

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Ms. Irene Lucas CBE  
Chief Executive

**Reference No.:** 16/01687/OUT Outline Application

**Proposal:** **Proposed housing, upto 138 dwellings at Land Adjacent to Blackthorn Way.**

**Location:** Proposed Waste Transfer Station Blackthorn Way Sedgeleth Industrial Estate Houghton-le-Spring

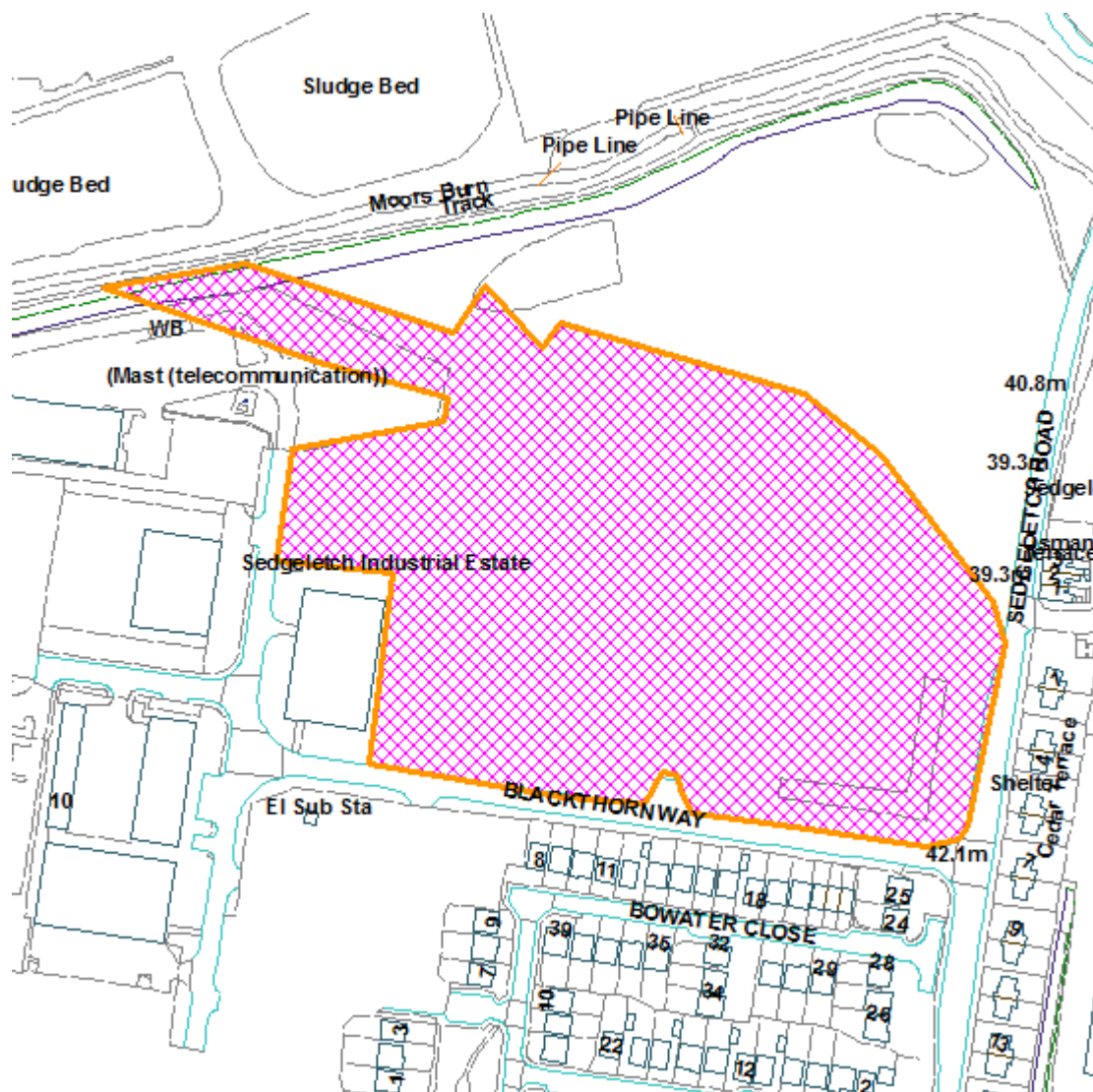
**Ward:** Houghton

**Applicant:** Arup

**Date Valid:** 26 September 2016

**Target Date:** 26 December 2016

## Location Plan



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## **PROPOSAL:**

### Proposal

Outline planning consent is sought for up to 138 no. dwellings (use class C3) and associated access, landscaping, public open space and parking at land at Sedgeleth Industrial Estate, Fence Houses.

All matters reserved except for access.

The proposed schedule of accommodation is shown below and is based on an indicative illustrative masterplan of the site. The residential buildings would be 2 or 2.5 storey with potential for 3 storey along key routes and corner plots.

Flats 1 bedroom - 14.

Flats 2 bedroom - 8.

2-3 bedroom houses - 93.

4-5 bedroom houses - 23.

Whilst the illustrative Masterplan is purely indicative, it does show how the site could be developed and covers issues relating to the site vision, the neighbourhood strategy, landscape strategy and delivery and implementation.

The site is located on land within Sedgeleth Industrial Estate, and is bound by Sedgletetch Road to the east, Blackthorn Way to the south and immediately south of Blackthorn Way is the Signet Grange housing development (Taylor Wimpey). To the west of the site are a number of existing occupied units of Sedgeleth Industrial Estate, whilst to the north of the site is Moors Burn, along which runs a narrow green corridor including mature trees and lower level vegetation. It is also worthy of note that Sedgeleth Sewage Treatment Works is sited in close proximity to the north.

The site covers an area of approximately 4 hectares and has been marketed as an employment site for a significant period of time, with no interest secured for future employment uses.

Sedgeleth Industrial Estate was transferred to the Homes and Community Agency (HCA) in 2014 and the current proposal has been subject to a significant pre-application discussion to establish the principle of residential use, the validation requirements for the application and the heads of terms for the Section 106 agreement.

The site is located within the existing industrial estate and is covered by policy HA1.2 of the City Council's saved adopted Unitary Development Plan (UDP) 1998 and as such the application is considered to be a departure.

The proposal has been supported by the following supporting documents.

- Illustrative Masterplan/Design and Access Statement
- Planning Statement
- Consultation Statement
- Transport Assessment and Framework Travel Plan
- Geo-Environmental Desk Study
- Flood Risk Assessment
- Odour Assessment
- Noise Assessment
- Biodiversity Assessment
- Affordable Housing Assessment.

The application has been subject to a formal Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 where it was established that the future development of the site for residential use is not EIA development and an EIA would not be required.

Site History - The existing industrial estate contains a number of active industrial / commercial operations that have been subject to planning applications, however most pertinent to this proposal is the redevelopment of the former SIG-Combibloc site, on land to the south of Blackthorn Way.

Ref : 11/01612/OUT - Redevelopment for residential dwellings, including details of access - Approved August 2011.

Ref : 12/02256/REM - Approval of reserved matters for 158 dwellings and associated landscaping and infrastructure - Approved December 2012.

### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Network Management  
Houghton - Ward Councillor Consultation  
Environmental Health  
Flood and Coastal Group Engineer  
Northumbrian Water  
Environment Agency  
Natural England  
The Coal Authority  
Southern Area Command - Police  
Flood and Coastal Group Engineer  
Environment Agency  
Environment Agency

Final Date for Receipt of Representations: **24.03.2017**

### **REPRESENTATIONS:**

Further to the expiry of the consultation period three letters of representation were received, that raised matters relating to the following:

- Potential surface water flooding concerns.
- Loss of trees and open space.
- Increase in traffic.
- Pressure on local supporting infrastructure.

Environment Agency (EA) - The EA has been consulted on three separate occasions, in order to remove an initial objection that was based upon flood risk arising from the proposed development and the failure of the submitted Flood Risk Assessment (FRA). In particular the FRA failed to

sufficiently consider the flood risk implications of the proposed access road where it connects to Sedgely Road. The FRA suggests that the consequences of the access road could be to increase the encroachment of the design flood event onto the site and further evidence was sought to quantify the situation.

An amended FRA was submitted dated March 2017 and it is expected that the findings of this report will be presented to Members in the form of a report for circulation.

Coal Authority - The Coal Authority is satisfied that the recommendation proposed the applicant's agent set out in the Geo-Environmental Desk Study (August 2016, prepared by Arup) are appropriate to address the coal mining legacy issues present on the application site and therefore should Members be minded to approve the application a condition be imposed to ensure the above compliance.

Natural England - No comments to make on the application.

Northumbrian Water Limited - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity or treat the flows from the development.

Should Members be minded to approve the application a condition be imposed that states: "Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved and has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. In order to prevent the increased risk of flooding from any sources in accordance with the NPPF. "

Lead Local Flood Authority - Further to requests for additional information the City Council's Flood and Coastal Team are satisfied that the proposed development will not lead to an increase in the risk of flooding either on or off-site in the future.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_1\_Improvement of the environment  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
HA\_1\_Retention and improvement of established industrial / business areas  
H\_1\_Provision for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_11\_Attention to needs of persons with mobility problems / sensory impairments  
T\_13\_Criteria influencing proposals for highways improvements including new road construction.  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## COMMENTS:

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

1. Principle of development.
2. Siting, design and appearance.
3. Highway implications.
4. Ecology and nature conservation.
5. Water resources and flood risk.
6. Ground conditions.
7. Noise and vibration.
8. Air quality.
9. Planning obligations.
10. Conclusion.

1. Principle of development.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

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

Paragraph 14 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, grant permission unless:-
  - (a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or
  - (b) Any specific policies in the NPPF indicate that development should be restricted."

