as was noted in respect of the 2017 planning application. It is recommended that a survey of the trees is undertaken prior to the determination of the application, in order to determine the likelihood of the trees being used by bats at the present time.

In relation to biodiversity net gain, the applicant has offered to make a financial contribution of £29,400 towards providing off-site gains in biodiversity. The landscaping proposals have also been updated to better reflect the bird survey report's recommendations. In relation to bats, an initial survey of the trees at the site indicated that the trees had a 'moderate' roost suitability; the Council's Ecology consultant consequently advised that in order to robustly assess the trees and comply with best-practice guidance, the trees should be subject to one dusk emergence and a separate dawn re-entry survey. The additional survey work has since been undertaken in accordance with best-practice guidance.

The biodiversity net gain proposals, updated landscaping proposals and bat survey report have been reviewed by the Council's Ecology consultant. The proposed approach to biodiversity net gain, i.e. the proposed financial contribution to enable the delivery of off-site gains, is considered to be acceptable and the contribution is proportionate to the scale of the development. The proposed landscaping is also considered to be appropriate to the site location and a development of this nature and the location of bird and bat boxes is also considered acceptable. The bat surveys, meanwhile, are considered to be robust and have not recorded any roosts on site. The recording of an off-site pipistrelle bat maternity roost reinforces the need for habitat creation works in and around the site and the implementation of an appropriate lighting strategy.

The Council's Ecology consultant ultimately advises that the proposals are acceptable in relation to ecological and biodiversity considerations, subject to the securement of the proposed mitigation and enhancement measures and financial contributions to the delivery of biodiversity net gains and off-site . The proposed financial contribution of £29,400 is proposed to be secured via an agreement under s106 of the Town and Country Planning Act.

With regard to the above comments, it is considered that the survey work undertaken by the applicant has robustly established the ecological and biodiversity value of the site. Taking into account the comments provided by the Council's Ecologist and Ecology consultant, it is considered that the impacts of the development on species and their habitats can be appropriately mitigated by the proposed landscaping scheme, habitat creation measures and financial contribution towards managing and mitigating off-site impacts. Additionally, it is considered that off-site biodiversity net gains can be secured via the proposed financial contribution.

Subject to appropriate conditions and the securement of the financial contributions towards off-site mitigation and management measures and the delivery of biodiversity net gain, it is considered that the implications of the proposed development in relation to ecology are

acceptable. In accordance with the requirements of paragraph 180 of the NPPF, the development will not cause significant harm to biodiversity and it is considered that the proposal will address the ecology and biodiversity objectives of the NPPF and policy NE2 of the CSDP.

8. Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.
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Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The Flood Risk Assessment and Sustainable Drainage Strategy for the development has been amended and updated through consideration of the application, in order to address comments made by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority.

The updated FRA and Drainage Strategy identifies that the application site is located in Flood Zone 1 (lowest risk of flooding) and so its development for residential purposes is appropriate in the context of national and local flood-risk policies. The Environment Agency's Surface Water Flood Map shows that there is a 'very low' risk of surface water flooding located within the site. The LLFA's Strategic Flood Risk Assessment has been viewed and there does not appear to be any specific information relative to the proposed development and there is no evidence to suggest that the development will be at risk of flooding from any external sources.

With regards to the foul water from the development, it is proposed that a network of adoptable gravity drains will serve each site. Both sites will connect to an extended NWL combined sewer in the vicinity of Chilton Moor Farm. The combined sewer network is to be extended by the developer of the residential site sandwiched between Site A and Site B. Site A will drain by gravity along Redburn Road and Site B will be pumped up along Redburn Road via a new adoptable pumping station within Site B.

With regards to the surface water runoff from the development, it is proposed that a network of adoptable gravity drains will serve each site. These will each discharge into a new surface water sewer in Redburn Road, flowing from west to east and discharging into Red Burn via an existing culvert. Flows to the watercourse will be limited to the pre-development scenario (Greenfield rate). The surface water drainage network will be sized to fully accommodate the excess in surface water flows associated with the 1 in 100 year + 40% allowance for climate change and + 10% allowance for urban creep storm event.

Surface water attenuation features in the form of a detention basin on Site A and a geocellular storage tank on Site B will manage run-off during storm events and ensure it can be safely stored on site without flooding. It is proposed that porous paving can be used for private access

roads and driveways. Porous paving can allow infiltration, attenuate run-off and improve water quality through filtration and retention of pollutants.

On Site A, any exceedance event surface water flows will be naturally directed towards the north of the site, into the proposed SuDS basin, and any excess flows would naturally continue to progress in a northerly direction towards Black Boy Road where they would enter the highway drains where capacity permitted. On Site B, any exceedance event surface water flows would be directed southwards along the site access road and any excess flows would naturally continue to progress in a southerly direction onto open ground beyond.

Water quality management can be achieved through the proposed SuDS solutions, used in combination. The site hazard index is Low, given the residential use and low traffic roads and can, therefore, be mitigated relatively easily. In conclusion, the FRA and Drainage Strategy concludes that the proposed development is at a very low risk of flooding and will not increase the risk of flooding downstream of the development.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development, although it is requested that a condition be imposed requiring that the development is carried out in accordance with the submitted sustainable drainage scheme. Similarly, the LLFA has no objections to the updated/amended FRA and Sustainable Drainage strategy for the development and has simply requested a condition requiring the submission and approval of a verification report to demonstrate that the agreed strategy has been implemented.

Subject to a condition covering the requests of Northumbrian Water and the LLFA, it is considered that the implications of the development relative to flood risk and drainage are acceptable and the development therefore complies with the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP.

9. Implications of development in respect of land contamination

Paragraph 183 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Council's Land Contamination consultant initially advised that whilst the submitted Land Contamination reports and Remediation Strategy did not appear to highlight any significant concerns relative to the suitability of the site for a residential development, some further information was required to support conclusions made around ground gas, risks from previous development at the sites, soil conditions, risks from coal mining remains (in relation to which the Coal Authority's advice should be sought), unexploded ordnance and invasive species, before the application could be approved.

Following further discussions with the applicant's planning agent, it has been agreed that the outstanding issues can be addressed via appropriately worded conditions. The Coal Authority has also reviewed the proposals and as confirmed by their consultation response, they do not consider potential hazards from coal mining remains to represent an impediment to the progress of the development.

Given the above, the implications of the development in respect of land contamination are considered to be acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 183 of the NPPF.

10. Implications of development in relation to education provision

With regard to education provision, paragraph 95 of the NPPF states that it is important 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. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy ID2 of the CSDP states that planning obligations will be sought to facilitate the delivery of local improvements to mitigate the direct or cumulative impacts of development, where evidenced. Education provision and facilities is listed as area where obligations may be sought.

As set out earlier in this report, the Council's Education officer is of the view that the development should contribute a total of £191,236 towards primary and secondary education provision in the area and special educational needs (SEN) provision more widely.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 95 of the NPPF and policy ID2 of the Council's CSDP.

11. Affordable housing considerations

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 65 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable (with the Council's Planning Obligations SPD advising that the figure will be rounded up when 0.5 or more and anything else rounded down). The types of affordable housing to be delivered should

reflect the latest available evidence with regard to tenure split and size of dwellings. The most up-to-date evidence is provided by the Council's Strategic Housing Market Assessment (SHMA), which recommends a 75:25 split between affordable rent and intermediate tenure.

As noted previously, the application is being made on the basis that 100% of the housing within the development is affordable, with the bungalows available for affordable rent and the remainder available as rent to buy units. Clearly, this significantly exceeds the Council's usual policy requirement as set out by policy H2 and also exceeds the NPPF's affordable housing objectives for major residential schemes. The applicant has, however, agreed that wording can be entered into the s106 agreement which would essentially secure the Council's policy requirement of 15% of dwellings being affordable (this requirement would therefore remain applicable in the event the planning permission was implemented by another developer).