The site of the current proposal lies to the north of Blackthorn Way, east of Sedgeleth Industrial Estate, west of Sedgeleth Road and south of Moors Burn. Covering an area of approximately 4 hectares and forming part of Sedgeleth Industrial Estate, the land is subject to policy HA1.2 of the City Council's saved adopted Unitary Development Plan 1998 (UDP). This policy dictates that the established industrial/business areas should be retained and improved for the primary uses including offices, research and development, light industry, general industry, warehouses and storage.

Whilst the above document still provides the development plan for the Sunderland area, the plan normally only provides an accurate and up to date blueprint for the future of the area for a timescale varying between 15 to 20 years. With this in mind, the City Council has prepared a potential replacement in the form of the Sunderland Local Plan Core Strategy and Development Management Policies Draft Revised Preferred Options.

The Preferred Options document has been drafted following the release of the National Planning Policy Framework and is considered to accord with the national policies for dealing with employment land. It is therefore this document which is considered the most appropriate to refer to for the future development of the Sedgeleth Industrial Estate.

Employment land is a finite resource and needs to be protected to ensure that sufficient is available to allow the city's economy to prosper. However these are increasingly subject to pressure for the development of non-employment uses (housing).

The NPPF paragraph 22 highlights that allocated employment sites for which there is no reasonable prospect of development should not be protected in the long term. Proposals for alternative uses on such sites should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The Council's Employment Land Review (ELR) classifies existing employment areas in the city as either "Primary" or "Key" according to a range of criteria. The update also highlights the need to differentiate between these areas and accordingly apply a different Development Management approach to each of these, thus ensuring an appropriate level of protection is afforded to individual estates commensurate with their role and importance to the local economy. In this particular instance, the Sedgeleth Industrial Estate has been classified as a key employment area and therefore a degree of flexibility in terms of future land use can be afforded the site when considering alternatives.

With the above in mind the ELR identifies 28.34 ha of available employment land on the former coalfield area. This would appear to represent an oversupply when considered against an indicative requirement for up to 16 ha between 2015 and 2033.

Therefore, in order to consider whether residential development is acceptable in principle it is considered necessary to demonstrate that there is no reasonable prospect of the site being used for its allocated employment use. The emerging Core Strategy identifies Sedgeleth Industrial Estate as a Key Employment Area (KEA). Development in these areas is controlled via policy DM3 which aims to maintain appropriate economic development uses and ensure the continued effective functioning of the area.

In assessing proposals for housing on any land within the City area and as indicated by paragraphs 47 and 49 of the NPPF, delivering a wide choice of high quality homes, the Local Planning Authority should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5% to ensure choice and competition in the market for land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

As mentioned above the site is currently allocated for Industrial development under UDP Policy HA1. Within the latest Employment Land Review (ELR: March 2016), the site is recommended for retention as employment land.

However, notwithstanding the recommendation set out within the ELR, the site has also been identified as a deliverable housing site within the latest SHLAA (May 2016), capable of contributing 90 residential units within the next five years.

The site has been allocated for employment use for a number of years and has remained undeveloped, which indicates that the demand for employment use in this location is limited. Furthermore, the adjacent site to the south of Blackthorn Way (the former SIG Combibloc

premises) which also forms part of the same industrial allocation, was granted planning permission for residential development and is currently under construction.

Whilst it is acknowledged that the ELR recommends that the site should be retained for employment use, it is also recognised that the ELR indicates that there is forecast to be an oversupply of between 5.16 and 8.16ha of employment land within the Coalfield area over the plan period, once recommended de-allocations have been made. Taking this into account, alongside the changing character of this industrial estate as the adjacent site is developed for residential use and the lack of interest in developing the site for employment use despite its allocation for a number of years, on balance, it is considered that in this instance this site could be brought forward for residential development without harming the overall supply of employment land within the Coalfield area, which would still exceed forecast demand within this area (by between 0.6ha and 3.6ha) even if this land was no longer available for employment use.

In addition, the site will have a positive contribution to ensuring that the Council continues to have a five year supply of deliverable housing sites and would assist in supporting the regeneration of the Fencehouses area.

## 2. Siting, design and appearance.

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

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

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

Each of the above national and local planning policies and guidance have provided the backdrop and framework for the future delivery of housing, whilst also shaping the delivery of the masterplan of the area conceived throughout the pre-application discussions. The current proposal has been supported by a design and access statement which references the potential use of a design code.

Paragraph 59 of the NPPF refers specifically to design codes and states that:

"Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

With the above in mind and following consultations with the City Council's Built Heritage Officer it is recommended that should Members be minded to approve the application a condition be imposed requiring the preparation of a design code to assist informing any potential reserved matters applications.



In addition to the aforementioned design code condition, it is also recommended that any further reserved matters proposal, submit a compliance statement, evidencing how the reserved matters are in accordance with the guidance provided within the design code.

For the avoidance of doubt, it is recommended that any design code condition should include mandatory and non-mandatory elements and provide a clear set of requirements to bring future development forward. It is considered and recommended that the design code should include the following sections supported by regulatory plans in order to provide robust parameters for the site:

- Developable area.
- Open space strategy including; amenity open space, play space and landscaping.
- Building densities.
- Building heights.
- Location of gateway buildings.
- Movement framework with illustrated cross sections.
- Sustainable urban drainage system.
- Character areas.
- Boundary treatment.
- Parking strategy.

Key UDP policies that require consideration in the compilation of a design code include Policy H1. This policy seeks to ensure new housing maximises locational choice, caters for reduced out-migration and increasing household formation, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible. The policy is supported by the Sunderland Objectively Assessed Need and Strategic Housing Market Assessment Update 2016 (SHMAA) that identifies general need for affordable housing per sub area and aspirations for dwelling types across individual ward.

With specific reference to above policy the current proposal seeks to provide 14 affordable units and the mix identified within the proposal is considered to be proportional with the housing requirements within the Houghton ward.

Policy H4 relates to land for new housing and states that housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area.

Policy H16 requires the provision of affordable housing on new developments, whilst policy H21 specifically deals with open space in residential areas and states the following in part:

"Within new residential developments of more than 40 bedspaces:

(a) amenity open space/casual playspace should be provided as follows:

(i) a minimum of 0.4ha per 1000 bedspaces where the site is within 0.5km of a neighbourhood (or larger) open space...

(b) additionally, in the case of family dwellings, formal (equipped) children's playspace should be provided at a minimum of 0.2ha per 1000 bedspaces."

In light of the above, the supporting Design and Access Statement indicates that the indicative masterplan has been designed to respond to its surroundings with open, natural and play spaces forming 12% of the site's area (0.48ha), this is considered to conform with the policy requirement, however inclusion within the design code as part of a regulatory plan would ensure adherence.

Policy EN1 states that the improvement of the environment will be achieved by:

- (i) seeking to minimise all forms of pollution;

(ii) encouraging, assisting or carrying out a wide range of environmental works, including the enhancements of vacant sites and buildings and the reclamation of derelict land.

Further to consultations with the City Council's Public Protection and Regulatory Services Section, it is noted that due to the siting of the Sedgeleth Sewerage Treatment Works to the north of the proposed development site, it is recommended that a 100metres buffer zone is included around the entire perimeter of the site in order to protect levels of amenity (odour) of potential future residents. Whilst the submitted indicative masterplan is reflective of this constraint, it is recommended that the design code reflects this exclusion zone on any regulatory plan.

In conclusion, whilst it is acknowledged that the current application is outline and all matters except access are reserved, the quantum of development provides a medium density of 34.5 dwellings per hectare, however it is notable that range of housing proposed includes a mix of 1 and 2 bedroom apartments; 2, 3 and 4 bedroom terraced houses and 3, 4 and 5 bedroom detached houses. Whilst the illustrative masterplan is also considered to be only indicative in nature, the site can be seen to provide adequate levels of amenity open space, sustainable urban drainage, equipped children's play provision while also been able to satisfy guidance provided in terms of spacing standards and levels of amenity provided to future occupants.

The proposal is therefore considered to be in accordance with the relevant design policies of the UDP and guidance provided within the SPD and as such is considered to be acceptable.

### 3. Highway Implications

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

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

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

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

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

#### Site Access

The site is proposed to be accessed via a new priority junction to be created on Sedgeleth Road. The location is opposite a private access road which serves a small number of dwellings. Given the number of houses there is considered to be minimal impact in terms of traffic movements.

The new junction would increase the number of junctions along Sedgeleth Road, however the location meets with the junction spacing standards.

A road width of 7.3 metres is indicated on a drawing detailing the proposed access location. This width can be reduced to 5.5 metres which is appropriate design for a residential access road.

The estate roads and footways will need to be designed and built to adoptable standards, with no more than three dwellings served by a private shared access. The internal access road shown on the concept layout appears to extend to meet with the industrial estate road and plot of land to the west. Any additional housing provision on the land to the west will require further work to assess cumulative traffic impact.

The existing left turn taper from Blackthorn Way will need to be amended with works delivered through a Section 278 agreement.

Blackthorn Way to the immediate south of the site is currently an un-adopted highway, and is primarily used to access a number of business / commercial premises located on Sedgeleth Industrial Estate. Based on the type and mix of traffic, an access from Blackthorn Way would not be appropriate for use by residential traffic.

### Stopping Up of Highway

The existing access point on Blackthorn Way will need to be stopped up to allow for the new layout to be developed.

### Road Safety

While there are no records of road traffic collisions over the specified time period assessed, it is recommended that an interim road safety scheme be introduced to assist with managing traffic speeds on the approaches to and along the bend on Sedgeleth Road. Road safety improvements will help ensure a safe form of access/egress for the residential development given the proximity of the new junction location to the bend. Should Members be minded to approve the application it is recommended that a suitably worded condition should be included to cover this requirement.

The long term requirement is to provide a new roundabout as part of the Central Route major highway scheme. The transport assessment includes a review of the proposed new roundabout to be built at the junction of Coaley Lane / Blind Lane as part of the Persimmons new development currently on site.