12. Summary of position in respect of s106 Contributions

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

Aforementioned policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

As set out in the 'Representations' section of this report, the following financial contributions and obligations have been requested from the respective consultees or are required through relevant plan policies and would be secured via a s106 agreement:

- o £191,236 towards primary, secondary and SEN education provision in the area;
- o £92,500 towards managing and mitigating off-site ecological impacts;
- o £29,400 towards off-site biodiversity net gain measures;
- o £704 per dwelling towards off-site play provision (in lieu of on-site play equipment being provided);

- o 15% on-site affordable housing (to meet Council's policy objective; development proposes 100% affordable housing);

The requested financial contributions towards education provision, ecology and off-site play are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause is designed to ensure the Council's affordable housing policy requirement is met. As such, it is considered that these contributions satisfy the tests set out at paragraph 57 of the NPPF and Regulation 122(2) of the CIL Regulations.

In addition to the above, it should be noted that a road safety scheme to Redburn Road will be delivered via an agreement under s278 of the Highways Act.

CONCLUSION

As set out above, the proposed housing development affects a site which has been subject to a previous planning approval, is identified as available for housing within the Council's latest SHLAA and is proposed as a housing site by the Council's draft Allocations and Designations Plan. There are no land use allocations within the Council's Core Strategy and Development Plan or Unitary Development Plan relevant to the site which would dictate that a housing development should not be considered favourably. Consequently, and given that the site is envisaged as contributing to the Council's supply of housing land for the Core Strategy and Development Plan period, it is considered that the residential development of the site is acceptable in principle. It is recognised that the previous planning approval at the site was for 27 no. dwellings, a potential site capacity replicated by the SHLAA, and that the draft A&D Plan sets out an indicative site capacity of 32 no. dwellings. It is also recognised that a previous planning application for 50 no. dwellings at the site was refused planning permission.

The current proposals must, however, be considered on their own merits and, as required by section 38(6) of the 2004 Act, in accordance with the Council's adopted Development Plan taken as a whole. In this regard, it should be noted that in isolation, the fact that the number of dwellings proposed by the application would exceed the figure previously approved at the site and as recommended by the SHLAA and draft A&D Plan, does not result in conflict with any specific policy of the Council's adopted Plan.

Consideration has been given to all other relevant policies within the Council's adopted Development Plan to determine whether the proposed development accords with the Plan or not. To this end, the following policies of the CSDP are relevant to the determination of the application and a view is provided below as to whether or not the development accords with the policy's requirements and objectives:

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

The development would assist with the Council's stated aim of delivering at least 13,410 homes over the CSDP period.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

The development provides good access to recreational opportunities, including open countryside and public rights of way, includes acceptable public open space, will make a financial contribution to support off-site play provision and does not have an unacceptable adverse impact on the amenity of the area.

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

The housing proposed by the development will help to meet the objective of exceeding its housing delivery target.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts on amenity which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

The technical reports and assessments and responses from relevant consultees confirm that the development will not give rise to unacceptable adverse impacts on amenity.

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

The submitted noise assessment demonstrates that the development will not be unacceptably affected by noise.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

Risks from contamination have been investigated and can be adequately mitigated and remediated.

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

The development provides an acceptable mix of affordable housing, including bungalows, and is considered to be of an appropriate layout and density. More than 10% of dwellings will meet the accessible and adaptable dwellings standards.

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality.

The development will provide 100% affordable housing, substantially exceeding the policy's requirement.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

It is considered that, as amended, the proposed layout, build quality, scale, massing, character, appearance and landscaping of the development is acceptable, particularly in the context of delivering a 100% affordable housing scheme at the site.

BH2 - sustainable design and construction should be integral to major development proposals.

The applicant has demonstrated that sustainable design and construction principles are to be followed in the construction of the proposed dwellings.

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

The Council's Landscape officer is satisfied that the amended proposals provide an appropriate landscaped environment.

BH9 - development should not adversely affect the archaeological interest and setting of a Scheduled Ancient Monument and the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

The County Archaeology officer has confirmed that the archaeological interest of the site has been adequately investigated.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

The development will provide new greenspaces for public and ecological benefit and will not harm existing provision.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

The impacts of the development in respect of ecology and biodiversity and the value of nearby designated sites are acceptable, subject to the securement of the financial contributions detailed earlier in this report.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

Trees to be felled are not of significant value and the majority existing hedges within the development site are being retained and improved.

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

The proposed landscaping and open space provision provided within the development is considered to be acceptable.