No detailed assessment of the A1052 Station Avenue/Sedgeleth Road traffic signal junction has been undertaken. However, based on the distribution of peak hour trips arising from development traffic there appears to be minimal impact on this junction.

### Central Route

There is an approved major highway scheme located directly to the north of the site. The layout of the development and access arrangements must not compromise the delivery of this scheme. The highway scheme involves the construction of a link road and provision of a new roundabout with Sedgeleth Road.

Section 5.3 of the TA states that the Central Route scheme was cancelled in 2011 due to lack of funding. This is not the case.

Funding contributions are normally sought through Section 106 and be proportional to the increase in volume of traffic to be generated by the development. Given the significant level of

funding necessary to deliver the scheme, government funding will need to be bid for and secured to enable the Central route to progress beyond the phases already delivered. Where justified this can include contributions from developers where an increase in traffic impact is identified as significant.

## Parking

As part of any future reserved matters applications, the layout will need to be designed to include an appropriate number of driveways (maximum level of provision applied is 1.5 spaces per dwelling across the development). Visitor parking should be provided at a level of 1 per 3 dwellings and be well distributed across the site.

## Public Transport

The developer will need to provide funding to improve existing bus shelters as part of the highway access works.

## Pedestrian / Cycle Routes

New footways should be designed to ensure the development is permeable and allow ease of access to existing bus stops located in the vicinity.

New footways should be provided along the western side of Sedgeleth Road to both the north and south of the new junction and connect to existing footways.

## Public Rights of Way (PROW).

There is an existing public right of way along Sedgeleth Bridge and Moors Burn which will need to be retained on its current alignment, and contributions sought from the developer to improve the route as part of the Section 278 works. Should Members be minded to approve the application a suitably worded planning condition should be included to cover this requirement.

The concept layout includes the provision of a new footpath link between the development and the existing public footpath.

## Construction Management Plan

Should Members be minded to approve the application a suitably worded condition should be included to cover the site compound, contractor parking, construction traffic etc.

In conclusion, it is considered that the TA has satisfactorily demonstrated that subject to imposition of planning conditions, the proposed development site, surrounding and wider highway network will be able to cope with the increase in both pedestrian and vehicular traffic. The proposal is considered to be acceptable and in accordance with paragraph 32 of the NPPF and saved UDP policies T8, T9, T10, T11, T13 and T14.

## 4. Ecology and Nature Conservation.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interest and soils;
- Recognising the wider benefits of ecosystem services; and

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Paragraph 118 of the NPPF sets out that local planning authorities should aim to conserve and enhance biodiversity by permitting development where the primary objective is to conserve or enhance biodiversity.

Policy CN22 of the UDP states development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

The current application has been supported by a review of ecological constraints and a site walk over was undertaken in order to provide a record of semi-natural vegetation and wildlife habitats within and adjacent to the site and to ascertain the presence or likely absence of protected species and invasive species.

The walkover identified no signs of water vole, badger, otter with limited habitats suitable for breeding birds or foraging bats.

In light of the lack of protected species or habitats, it is considered that the application is in accordance with the requirements of paragraph 109 and 118 of the NPPF and policy CN22 of the UDP.

## 5. Water resources and flood risk.

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk, whilst paragraph 103 specifically sets out the requirements for site specific flood risk assessments for proposals of greater than 1ha in Flood Zone 1. (In this instance much of the surrounding areas are located within Flood Zone 1. The north and east sides of the site are adjacent to areas of Flood Zone 2 and 3. It is worthy of note however that the Environment Agency records list a historic flood event on the site in 1975, this is material when considering the drainage and landscaping design of the site).

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

Policy EN12 states that:

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

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

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

Planning applications therefore require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding (e.g. climate change) while satisfactorily demonstrating that their development is safe. This

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

The application has been supported by a FRA (updated) dated 02.03.2017, this document makes specific reference to the proposed access point for the development being located within or adjacent to Flood Zones 2 and 3 having the potential to extend flood risk into the site. With the above in mind and in order to ensure that the proposed future residential properties are not subject to flood risk, the land levels and building design should be conditioned if Members are minded to approve the application. This will involve comparing detailed topographic survey information for the site to the levels in the watercourse and the location of flood zones (and associated flood levels) as shown on the EA flood map. Then flood levels for the building should be agreed to ensure they would not be subject to unacceptable flood risk.

Consideration should also be given to access to the site during flood events. It is considered and recommended that by utilising topographic data to determine the likely flood levels at the access point, a management plan can then be put in place to ensure that access to the site is maintained at all times during an extreme flood event. Should Members be minded to approve the proposal it is considered that a condition be imposed requiring the submission of a management plan identifying mitigation measures that are proportionate to the level of flood risk, including but not limited to an emergency vehicular access point to be employed during flood events, should the road become impassable.

Following consultations with the Lead Local Flood Authority (LLFA) the updated FRA is considered to meet the outline requirements for residential development. In summary the drainage strategy proposes the use of dry basins to provide attenuation for the development site. Two basins are proposed; one located to the north western corner of the site and one to the north eastern corner of the site. A total of 1,340 cubic metres of storage is to be provided across the basins. The attenuation basins have been sized to accommodate storm events up to and including the 100-year return period storm (plus 40% climate change).

The future maintenance and adoption of the Suds on site will be detailed on the submission of any future reserved matters proposals.

Notwithstanding the comments received from the EA, the LLFA are satisfied that the development proposal is in accordance with both National and Local Planning Policy.

## 6. Ground Conditions.

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

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

The current proposal has been supported by a Phase 1 Geo-Environmental Desk Study by Ove Arup & Partners Ltd dated 15.08.2016. The report has recommended that additional work is required that includes the following:

- Update of the Envirocheck Report.
- Further research on the treatment and capping details of the adjacent mine shafts.
- Trial pitting to confirm ground conditions across the site.
- Cable percussion boreholes with rotary coring follow-on to depths up to 30m to confirm geology and mining.
- In-situ and laboratory testing including chemical parameters.
- Groundwater and ground gas monitoring.

Further to consultations with the City Council's Public Protection and Regulatory Services Section, it is noted that subject to a condition relating to the mining legacy as recommended by the Coal Authority, there does not appear to be a significant barrier to development of the site for residential land use and therefore no grounds have been identified to refuse outline planning permission.

In light of the above, it is recommended that should Members be minded to approve the application a suite of conditions be imposed relating to land contamination. These conditions should include, the submission of an updated Desk Study Phase 2 Investigation, Remedial Strategy/Verification Plan, Verification Report and a condition relating to unexpected contamination.

## 7. Noise and Vibration.

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

"Planning Policies and decisions should aim to:

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

Policies EN5 and EN6 of the UDP both require the applicant to undertake assessments and set out mitigation, where proposals are likely to demonstrate unacceptable levels of noise or vibration or are to be exposed to unacceptable levels of noise or vibration from adjacent users. Each of the aforementioned policies are considered to be fully compliant with the NPPF.

The current proposal has been supported by an Acoustics Assessment dated 12.01.2016 and an Addendum dated 19.09.2016 by Ove Arup & Partners Ltd that have been assessed by Public Protection and Regulatory Services. It is recommended that should Members be minded to approve the application a condition be imposed specifying that before the proposed development is occupied, the noise mitigation measures as described above be installed to the development to afford future residents protection from noise. Any variation to the identified mitigation measures will require subsequent approval from Public Protection and Regulatory Services.

Overall with the imposition of the above condition it is recommended that the development is in accordance with both national and local policy, in that it will not give rise to adverse impacts on health and quality of life as a result of the development.

## 8. Air Quality.

Paragraph 124 of the NPPF states in part that:

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

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

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

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

The odour assessments submitted in support of the proposed development namely the Odour Assessment dated 04.02.2016 and the Odour Appraisal Report dated 27.09.2016 have been assessed and it is recommended that should Members be minded to approve the application a condition is imposed that requires that no residential properties are built within 100 metres of the site boundary of the Sewage Treatment Works to reduce the odour risk potential of the site in accordance with details provided with the aforementioned reports.

Through the imposition of the above condition, it is considered that the proposal is compliant with both national and local planning policy.

## 9. Planning Obligations.

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law, three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via paragraph 204.

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

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

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

Following pre-application discussions the following infrastructure requirements have been included as part of the current Section 106 agreement:

In this particular instance the developer is required to provide 10% requirement based upon a 80% social rented and 20% intermediate.



In addition and in respect of education provision, a contribution of £297,780.25 is required to be spent on a 0.5 form entry at a primary school in the vicinity of the site.

## **10. Conclusion.**

The outline application seeks consent for a residential scheme up to a maximum number of units of 138 dwellings on a site approximately 4ha in area.

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

In local policy terms, the site is allocated for industrial use, however through the findings of both the most up to date ELR and given that the site is allocated within the most up to date SHLAA as being deliverable within the next 5 years, due to the city council's lack of provision of a five year housing land supply, it is considered that the principle of residential development in this instance is considered to be acceptable.

Whilst all matters with the exception of access are reserved for a future reserved matters application, via the imposition of the conditions listed, relating to design, layout, appearance and landscaping it is considered that the site can adequately accommodate the quantum of development proposed. Furthermore with the imposition of conditions that will ensure the land is suitable for long term residential use in terms of land contamination, ensuring drainage within and around the site is suitably accommodated, buffers are imposed to ensure the neighbouring sewage treatment plant does not impact negatively upon levels of residential amenity the development is considered to provide a suitable land use for the site.

In terms of access, it is considered that the supporting TA has satisfactorily demonstrated that the surrounding and wider highway network will be able to cope with the increase in both pedestrian and vehicular traffic.

To conclude, and following examination of all material considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of paragraphs 14 and 49 of the NPPF, which state that housing should be considered in the context of the presumption of sustainable development, it is therefore recommended that subject to no negative comments being received from the Environment Agency, and subject to the signing of the proposed Section 106 agreement, as detailed, planning permission should be approved in accordance with the draft conditions listed below.

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

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

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

- 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:** Mind to APPROVE, subject to the signing of the Section 106 Agreement and the draft conditions listed.

### **Conditions:**

1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced (excluding site clearance, site investigations for assessing ground conditions, ground remediation work in respect of any contamination or other adverse ground conditions).

- Appearance
- Landscaping
- Layout
- Scale

Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out in accordance with the approved details. In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the further details are necessary to ensure a satisfactory form of development.

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

Drawing No.245817-00-SK-001, Location Plan received 04.10.2016.

Drawing No.245817-00-SK-002, Site Plan received 04.10.2016.

Sedgeleth Design and Access Statement (insofar as it relates to access arrangements) by Arup received 23.01.2017.

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

4 Prior to the submission of any reserved matters application, full details of the design code to be adopted for the development shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the development adheres to the design principles provided within the submitted Sedgeleth Design and Access Statement produced by ARUP dated January 2017.

For the avoidance of doubt, the design code should include mandatory and non-mandatory elements and provide a clear set of requirements to bring future development forward. The design code should include (but not be limited to) the following sections supported by regulatory plans in order to provide robust parameters for the site:

- Developable area.
- Open space strategy including; amenity open space, play space and landscaping.
- Building densities.
- Building heights.
- Location of gateway buildings.
- Movement framework with illustrated cross sections.
- Sustainable urban drainage system.
- Boundary treatment.
- Parking strategy.

Any reserved matters application will need to demonstrate full compliance with the Design Code, in the interest of ensuring a high quality form of development and to accord with paragraph 59 of the National Planning Policy Framework (NPPF) and saved adopted policy B2 of the Unitary Development Plan (UDP).

5 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 6 to number 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

6 No development shall take place until an updated Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesia Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

7 No development shall take place) until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works. To

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

8 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

10 No construction work shall take place until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to :

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528 : Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;

11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;
13. Location and containment of redistributed earth mounds.

In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

11 The development hereby approved shall be carried out in full accordance with:

- HCA Sedgeleth Industrial Estate, Flood Risk Assessment (updated) dated 02.03.2017.
- Drawing no.C960.G.002 Proposed Drainage General Arrangement received 23.01.2017.
- Drawing no.C960.D.001 Proposed Drainage Details Sheet 1 received 23.01.2017.
- Drawing no.C960.D.002 Proposed Drainage Details Sheet 2 received 23.01.2017.

Unless otherwise first agreed in writing by the Local Planning Authority, in order to prevent increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved adopted UDP.

12 No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details and to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and policy EN12 of the saved adopted UDP.

13 Notwithstanding the submitted details provided in the HCA Transport Assessment by ARUP dated 09.09.2016, and prior to the commencement of works on site, an interim road safety scheme should be submitted to and approved in writing by the Local Planning Authority and implemented as such thereafter, to assist with managing traffic speeds on the approaches to and along the bend on Sedgeleth Road, in the interest of highway safety and to comply with policy T14 of the saved adopted UDP.

14 No construction works shall take place until a detailed scheme of improvements to the existing Public Right Of Way along Sedgeleth Road and Moors Burn has been submitted to and approved in writing by the Local Planning Authority and implemented under a Section 278 Agreement under the Highways Act to enable funding and implementation prior or occupation of any dwellings, in the interest of residential amenity and highways safety and to comply with policies B2 and T14 of the saved adopted UDP.

15 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property and the levels of the proposed vehicular access to the development, in order to achieve a satisfactory form of development and to comply with policies B2, T14 and EN12 of the saved adopted UDP.

16 Notwithstanding the details provided within the submitted HCA Sedgeleth Industrial Estate, Flood Risk Assessment (updated) dated 02.03.2017, no development shall commence on site until a detailed Flooding Management Plan is provided for the site in writing and approved by

the Local Planning Authority, in the interest of amenity and highway safety and to comply with relevant policies B2, EN12 and T14 of the saved adopted UDP.

17 The development hereby approved shall be undertaken in accordance with the noise mitigation measures identified within the Acoustics Assessment dated 12.01.2016 and the addendum dated 19.09.2016 by Ove ARUP and Partners Ltd, and implemented prior to occupation, in order to ensure adequate noise protection is included within the development, in the interest of residential amenity and to comply with relevant policies EN5 and EN6 of the saved adopted UDP.

18 The development hereby approved shall be undertaken in accordance with the Odour Assessment dated 04.02.2016 and Odour Appraisal Report dated 27.09.2016 by ARUP in order to ensure an adequate buffer is implemented between the existing Sewage Treatment Works and the proposed residential units within the development, in the interest of residential amenity and to comply with relevant policy EN9 of the saved adopted UDP.

19 Development shall not commence within the reserved matters phase, until samples of materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.

20 Development shall not commence within the reserved matters phase until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.

21 The development hereby approved shall be carried out in full accordance with the coal mining mitigation strategy contained within Geo-Environmental Desk Study (August 2016 prepared by ARUP) in order to appropriately address the coal mining legacy present on the site and to accord with Policy EN14 of the saved adopted UDP.

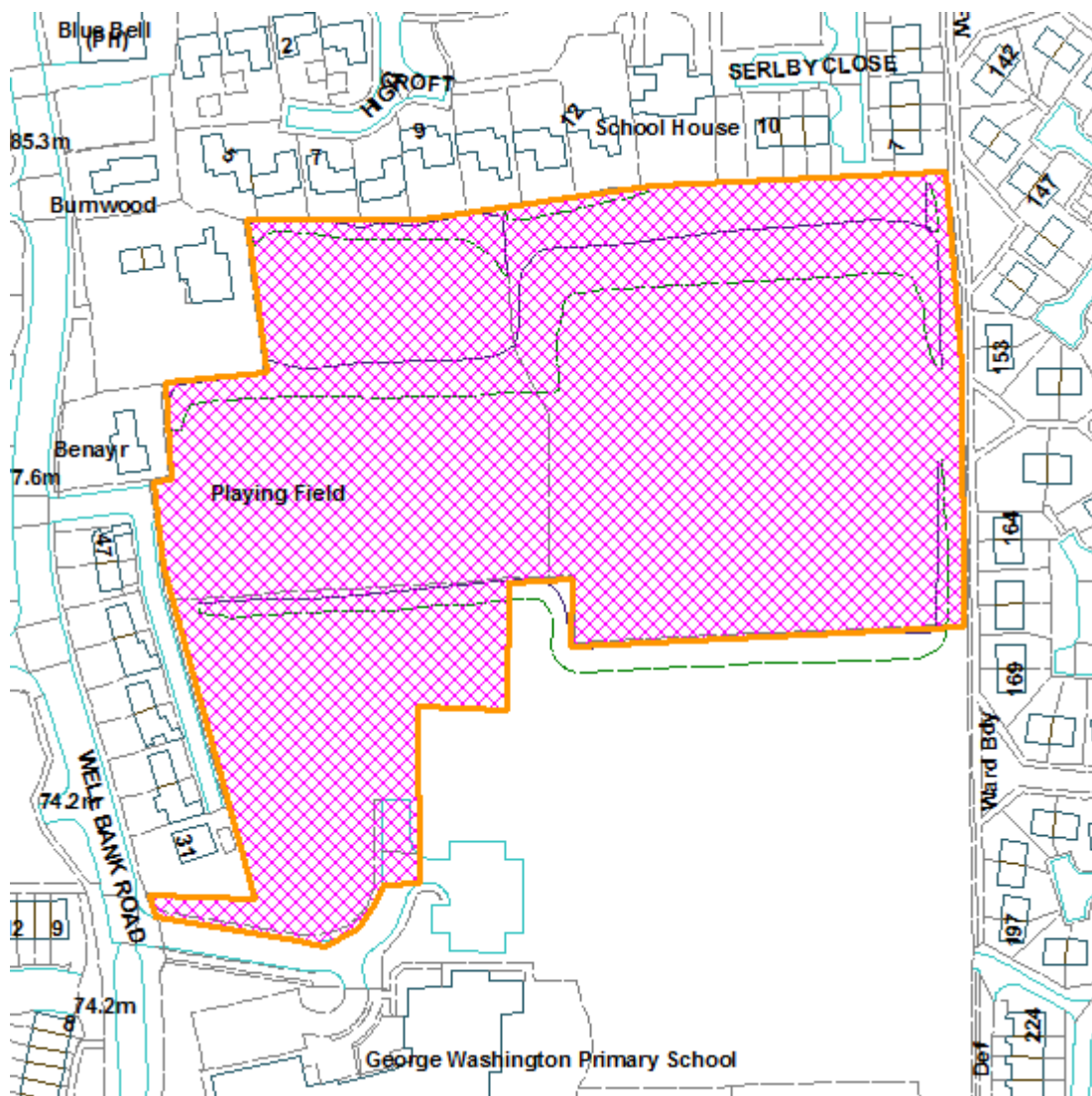
**Reference No.:** 16/02266/FU4 Full Application (Rag 4)

**Proposal:** **Erection of 56 no. residential dwellings with associated access, landscaping and infrastructure works.**

**Location:** Former High Us worth Primary School Well Bank Road Washington

**Ward:** Washington West  
**Applicant:** Gentoo Homes  
**Date Valid:** 22 December 2016  
**Target Date:** 23 March 2017

### Location Plan



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## **PROPOSAL:**

The proposal relates to the erection of 56 No.residential units comprising 20 three bedroom houses and 36 4 bedroom houses with associated access, landscaping and infrastructure works on land previously occupied by High Us worth County Junior School and Donwell Primary School, with associated playing fields.

The demolition of the aforementioned school buildings facilitated the development of George Washington Primary School and associated playing fields to the south of the site via planning approval ref : 01/00852/LAP.

The site is surrounded by residential properties to the north, east and west. Access to the site is via the existing access road from Wellbank Road with the school.