NE9 - new development should respect the prevailing landscape character, taking into account elements identified in the Council's Landscape Character Assessment. Development which clearly has a significant adverse impact on distinctive landscape characteristics is unlikely to be supported unless the impact is outweighed by the benefits of the development.

The development is considered to relate acceptably to the prevailing landscape and does not adversely affect distinctive landscape characteristics.

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

The development will not impinge upon key views given its location on the edge of the existing settlement.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

The development is appropriate within Flood Zone 1 and risks from flooding can be appropriately mitigated and managed.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

The development incorporates an acceptable sustainable drainage solution, as confirmed by the Council's Flood and Coastal team in their capacity as Lead Local Flood Authority (LLFA).

WWE4 - requires new development to maintain water quality.

There are no concerns regarding water quality, as confirmed by the LLFA and Northumbrian Water.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

There are no concerns regarding the disposal of foul water, as confirmed by the LLFA and Northumbrian Water.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

The Council's Highways officers have confirmed that impacts on the local road network are acceptable subject to ongoing improvements and the development provides appropriate access to sustainable modes of travel.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

The Council's Highways officers are satisfied with the details of the proposals and appropriate pedestrian improvements will be secured to Redburn Road.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

The development will contribute towards education provision, as per the request of the Council's Education officer.

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

The s106 agreement will secure contributions towards education provision, ecological mitigation, biodiversity net gains, off-site play and affordable housing. All contribution requests are being made in full.

The proposed development is also considered to largely address the development objectives set out by policy H8.46 of the draft A&D Plan, in that the scheme acceptably addresses the requirements relating to built form, ecology, highways, pedestrian accessibility, archaeology, ground conditions, sustainable drainage, noise and infrastructure.

With regard to the policy appraisal set out above, it is considered that the proposed development of 45 dwellings does not give rise to any significant conflicts with the relevant policies of the CSDP. Nor are there any significant conflicts with any of the Council's relevant Supplementary Planning Documents, the draft A&D Plan or the relevant policies of the NPPF, as referenced throughout this report. As such, when considering the application for 45 dwellings at the site in the context of the development plan as a whole, it is evident that there are no significant conflicts with its policies and no other material planning considerations which mean the planning application should be refused.

It must also be taken into account that the proposed development will deliver significant benefits, in terms of providing housing at a site which has been subject to a previous planning approval, is identified as available through the SHLAA and is intended to be allocated for housing via the A&D Plan, and will assist the Council in meeting, and potentially exceeding, its stated housing supply and delivery targets. The development will also deliver benefits in terms of expanding housing availability and choice in the area, including bungalows and it will also provide employment and economic benefits in that new residents will be able to support existing shops, services and facilities in the locality. These benefits of the development should also be given weight in the determination of the application.

Significant weight should also be given to the fact the development will deliver 100% affordable housing; the development will consequently make a substantial contribution to the provision of affordable housing in the area and this is considered to be a key benefit of the proposed development.

The content of the objections to the proposed development are acknowledged and it is evident that the local community holds significant concerns in relation to the proposed development of the site, particularly around ecology, highway safety, local infrastructure and the development of a 'greenfield' site. All relevant material planning considerations have, however, been appraised in the context of the policies of the Council's CSDP, the NPPF, the draft A&D Plan and with regard to the consultation responses received from a range of external and internal consultees and there are not considered to be any reasons which would justify a refusal of planning permission in the context of the benefits being derived from the development.

The development will also make, in full, the requested contributions towards local infrastructure, such as education provision, highways improvements and off-site play, to ensure that its impacts on local infrastructure can be appropriately managed and mitigated.

Consequently, the proposed development is not considered to give rise to any significant conflict with the Council's development plan as a whole and there are not considered to be any grounds which would direct the Council to refuse planning permission for the development as proposed.

The development is consequently considered to be acceptable, having had regard to all relevant planning policies and other material planning considerations.

As noted in the 'Representations' section of this report, however, the additional public consultation undertaken to advise interested parties of the receipt of new ecology reports is ongoing and will expire shortly after the meeting. Any additional representations received prior to the Committee meeting will be reported to Members at the meeting.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Approve the application, subject to the expiry of the public consultation exercise, the completion of the agreement under s106 of the Town and Country Planning Act and the imposition of the draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: MINDED TO APPROVE, subject to expiry of public consultation, the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions below:

Conditions:

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

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

Location plan, drawing no. RES824-BHA-ST-XX-DR-A-0500
Existing site plan, drawing no. RES824-BHA-ST-ZZ-DR-A-0510
Amended proposed site plan, drawing no. RES824-BHA-ST-ZZ-DR-A-1220, P14;
Amended landscape masterplan, drawing no. C-1924-01, rev. D;
Site levels plans, drawing nos. 2782-SGC-ZZ-00-DR-C-0561 P01 and 2782-SGC-ZZ-00-DR-C-0562 P01;
Proposed surface finishes plan, drawing no. RES824-BHA-ST-ZZ-DR-A-1420 RES824-BHA-ST-ZZ-DR-A-1420, P03

Amended boundary treatment plan, drawing no. RES824-BHA-V1-ZZ-DR-A-1310, P11
Streetscene elevations, drawing no. RES824-BHA-ST-ZZ-DR-A-1590, P03;
'Sunningdale' house type plan, drawing no. RES824-BHA-V5-ZZ-DR-A-1500, P05;
'Carnoustie' house type plan, drawing no. RES824-BHA-V6-ZZ-DR-A-1510, P06;
'Lancaster' house type plan, drawing no. RES824-BHA-V8-ZZ-DR-A-1530, P04;
'Whitby' house type plan, drawing no. RES824-BHA-V7-ZZ-DR-A-1520, P05;
Arboricultural Method Statement and Impact Assessment (document ref. ARB/CP/2533) and
Tree protection plan, drawing no. ARB/CP/2533/TPP, Elliott Consultancy, both dated July 2021;
Design and Access Statement, document no. RES824-BHA-V1-ZZ-RP-A-9001, P03
Flood Risk Assessment and Drainage Strategy, Shadbolt Civil & Structural (Issue 3, June
2021).

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

3 The external materials to be used in the construction of the dwellings hereby approved shall be those specified in the submitted Design and Access Statement (i.e. Drumquin brick; Redland, DuoPlain, 77 Charcoal Grey (Coated), Smooth Finish, Concrete roof tiles; white render to feature bungalows; Hardie Plank Fibre Cement Cladding, colour grey) unless the Local Planning Authority first agrees any variation in writing.

Reason: in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Prior to commencement of work on site the applicant shall submit for the agreement of the LPA a suitable plan that shall address the potential environmental impacts of site clearance and construction works, in the form of a Construction Environmental Management Plan. The plan shall identify suitable mitigation measures to be implemented to minimise those impacts upon the local environment and nearby residents, including measures to manage site construction traffic, and shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: in order to ensure construction works do not result in unacceptable harm to the amenity of the area and to comply with the objectives of policy HS1 of the CSDP.

5 Prior to the occupation of the first dwelling, a scheme of noise attenuation measures shall be submitted for the agreement of the LPA. The scheme shall set out the specifications of glazing and ventilation to be applied to dwellings identified within the noise assessment reference LAE 1085.1 dated 1/3/2021. The scheme shall also set out the location and specification for noise barriers as identified within the same report. Measures shall be implemented prior to occupation of the respective dwellings.

Reason: in order to ensure occupiers of the dwellings are afforded an acceptable standard of amenity and to comply with the objectives of policy HS1 of the Council's adopted CSDP.

6 No individual dwelling shall be occupied until its in-curtilage parking space(s) have been constructed and made available for the use of the dwelling's occupiers. Within six months of the

final dwelling within the development being occupied, all visitor parking provision for the development must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy ST3 of the CSDP.

7 No dwelling shall be occupied until details of a proposed scheme of highways improvements, together with a timetable for their implementation, have been submitted to and approved in writing by the Council as Local Planning Authority, in consultation with the Local Highway Authority. The improvements must include appropriate pedestrian provision to Redburn Road, in order to provide pedestrian connection to the existing footway network, and other traffic management measures as necessary. The agreed highways improvements must then be installed in accordance with the agreed timetable.