The site is allocated in the Unitary Development Plan (UDP) as a school playing field and as such the proposal has been advertised as a departure to the UDP.

The site is currently owned by Sunderland City Council, actively marketed for residential development and supported by a bespoke development brief. The current applicant has also engaged in pre-application discussions prior to formal submission.

The current proposal is supported by the following documents.

- Design and Access Statement.
- Flood Risk Assessment.
- Drainage Strategy.
- Preliminary Ecological Appraisal.
- Site Investigation.
- Statement of Community Involvement
- Transport Assessment.
- Tree Survey.

## **PLANNING HISTORY**

01/00852/LAP - Approved : Construction of a new primary school with swimming pool, games pitches and parking. Stopping up of highway and change of use to landscaping, highway, emergency access, playing fields and open space. Demolition of three existing schools.

06/03786/FUL - Approved : Housing development providing 109 no.residential properties including garages, parking, roads, footpaths and associated services.

07/05054/VAR - Approved : Removal of planning condition 3 of previously approved application 06/03786/FUL, in relation to emergency access.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Nexus  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Director Of Children's Services  
Sport England  
Washington West - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Flood And Coastal Group Engineer  
Environment Agency  
Environment Agency

Final Date for Receipt of Representations: **17.03.2017**

## **REPRESENTATIONS:**

Further to the expiry of the consultation period, twenty four letters of representation were received opposed to the development. Issues raised material in the consideration of the proposal included the following:

- Highway safety concerns;
- Construction noise, vibration and dirt;
- Pedestrian linkages;
- Loss of trees and protection measures for retained species;
- Destabilisation of land and potential increased slippage;
- The future of the existing bus link;
- Retention of children's play park;
- Land use and need for future school expansion;
- Flooding;
- Loss of residential amenity;
- Transport Assessment inaccuracies;

Matters raised that are not material to the determination of the proposal include, loss of property value, illegal use of bus link, City Council funding to Washington.

Statutory and Non Statutory Consultee Responses.

Sport England - The proposed development is not considered to fall either within Sport England's statutory or non-statutory remit.

County Archaeologist - An archaeological desk based assessment will be required to determine whether medieval archaeological remains associated with the village are likely to survive on the site. Depending on the results of the report, further archaeological work such as geophysical survey and evaluation trial trenching may be required before development can proceed.

Environment Agency - (EA) – Consultation expire 17 March 2017, as such the findings can be reported in a report for circulation.

Northumbrian Water Limited (NWL) - With regard to surface water, NWL have no issues to raise and should Members be minded to approve the application, provided the application is approved

and carried out in accordance with the submitted Drainage Strategy, which states that surface water will discharge to the existing surface water sewer at a maximum restricted rate of 9l/s. With regard to foul flows, an enquiry was received by NWL to ascertain suitable connection points and discharge rates to the public sewer network. A response to the enquiry indicated that the adjacent sewer network does not have capacity to accommodate additional flows at present. In order to enable NWL to agree a suitable foul drainage strategy following further assessment works, it is recommended that should Members be minded to approve the application the following condition should be imposed.

"Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details."

Nexus - No objections, but requests that the developer produces a Travel Plan for the development to detail how they intend to mitigate the impact of the development on the surrounding road network.

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

Desk Study - Land Contamination.

The report comprises a site walkover, site history based on Ordnance Survey and other historical mapping, a Coal Authority Mining Report dated 4 October 2016.

No computerised search of environmental databases has been provided. This would include details of landfilling, permitted activities, licensed abstractions, green belt, flood risk areas, adverse geological conditions, background metal concentrations etc. for the site and environs. Whilst this information could be independently sourced there is insufficient data to prove this is the case. We recommend a database search for environmental constraints for the site and environs be provided.

The site comprises what is described as "undeveloped land" in the centre and north of the site, and a vacant southern area of rough grassland (southwest) and tarmacadam (north). The history from mapping indicates the southern area was formerly a school dating from the late 1950's attached to playing fields created from a series of levels on the remaining site area. The report indicates the school closed in 2002 and the buildings were no longer shown in mapping of 2006.

The published geology from BGS sources is reported to be Pelaw Clay (possibly with Devensian Till in the north) overlying Pennine Upper Coal Measures Formation comprising Mudstone, Siltstone and Sandstone to the south and Seventy Fathom Post Member (Sandstone) to the north. The report omits reference to Made Ground shown in the BGS 1:10,560 Sheet NZ35NW in the northeast and southeast of the site. The site does not appear to be underlain by shallow coal seams. The Coal Mining Report indicates there are no known coal mining legacy hazards associated with the site.

The underlying bedrock is a Secondary (A) Aquifer. There are no Groundwater Source Protection Zones or licensed groundwater abstractions associated with the site. There are no EA GQA

classified rivers reported within 1000m of the site. The site is regarded by Roberts as having a low sensitivity for water resources. The EA website indicates a watercourse approximately 300m west of the site however this is separated by housing and associated infrastructure.

## Ground Investigation

A ground investigation has been conducted for the site comprising ten windowless sampling boreholes WS01-WS10 and eight machine excavated trial pits TP01-TP08. It is indicated that the southern area was in constant use by members of the public and hence there was no safe access for drilling. The embankment slopes were not investigated since this would affect their integrity and the stability of the palisade fence and adjacent properties to the north.

Environmental samples were collected from trial pits and windowless samples, eleven of which were tested for metals and traditional indicators of contamination pH, free cyanide, soluble sulphate, asbestos, PAH (USEPA priority 16 + Benzo(b)fluoranthene. Two samples were tested for leachable concentrations using 10:1 eluate to soil ratio which is regarded by the EA as an out-of-date protocol. The preferred method is to use a percolation test however it is fairly standard industry practise to substitute this with a 2:1 eluate to soil extraction (e.g. EA Remedial Targets Methodology Handbook).

The investigation proved reworked natural soils over the former playing fields. This has been ascribed by Roberts to result from levelling of the former slope to make sports pitches. The base of the Made Ground in places showed anthropogenic suggesting that the former slope was not virgin ground, for example:

"Black gravels and pebbles of ash and coal fill (MADE GROUND)" was found in WS03 between 2.7 and 2.8mbgl,

"Dark brown / green / black sandy silt clay with rare wood and brick fragments. Organic odour (MADE GROUND)" between 1.5 and 1.7mbgl in TP04,

"Dark brown / green / black sandy silt clay with rare wood and brick fragments. Organic odour (MADE GROUND) between 1.5 and 2.0mbgl in TP02, and

"Dark brown / black ash and coal fragments" logged as natural soil between 0.7 and 1.1mbgl in TP03.

These exploratory holes are located in the east of the site, and the deepest Made Ground reported in this locality is 3.6m in WS04 in the southeast corner of the site. The organic content was not reported for the base Made Ground strata in WS03, TP04, TP02 or TP03 and it is not obvious how this was excluded as a potential source of ground gas. The geotechnical advice indicates that the variable ground may not be suitable for traditional foundations and one solution proposed is reducing site levels. This could expose future residents to these deeper soils that have not undergone chemical testing.

A selection of soils were tested for contamination however the quantity of testing is not large for the size of development and the variability of the materials. Some soils with potential contamination not represented in other samples were not tested for example:

WS02(0.0-0.3m) Tarmac and gravels (MADE GROUND) not tested for Coal Tar indicators (PAHs including Benzo(a)pyrene).

WS04(0.3-0.5m) Brick and ash fill (MADE GROUND) not tested for PAHs associated with ash

TP01(0-0.35m) Clayey sandy fill with red brick, sandstone cobbles, metal and tile fragments (MADE GROUND) not tested for asbestos.

An outlier concentration of Lead of 448mg/kg was determined in TP04 in strata between 0.2 and 0.8m "Light brown gravelly slightly clayey sand with timber fragments (MADE GROUND)." The area around TP04 has been regarded as a hotspot, but since it will be under a roadway no exposure pathway is envisaged for future residents. If this is the case then the testing frequency is inadequate to determine that this is the only Lead hotspot. It would be prudent to carry out additional testing of site-won topsoil where there was an evident anthropogenic content.

The area of the former school buildings and car parking has not been investigated in any great detail. Although this is probably the area at most risk of contamination e.g. from leaking fuel tanks, asbestos, imported fill, coal tar bound black top and residuals from burning there are only three exploratory holes and two samples tested for contamination. The spatial plot attached shows the distribution of Benzo(a)pyrene (BaP) concentrations across the site. BaP is found in Coal Tar and residues of burning (coal, ash etc). The effect of heavier PAHs is considered to be additive therefore the screening values should either combine the effect of carcinogenic PAHs or where applicable use BaP as a marker substance. The S4UL screening value for BaP as a screen for Coal Tars is 0.79mg/kg which is less than half of the screening value adopted for the site. The plot shows that there is an outlier value of BaP in the school area at WS01 of 0.79mg/kg however it should be considered that higher values may be present and that average concentration within each garden may be significant.

Section 5 of the report states that "Given the restrictions in this area [the school] it is recommended that further investigations are undertaken when access is prohibited [sic]".

## Recommendations

The former use of the site is unlikely to prevent safe development of the site for housing however there are deficiencies in the Phase 1 & Phase 2 report and therefore it would be advisable to Condition the development.

- (1) The desk study should include a report as well as a review of the environmental constraints' data for the site and environs.
- (2) The gas risk should include consideration of the depth of Made Ground (up to 3.6m proven) together with evidence of degradable content etc.
- (3) The impact of changing site levels should be considered with reference to potential contamination at depth.
- (4) The area of the school and associated parking / infrastructure should be investigated in greater detail to determine possible contamination.
- (5) A strategy should be developed for screening out unsuitable topsoil and testing topsoil having an appreciable anthropogenic content to ensure chemical and textural suitability.

It is advised therefore that Conditions be provided for a (revised) Phase 1 Desk Study, Phase 2 Intrusive Ground Investigation, Remedial Strategy/Verification Plan, Verification Report and Unexpected Contamination.