Reason: in order to ensure that the local road and pedestrian network conditions are suitable to accommodate the proposed development and comply with the objectives of policies ST2 and ST3 of the Council's adopted CSDP.

8 No dwelling within the development shall be occupied until details of proposed measures to encourage sustainable transport initiatives, such as electric vehicle charging points and cycle shelters, have been submitted to and approved in writing by the Council as Local Planning Authority.

Reason: in order to promote sustainable transport options and comply with the requirements of policies ST2 and ST3 of the Council's CSDP.

9 The development hereby approved shall be carried out in full accordance with the proposed 'fabric first' sustainable construction measures submitted with the application.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

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

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

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA prior to the occupation of the first dwelling.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan.

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

Reason: in the interests of visual amenity and to comply with policies BH1 and BH3 of the CSDP.

12 The development hereby approved shall be undertaken in complete accordance with the recommendations of sections 5 and 6 and the Tree Protection Plan (drawing no. ARB/CP/2533/TPP) of the Arboricultural Method Statement, inc. Impact Assessment (report no. ARB/CP/2533, Elliott Consultancy Ltd, July 2021). All recommended tree protection measures shall remain in situ in accordance with the recommendations of the Method Statement and TPP for the duration of construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

13 In the event any of the hedges proposed to be retained within the development are unable to be retained, or are damaged, or need to be removed in full or in part, the affected hedges or sections of hedges must be replaced within the next available planting season following the damage or their removal, in accordance with a methodology which must firstly be agreed in writing with the Council as Local Planning Authority.

Reason: to ensure the continued health, amenity and ecology value of the hedges at the sites and to comply with the objectives of policies NE2, NE3 and NE4 of the CSDP.

14 The proposed retaining walls and acoustic fencing shall not be constructed until full details have been submitted for the approval of the Council as Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason: in order to ensure the design and appearance of the structures is acceptable and accord with the objectives of policies BH1 and NE3 of the CSDP.

15 No dwellings shall be occupied until a proposed lighting strategy for the development has been submitted to and approved in writing by the Council as Local Planning Authority. The lighting strategy will be required to demonstrate that lighting within the development would not have an unacceptable impact on foraging and commuting bats.

Reason: to ensure the ecological implications of the development are acceptable and to comply with the objectives of policy NE2 of the CSDP.

16 The development shall be carried out in full accordance with the mitigation and working practices recommendations set out within section 6 of the Preliminary Ecological Appraisal report, Taxus Ecology, June 2021 and section 7 of the Breeding Bird Survey report, Sterna Ecology, June 2021. Prior to the occupation of any dwellings, final detailed proposals of a programme for the installation of bird boxes must be submitted for the approval of the Council as Local Planning Authority. For the avoidance of doubt, the programme shall be informed by the recommendations provided within the abovementioned reports, any further advice from the applicant's ecology consultant and the bird box locations shown on the submitted proposed site/block plan drawing (no. RES824-BHA-ST-ZZ-DR-A-1220). The bird boxes must then be installed in accordance with the agreed details.

Reason: to ensure the ecological implications of the development are acceptable and to comply with the objectives of policy NE2 of the CSDP.

17 The development shall be carried out in full accordance with the mitigation and working practices recommendations set out within section 6 of the Bat Survey Report v3, OS Ecology, August 2021. As set out by paragraph 6.1 of the Report, in the event trees at the site are not felled prior to 16th August 2022, an updated bat survey report must be submitted for the approval of the Council as Local Planning Authority prior to the trees being felled. Tree felling works must be undertaken in accordance with the recommendations at paragraph 6.3 of the Report. Prior to the occupation of any dwellings, final detailed proposals of a programme for the installation of bat boxes must be submitted for the approval of the Council as Local Planning Authority. For the avoidance of doubt, the programme shall be informed by the recommendations provided within the abovementioned reports, any further advice from the applicant's ecology consultant and the bat box locations shown on the submitted proposed site/block plan drawing (no. RES824-BHA-ST-ZZ-DR-A-1220). The bat boxes must then be installed in accordance with the agreed details.

Reason: to ensure the ecological implications of the development are acceptable and to comply with the objectives of policy NE2 of the CSDP.

18 No development other than site clearance/preparation works shall be commenced until the submitted Phase I/Phase II Geo-Environmental Site Investigation and Risk Assessment Reports and the submitted Remediation Strategy have been amended/updated/expanded to satisfactorily address the comments provided by the Council's Land Contamination Consultant response (dated 30th March 2021). The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management". The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174, 183, 184, and 188.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174, 183, 184, and 188.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174, 183, 184, and 188.

Reference No.: 21/01192/TC3 Tree in Conservation Area (Reg3)

Proposal: **Felling of two conifers . (Amended description 29.6.21)**

Location: The Green Washington Village Washington

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 18 May 2021
Target Date: 29 June 2021

PROPOSAL:

The trees are located within the highway verge at The Green, Washington village and stand within the Washington Village Conservation Area. The Council's Arboricultural Officer has advised that the trees are overly large and are pushing over the wall adjacent the road and dropping branches on the highway.

Where works to trees in Conservation Areas are proposed, works cannot commence until a notification of the works has been submitted to the Local Planning Authority. The LPA then has the option to place a Tree Preservation Order on the trees in question if it is justifiable and expedient to do so.

Given the above, in the assessment of the proposal, the main issues to be considered are the following:

- 1) The amenity value of the tree
- 2) Can a Tree Preservation Order be justified?

CONSIDERATION

In light of the above, it is considered necessary to remove the trees to prevent any movement and risk of injury in respect of users of the highway. The removal of the trees would not be considered to lead to any loss of amenity to the Conservation Area as there are other trees within the vicinity which compensate for their removal and a Tree Preservation Order is therefore not considered to be justified in this instance. The proposal would therefore comply with Policy NE3 of the Council's CSDP, in that it will not result in the loss of trees of significant value.

CONCLUSION

It is therefore recommended that Members Grant Consent for the proposed tree works under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended).

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

- age;

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

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

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

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

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

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

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

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to conditions below:

Conditions:

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy NE3 of the CSDP.

Reference No.: 21/01423/FUL Full Application

Proposal: **Extension to car park and erection of close boarded fence (Retrospective).**

Location: Mamas Italian Kitchen Houghton Road Newbottle Houghton-le-Spring DH4 4EF

Ward: Houghton
Applicant: Mamas Italian Kitchen
Date Valid: 18 June 2021
Target Date: 13 August 2021

PROPOSAL:

APPLICATION SITE

The application site is a small piece of land next to Mama's bar/grill/pizzeria restaurant situated on the junction of Coaley Lane and the A182 Houghton Road in the village of Newbottle. The restaurant is a two-storey building with a single storey extension to the side, and a car park to the front and side. The adjacent property on Houghton Road, Derham, is a detached bungalow with gardens to the front and a retaining wall and fence to the side.

The site lies just within Newbottle Conservation Area.

PROPOSAL

The land in question is approximately 1.5m by 6.8m and formed a separation between the two properties, although its ownership appears to be unknown. The application relates to the retrospective enclosure of the land and its change of use to incorporate it into the car park of the adjacent restaurant. The land level was previously substantially lower and has been raised to meet that of the car park by the laying of concrete. The existing fence between the land and the car park has been removed and a new fence has been erected adjacent to that of the neighbouring bungalow and atop the existing wall to the front, together with a gate along the rear to adjoin the front wall of the restaurant, coloured cream to match the ground floor of the restaurant.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Network Management
Northern Electric

Final Date for Receipt of Representations: **23.07.2021**

REPRESENTATIONS:

Public Consultation - two letters of objection have been received, from the owner of the adjoining property and the owner's family.

The main reasons for concerns relate to;

- the fence having been erected encroaching on the neighbouring land causing potential property maintenance problems,
- the height of the fence causing overshadowing of the adjacent bedroom window,
- the development precluding access to utilities underneath the land.

Other points have been raised regarding activities at the restaurant premises unrelated to the current application.

Council's Conservation team - The Conservation Team have confirmed that they have no objections to this application, the proposed works are minor and will have no impact on the Newbottle Village Conservation Area.

Northern Powergrid - NP have confirmed the presence of an underground cable and have provided advice regarding digging within the vicinity of such apparatus.