Investigation of the south of the site (school and associated infrastructure) should take account of possible buried services, imported fills, macadam surfacing and possible petroleum hydrocarbon and coal tar contamination, as well as potential contamination by residues of combustion.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
B\_15\_Developments causing large scale ground disturbance (currently undeveloped areas)  
B\_16\_Assessing, recording and preserving historic sites discovered during development  
L\_7\_Protection of recreational and amenity land

## **COMMENTS:**

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

1. Principle of Development.
2. Siting, Design and Appearance.
3. Highway Implications.
4. Ecology and Nature Conservation.
5. Water Resources and Flood Risk.
6. Land Contamination.
7. Archaeology.
8. Planning Obligations.
9. Conclusion.

### **1.Principle of Development.**

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

However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the City Council's UDP, rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

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

Paragraph 14 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it should be seen as a golden thread running through both plan - making and decision-taking. For decision taking this means:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date , grant permission unless:-

(a) There are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or  
(b) Any specific policies in the NPPF indicate that development should be restricted. Paragraph 17 of the NPPF then sets out 12 core planning principles which "should underpin both plan-making and decision taking." These principles, amongst other things include the need for the planning system to:

- Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- Be a proactive driver of sustainable economic development, so as to deliver the homes, business, industry and infrastructure that are needed;
- Secure high quality design and a good standard of amenity;
- Be aware of the different roles and character of different areas and promote vitality of our main urban areas;
- Encourage the effective use of previously developed land that is not of high environmental value;
- Promote mixed use developments; and
- Focus significant development in locations which are, or can be made sustainable.

The site covers an area up to 2.7 hectares (ha) which was previously occupied by High Us worth County Primary School and Donwell Primary School, which have both been demolished. The site is identified within the UDP as a school playing field and as such policy L7 is applicable. UDP policy L7 states that:

"Land allocated for open space or outdoor recreation as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards included in policies L4, L5 and L6; or
- (ii) The development is for educational purposes; and
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site."

In light of the above, and previous planning approval ref : 06/003786/FUL, the principle if residential development on the site was considered acceptable as facilities were provided at the George Washington Primary School to mitigate the loss of the playing fields at the above site. The site is also identified within the City Council's Strategic Housing Land Availability Assessment (SHLAA) as reference 56, High Us worth. The site has been categorised as a 1-5 year housing site with a capacity of approximately 60 units and as such is considered deliverable. In light of the above, it is considered that the development of the site for residential use is acceptable in principle.

## 2. Siting, design and appearance.

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

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

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

Policy B2 of the UDP relates to new development and seeks to ensure that proposals take into account the amenities of adjoining properties, in particular attention should be paid to the scale of new buildings in relation to existing surrounding development, daylight, daylight/sunlight effects, siting, elevational treatments and the use of appropriate materials.

With the above in mind due consideration has also been given to the Residential Design Guide Supplementary Planning Document (SPD).

The above document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard, a distance of 21 metres is recommended between main facing windows (habitable window to habitable window) for two storey properties this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties.

In light of the above policy considerations the proposal has been developed within the constraints of the site which provides a unique topography of plateaux and slopes and is a mixed brownfield/greenfield site.

The supporting design and access statement provides a detailed summary how the development seeks to provide a high quality development , which is sympathetically designed to respect the surrounding built and natural environment and includes a mix of five house types, ranging between 3 bedroom semi-detached to 4 bedroom detached, all two storey, and providing a mix of integral and detached garages.

The proposed house types have been developed to complement the existing materials used in the local area and the style of elevational treatment seeks a traditional approach utilising a mix of materials, including

- Red and buff brick
- Render
- Grey slate roofing
- Terracotta pantile roofing
- Upvc windows and doors.

In terms of quantifying the range of properties provided within the proposal the development has paid particular attention to the City Council's most up to date Strategic Housing Market Assessment (SHMA). The SHMA identifies that across Sunderland there is a general pressure on all types of housing. Overall, the SHMA identifies a need for Sunderland to diversify its provision of market housing. There is a particular priority to increase the number and range of houses to reflect the underlying aspirations, with a particular emphasis placed on the provision of 3 plus bedroom detached and semi-detached houses to reflect the aspirations of higher-income and economically active households. The SHMA identifies a clear demand for the provision of larger 3 plus bedroom detached houses in Washington to reflect the aspirations of higher income, economically active households.

With reference to the layout of the proposal, the design seeks an open plan approach to the front of the plots with private gardens enclosed to the rear. Whilst this approach is welcomed and characteristic of many of the former Washington Development Corporations residential estates,



further details are required as to the means of boundary enclosure to the rear of plots 12- 28 along with any proposed engineering works required to stabilise the existing embankment, in the interest of proper planning and to ensure suitable levels of amenity for both existing and future residents. Should Members be minded to approve the application it is recommended that a condition be imposed to ensure these details are provided prior to the commencement of development on site.

Further to correspondence with the City Council's Urban Design Section, the application was assessed against the development/design brief for the site and following the submission of an amended layout was considered to be acceptable.

The proposal is considered to provide a visually acceptable form of development, providing a density and character reflective of the local area and seeks to maintain satisfactory levels of residential amenity with the surrounding residential properties. The proposal has been assessed against both national and local planning policy and is considered to be in full accordance.

### 3.Highway Implications

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The proposed development is supported by a Transport Statement which has assessed traffic generated by the new housing focussed on the busiest periods during morning and afternoon peak hours. The morning peak hour (8.00-9.00) coincides with the main times of school based trips to the adjacent George Washington Primary School.

A survey of the current car parking situation in the wider area has been carried out during school drop-off and pick-up times. This also includes observations of how the existing bus link is used and to identify any potential miss-use of the bus link.

The access to the development and associated traffic movements is based upon the retention of the existing bus-only link.

The existing access to the school is to be used for the proposed site, which is currently not adopted highway and should be included within the Section 38 Agreement. The access was originally designed and constructed to initially serve as access to staff car parking for George Washington Primary, but with a stub provided and intended to access a future housing site with a greater number of housing units than those now proposed.

School drop-off/pick up - The proposal will displace existing parent parking from an area of waste ground which is used informally at present. An alternative school drop-off / pick-up should be provided that could be used for staff or parent parking. It is recommended that the applicant arrange to provide improvements to a hard paved area by resurfacing and including parking bay markings.

Parking restrictions along with a 20 MPH school safety zone will need to be considered for Well Bank Road. A Traffic Regulation Order would be required and should be implemented no later than the Final Adoption of the development.

Visitor parking - For 56 dwellings 19 visitor parking spaces are required. It is acknowledged that 25 properties have double drives. However, some visitor parking spaces should be provided throughout the development, particularly to the entrance of the estate and from plots 11-22. The provision of an additional surfaced car parking area could meet this requirement for visitor use outside of school drop-off / pick-up times.

Private access/private drives - A maximum of 3 dwellings can be access from a shared private access / drive; in some areas the extent of adoption should be extended. Plots 53-56 to be revised and Plots 22-25 as part of the Section 38 highway approval process.

Pedestrian links - Pedestrian routes from the proposed estate should follow desire lines and link into the existing footpath network. Connectivity should be reviewed to include routes to bus stops and other pedestrian routes, with new pedestrian crossing points provided to suit.

A new footpath is to be provided between plots 9 and 10 which meets this requirement.

Section 38 agreement - The development is to be built to an adoptable standard, the Developer should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met.

Traffic management scheme for Wellbank Road - A 20MPH School Safety Zone scheme has been proposed on both Wellbank Road and the site access road shared with George Washington Primary. The scheme includes provision of additional waiting and parking restrictions, and also physical traffic calming measures. These include speed cushions on the site access road and a raised table across the junction with Wellbank Road. While there are no issues with traffic speeds these measures will add to the control of unauthorised parking and assist the safe movement of pedestrians (school children accompanied by parents/legal guardian)

A Traffic Regulation Order (TRO) - A TRO will be required for additional restrictions on Well Bank Road and for a 20MPH School Safety Zone. The TRO would require a separate statutory consultation process, and would be subject to the outcome of the planning permission. The estimated cost of a TRO is approximately £8,000.00, excluding any physical works. The cost of the TRO and the required physical works, such as kerbing, provision of new lining and signage would need to be met by the applicant.

Construction Traffic - A Construction Management Plan is required to ensure construction traffic does not conflict with school drop-off and pick-up times.

Summary - Based on the evidence submitted, which includes parking surveys, the proposed development will not cause a significant impact on the road network, however to address parking issues at the morning peak hour a scheme of traffic management measures is recommended. The applicant is also recommended to provide improvements to an area of existing hardstanding / waste ground adjacent the development site to accommodate short-stay parking.

There are no reasons to refuse the application based on traffic generation and capacity of the junction, however additional parking provision for staff or short stay for parents would be supported.

A number of highway conditions will be required and include management of construction traffic and delivery of a traffic management scheme.

#### 4. Ecology and Nature Conservation.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the nature and local environment in a number of ways included within which is the aim to minimise

impacts on biodiversity and providing net gains in biodiversity where possible . Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance the biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused. UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City, with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat.

Policy CN22 states that development which would adversely affect any animal or plant species protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the city.

Following receipt of a Preliminary Ecological Appraisal by AJT Environmental Consultants dated November 2016, it is noted that whilst the site is generally of low ecological value, a number of recommendations have been made to protect or enhance the ecology of the site as part of the development proposals and such recommendations can be imposed via condition should Members be minded to grant consent.

The recommendations for the development proposal include the following habitat mitigation.

- The creation of areas of new wildflora grassland.
- Creation of new native hedgerows with at least 4 woody species.
- Enhancement of tree and scrub planting.

In addition, the proposals have also considered the need to ensure that any vegetation clearance should not be undertaken during the bird breeding season (March - August for most species) unless prior checks have been carried out by a suitably qualified ecologist, whilst with specific reference to Bats, the trees within the site are of low to negligible risk of supporting bat roosts, although opportunities may arise for habitat enhancement within the new residential properties to increase the roosting opportunities within the site for crevice dwelling bats.

The report considers that with the imposition of the aforementioned mitigation, it is unlikely that the proposed development would have an adverse impact upon the habitats, protected species and nature conservation value of the site.

The application has also been supported by a Tree Survey by AJT Environmental Consultants dated December 2016. The report concludes that the proposal requires the felling and replacement of 4 trees, whilst selective removal of specific specimens are also required within groups identified on the Tree Survey Plan as G3, G5 and G6.

Should Members be minded to grant consent, it is recommended that by the imposition of a condition requiring the Section 4 : Management Recommendations to be implemented during the construction process, appropriate mitigation measures can be put in place, to ensure the development would not adversely affect the long-term tree cover surrounding the site or harm the appearance, landscaping setting or visual amenity of the site and surrounding area.

## 5. Water Resources and Flood Risk.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. within the site, the most vulnerable development is located in the lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient, including by emergency planning and it gives priority to the use of sustainable drainage systems.

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction would not be likely to impeded materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters. The site is wholly located within Flood Zone 1 "low probability." The application has also been supported by both a Drainage Strategy and Flood Risk Assessment and has been subject to revision following consultation with the Lead Local Flood Authority that required confirmation relating to the exact location of on-site attenuation tanks and future maintenance programmes. The current proposal is set to provide a total attenuation of 818 cubic metres via two detention basins, the upper basin holding 188 cubic metres whilst the lower basin holding 478 cubic metres with the remaining 152 cubic metres contained within the aforementioned attenuation tanks located across the site.

Following clarification of the above, the submission of additional information in the form of a maintenance program for the site, the Lead Local Flood Authority are satisfied that the proposals are considered to be acceptable.

## 6. Land Contamination

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

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contained 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A combined Phase 1 Desk Study and Phase 2 Geo Environmental Site Investigation and Risk Assessment by Roberts Environmental Ltd dated November 2016 has been provided and further to consultations with the Public Protection and Regulatory Services Section it is advised that should Members be minded to grant consent, conditions are set for a detailed remedial strategy/verification plan, verification report and a condition for unexpected contamination.

In addition to the above and in order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interest of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that should Members be minded to grant consent a condition be attached which requires the provision of a Construction Environmental Management Plan (CEMP). Any CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

With the imposition of the above conditions it is considered that the proposed development is in accordance with paragraph 120 of the NPPF and policies EN5 and EN14 of the UDP.

#### 7. Archaeology.

Paragraph 141 of the NPPF advises that:

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

In keeping with the nature of this paragraph. Policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

Following consultations with the County Archaeologist it was noted that the site has been previously recorded and should Members be minded to grant consent a condition requiring a watching brief shall be imposed to ensure compliance with the above policies.

#### 8. Section 106 Contributions.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:-

- (a) they are necessary to make the development acceptable in planning terms;
- (b) they are directly related to the proposed development;
- (c) they are fairly and reasonably related in scale and kind to the development proposal.

Further to pre-application discussions, and based on evidence provided within Sunderland's Objectively Assessed Need and Strategic Housing Market Assessment Update 2016, it is considered that off-site provision of Affordable Housing is considered to be acceptable in this instance. The proposed development is required to provide 10% affordable housing, equating to 6 units. In this instance this provision is to be provided on another existing site at Glebe. Members may recall that application ref : 16/01045/FUL for the erection of 59 dwellings was approved dated 23.11.2016 and included the provision of 6 affordable units (all units social rented). This figure is now to be altered via legal agreement should Members be minded to grant consent increasing the affordable provision on site to 12 units (all units social rented).

In addition to the above affordable housing provision and in respect of education provision, a contribution of £181,296 is required towards increasing capacity within the area. Furthermore with

regards, the provision of new play facilities or towards the improvement of existing play facilities where appropriate, a further contribution of £39, 256 is sought.

The above heads of terms of the agreement have been agreed by the applicant and their solicitor and it is consequently anticipated that the Section 106 agreement will be completed and sealed in the near future, although this may occur after the meeting of the Sub-Committee on 23rd March 2017.

## **CONCLUSION**

In conclusion, it is considered that the principle of the proposed development is acceptable, redeveloping the former High Us worth County Junior School and Donwell Primary School sites and that the scheme will have the significant benefit of delivering the appropriate redevelopment of a brownfield site occupying a sustainable location in close proximity to the facilities and services of Washington town centre. Furthermore, the proposal is considered to provide a visually acceptable form of development, providing a density and character reflective of the local area and seeks to maintain satisfactory levels of residential amenity with the surrounding residential properties.

The implications of the development in relation to highway safety and pedestrian movement have been given careful consideration, Based on the evidence submitted, which includes parking surveys, the proposed development will not cause a significant impact on the road network, however to address parking issues at the morning peak hour a scheme of traffic management measures is recommended.

In addition to the above, the implications of the development in relation to flood risk and drainage, trees, ecology and land contamination have been found to be acceptable.

The proposed development will also see appropriate financial contributions made towards off-site play provision and education facilities, whilst the scheme will deliver an appropriate level of off-site affordable housing as part of the development. These will be secured via the agreement under Section 106 of the Town and Country Planning Act, which accompanies this application.

The proposed development is therefore considered to satisfy the aims and objectives of the core principles and relevant paragraphs of the NPPF and the City Council's UDP and as a consequence the scheme is considered to represent a sustainable form of development delivering appropriate housing within this location.

It is consequently recommended that the application is delegated to the Chief Executive, who is minded to grant consent, subject to the conditions set out at the foot of this report and also subject to the signing of an agreement under the provisions of section 106 of the Town and Country Planning Act, 1990.

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

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

- o age;
- o disability;

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal. Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

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

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

**RECOMMENDATION:** Delegate to the Chief Executive who is minded to grant consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

### **Conditions:**

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

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

- Drawing No.PL01 Rev F, Site Plan received 03.03.2017.
- Drawing No.PL03, Site Sections/Street Scenes received 07.12.2016.
- Drawing No.PL04 Rev E, Boundary Treatment Plan received 22.02.2017.
- Drawing No.PL05, Elder Housetypes received 07.12.2016.
- Drawing No.PL06, Hawthorn Housetypes received 07.12.2016.
- Drawing No.PL07, Juniper Housetype received 07.12.2016.
- Drawing No.PL08, Spruce Housetype received 07.12.2016.
- Drawing No.PL09, Spruce Housetype 2 received 07.12.2016.
- Drawing No.PL10, Sycamore Housetype received 07.12.2016.
- Drawing No.PL20, Statement Entrance Wall Details received 07.12.2016.
- Drawing No.H019, Site Boundary received 07.12.2016.
- Drawing No.1027/01, Soft Landscape Strategy received 21.12.2016.

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

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

4 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase.

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.

5 No delivery works required for the development hereby approved shall be received outside the hours of 07.00 and 18.00 Monday to Friday and outside the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.



6 The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment prepared by Cundal dated 06.12.2016. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UPD.

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

8 The remediation scheme approved under Condition number 7 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report, that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

9 In the event that contamination is found at any time when carrying out the confirmed development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 7 (Submission of Scheme of Remediation), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 8 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

10 No development work shall take place until a programme of archaeological work has been completed. This shall be carried out in accordance with a specification provided by the County Archaeologist. The archaeological report(s) shall be submitted to and approved by the Local Planning Authority before works commence. The site is located within an area identified as being of potential archaeological importance. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to comply with policy B14 of the approved UDP.

11 Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd and the lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details, in order to prevent the increased risk of flooding from any source in accordance with paragraph 103 of the NPPF and Policy EN12 of the UDP.

12 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory instrument revoking or re-enacting that Order), no development falling within Class "E" of Part "1" of Schedule 2 of the said Order shall be carried out without the prior written consent of the Local Planning Authority on plots Nos 12-28 identified on drawing no. PL01 Rev F Site Plan received 03.03.2017. To safeguard the privacy and amenity of occupiers of neighbouring properties and protect the visual amenity of the area, in accordance with policy B2 of the adopted Unitary Development Plan.

13 The development shall be carried out in complete accordance with the recommendations detailed in Section 7 of the Preliminary Ecological Appraisal prepared by AJT Environmental Consultants dated November 2016 which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the UDP.

14 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

15 No delivery works required for the development hereby approved shall be received outside the hours of 08.00 and 18.00 Monday to Friday and outside the hours of 08.00 and 13.00 on Saturday and at no time on Sundays or Bank Holidays in order to protect the amenities of the area with policy B2 of the UDP.

16 The development hereby approved shall be carried out in complete accordance with the recommendations of Section 4 : Management Recommendations of the Tree Survey by AJT Environmental Consultants dated December 2016. In order to ensure the long term management of the existing trees and in the interest of nature conservation and visual amenity and to comply with the requirements of policy CN18 of the UDP.