Council's Transportation Development team - The Transportation Development team have confirmed that, as the development does not affect the existing access, there are no objections from a highway safety point of view

COMMENTS:

ISSUES TO CONSIDER

In assessing the proposal, the main issues to consider are;

- principle of use
- visual amenity
- residential amenity

Principle of Use.

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

In this regard, given that the immediately adjacent land is used as a car park, the change of use of the land to an extension to the car park accords with the objectives of this policy and is acceptable in principle.

Visual Amenity

Policy BH1 of the CSDP states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

The previously existing fence was stained dark brown and positioned alongside the edge of the car park. The new fence is on newly elevated land and has been erected directly abutting the retaining wall and fence of the neighbouring bungalow. The fence reaches a height that exceeds the eaves of the bungalow; its positioning next to this property and garden that sit at a lower ground level, together with its colour, serves to render it a highly prominent feature within the street scene, particularly when approaching from the south towards the traffic lights at the road junction.

The piece of fence to the front is of a height that far exceeds that of the front boundary walls to the front of the bungalows along this stretch of Houghton Road. Consequently, its height, design and colour are considered to be out of keeping with the character of the area. The concrete is coloured a pale grey and has been laid with no defining line between it and the existing dark grey tarmacked surface of the car park, presenting a mismatch of finishes. Overall, for the reasons given above, the development is considered to be a detriment to the visual amenities of the area and contrary to policy BH1 of the CSDP.

Residential Amenity

The fence reaches a height that exceeds that of the eaves of the adjacent bungalow directly adjacent to a main habitable room, a bedroom. Whilst the property already has a fairly high fence along the boundary, this is of an open slat design that meets the low boundary wall to the front. The outlook from that room will now be onto a much higher, solid boundary enclosure that runs the full length of the side boundary. This loss of outlook is considered to be a detriment to the amenities of the occupiers of the bungalow.

Although the land is proposed to be used as an extension to the car park, in practice, it is unlikely to be used for the parking of vehicles due the presence of the front boundary enclosure. The land previously provided a separation distance between the car park and the residential property. If a vehicle were to attempt to manoeuvre into the space, its proximity to the bedroom window would increase the likelihood of causing noise and disturbance to the occupiers of that property. The fence may provide some level of screening but if it were to be removed or lowered to address the visual amenity concerns above, this would be exacerbated, especially given the elevated position of the land providing an opportunity for overlooking.

Similarly, if the land were not to be used for car parking, any other activity for which it may be used, for instance as an outdoor drinking area, by reason of its close proximity to the neighbouring residential property and its elevated position above the ground level of the bungalow, would be likely to result in a detriment to the living conditions of the occupiers of that property, by reason of noise disturbance and overlooking, particularly late at night.

The proposal is therefore likely to result in a loss of privacy, outlook and an increased likelihood of noise and disturbance to the occupiers of the neighbouring property contrary to the provisions of policy BH1 of the CSDP.

CONCLUSION

The development has been found to an acceptable use in principle but will result in harm to the living conditions of the occupiers of the neighbouring residential property, and is detrimental to the visual amenities of the area, for the reasons given above, contrary to policy BH1 of the CSDP.

The proposal is considered to be unacceptable and Members are therefore recommended to refuse planning permission for the reasons set out below.

Members should note that as the development subject to this application has already been undertaken, the refusal of planning permission means the development is liable to enforcement action from the Council as Local Planning Authority. The nature and scope of any action to be taken will be determined by the Council's Planning Compliance team following the issuing of a decision on the current planning application.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: REFUSE, for the reasons below:

Reasons:

1 The proposal would be detrimental to the amenities of the adjacent residential property by reason of visual intrusion and loss of outlook and as such would be contrary to policy BH1 of the CSDP.

2 The proposal would introduce an obtrusive element into the street scene, by reason of its scale, design and positioning, to the detriment of the visual amenities of the area and as such would be contrary to policy BH1 of the CSDP.

3 The proposed use would have a detrimental effect on the amenities of the adjacent residents by reason of noise, disturbance, overlooking and loss of privacy, particularly late at night and as such is contrary to policy BH1 of the CSDP.