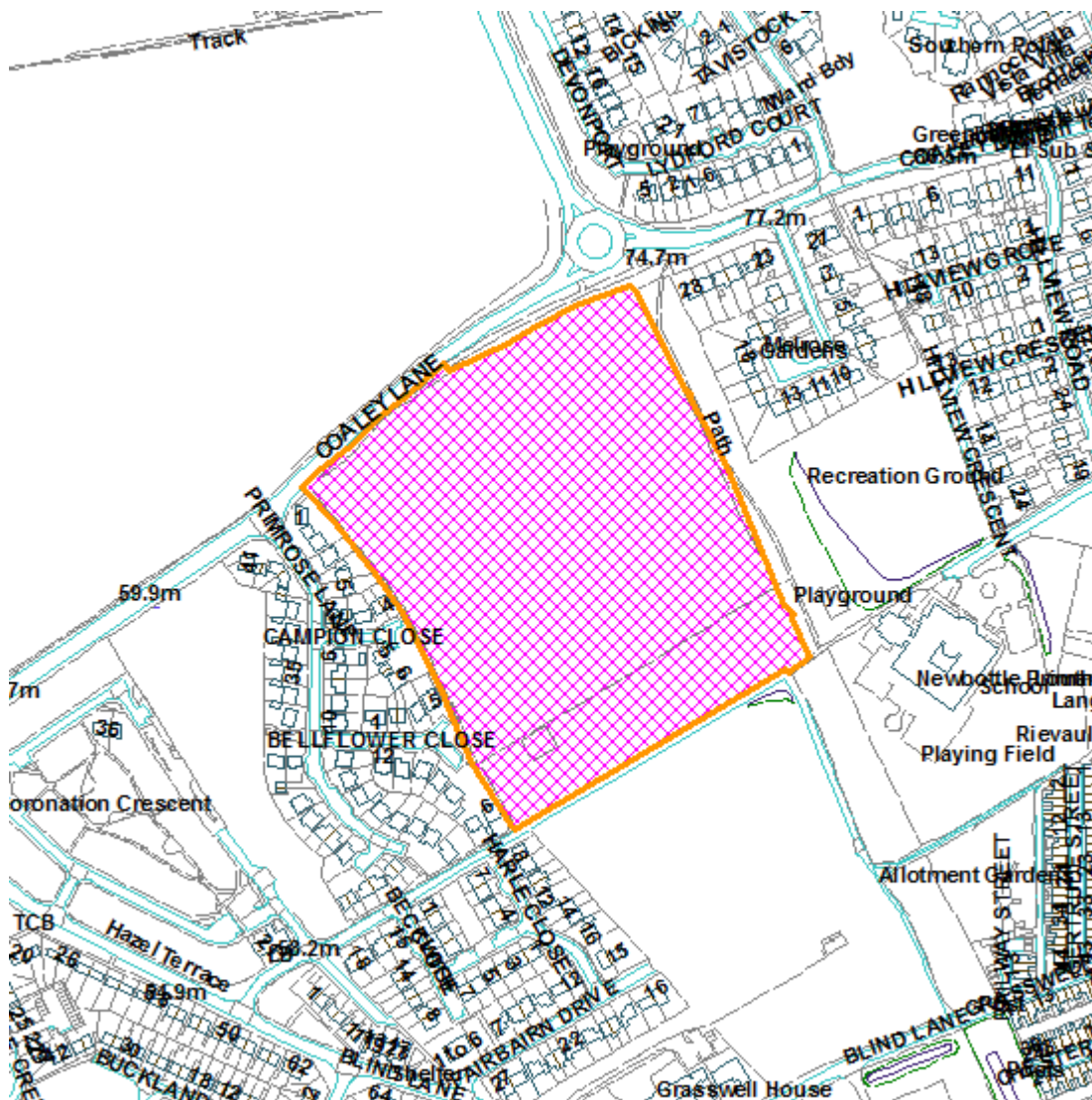
17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

18 Notwithstanding the submitted details and prior to commencement of works on site, a slope stability assessment should be undertaken to the rear of the High Croft properties and the land to the northern boundary and shall be submitted to and approved in writing by the Local Planning Authority and any recommendations implemented thereafter, in the interest of proper planning and to ensure the stability of the existing site, in accordance with policy B2 of the saved adopted UDP.

**Proposal: Erection of 128 dwellings including associated infrastructure, access, landscaping, open space and Suds (Sustainable Drainage System)**

**Ward:** Houghton  
**Applicant:** Gentoo Homes  
**Date Valid:** 11 January 2017  
**Target Date:** 12 April 2017

## Location Plan



## PROPOSAL:

Full planning permission is sought for the erection of 128 no. dwellings including associated infrastructure, access, landscaping, open space and Suds (Sustainable Drainage System) on land south of Coaley Lane, Newbottle, Houghton-le-Spring.

The proposed development affects an area of predominantly agricultural land to the south side of Coaley Lane, immediately to the west of Newbottle village. The application site, which covers an area of approximately 5.3ha, is roughly rectangular in shape and is bordered by Coaley Lane to the north and the corridor of a former railway line, now a public right of way, along its east side. Beyond this are the dwellings of Melrose Gardens, which represent the western edge of Newbottle village. To the west, meanwhile, the site is bordered by new dwellings being built by Gentoo on the site of the former Homelands Estate (application ref. 12/01318/FUL, approved in November 2012). The southern boundary of the site is bordered by Hawthorn Street; this provides a vehicular access to Newbottle Primary School, which occupies grounds immediately to the south-east of the application site.

As indicated above, the application site is sandwiched between existing residential development to its east and west, but to the north and south, the landscape is more open in nature. To the north, for example, on the opposite side of Coaley Lane, are the football pitches of the Russell Foster Football Centre, whilst to the south, on the opposite side of Hawthorn Street, is an area of public open space separating the site from Grasswell. Members may recall, however, that planning permission has recently been granted (at the Development Control (Houghton, Hetton and Washington) Area Sub-Committee meeting on 28.10.2015) for a development of 147 residential dwellings by Persimmon Homes on land immediately to the west of the Russell Foster site, diagonally opposite the development site on the north side of Coaley Lane (application ref. 15/00815/HYB).

The application site slopes gently downhill from a high point at its north-east corner, towards the west, south and south-west. The majority is used for planting of crops, although a strip along the southern boundary is covered by rough grass/scrub. The site is enclosed by hedgerows along parts of its northern, western and eastern boundaries.

The application proposes the erection of 128 no. dwellings, together with associated infrastructure, access, landscaping, open space and a Sustainable Drainage System (Suds). The application has been submitted by Gentoo and the proposed development is intended to represent a further phase of the 'Meadow View' housing scheme being constructed on the site of the former Homelands Estate immediately to the west. The design strategy for the application site therefore broadly echoes the approach taken in respect of the adjacent development.

The proposed development will comprise a range of two-storey detached and semi-detached dwellings, as well as one block of three linked dwellings, and will provide a mix of 2, 3 and 4 bedroom properties in the following proportions:

- 11 no. 2-bedroom units;
- 57 no. 3-bedroom units;
- 60 no. 4-bedroom units;

The dwellings within the development are taken from Gentoo's range of house types and all feature dual-pitched roofs. There is variation in design between the house types, with some characterised by gabled frontages and others by hipped roofs, whilst dwellings display a range of two-storey projecting gables, porches and projecting garages to their front elevations. A number of dwellings to corner plots are designed to 'turn' the corner by exhibiting splayed front elevations.

A total of 10% of the housing at the site (i.e. 13 units) is proposed to be affordable and to this end, the dwellings to plots 105-117 are proposed to be offered for sale as Discounted Market Value (DMV) housing (i.e. housing sold at a discounted price, pegged below the current market value, to buyers who meet certain criteria).

All dwellings benefit from sizeable front and rear gardens and each property is provided with a dedicated off-street parking space. Many are also afforded private garages, including some house types with integral garages. In total, the development will afford 174 no. parking spaces, to comprise a mix of off-carriageway, driveway and visitor parking spaces.

The layout of the proposed housing includes dwellings facing northwards across Coaley Lane, from which they are set back behind shared driveways, landscaping and retained hedgerows. Otherwise, dwellings around the perimeter of the site are proposed to present their rear or side elevations to the site's boundaries.

The sole vehicular access into the site will be from Coaley Lane and will involve the provision of a 'right turn' island within the highway in order to prevent the queuing of traffic in the road. Additional pedestrian accesses into/out of the development will be afforded at various points in all boundaries in order to provide links with the existing footpath network in the area and into the adjacent Gentoo housing development at the former Homelands Estate site.

The development incorporates a Sustainable Drainage System (Suds), to include an attenuation pond at the site's south-west corner, which represents the lowest-lying area of the site. The pond is also intended to act as a landscaping/recreational feature within the development, whilst other areas of incidental soft landscaping and open space will be provided throughout the site, with the main area being at the north-west corner where a new footpath leading from Coaley Lane enters the development. The landscaping scheme for the site will also involve the retention of existing trees and sections of perimeter hedging, to be supplemented by additional planting where appropriate.

The application has been accompanied by the following supporting information:

- Planning Statement;
- Design and Access Statement;
- Archaeological Desk-Based Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Geo-Environmental Appraisal and Land Contamination Assessment;
- Noise Assessment;
- Transport Assessment;
- Travel Plan;
- Ecological Appraisal;
- Arboricultural Impact Assessment;
- Agricultural Land Assessment;
- Statement of Community Involvement.

Members should note that the proposals have been subject to a series of minor revisions and amendments, the reasons for which are primarily covered in the next section of this report.

Members should also note that on receipt of the application, the Council undertook a 'screening' exercise in order to determine whether the proposed development falls within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and is likely to have such a significant impact on the environment so as to warrant the preparation of an Environmental Impact Assessment (EIA). Following the completion of the

screening exercise and having taken into account the relevant selection criteria in Schedule 3 of the Regulations, it was concluded that the development is not 'EIA development' within the meaning of the Regulations and so the preparation of an EIA is not required.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Houghton - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Environment Agency  
Southern Area Command - Police  
Fire Prevention Officer  
Flood And Coastal Group Engineer  
Nexus  
NE Ambulance Service NHS Trust

Final Date for Receipt of Representations: **09.02.2017**

#### **REPRESENTATIONS:**

Public consultation

A total of four letters of representation have been received, from the occupiers of 11 Bellflower Close and 'Greenbank', Coaley Lane, whilst two further letters have been submitted without addresses for correspondence. All representations express objection to the application, with the following concerns being raised:

- Additional traffic - particularly as the site is close to a school and taking into consideration other neighbouring developments;
- Roads in area are already heavily trafficked and this development, plus others in the area, will only exacerbate existing problems;
- Drainage - large amounts of land in the area have been developed, leaving little to absorb rain water and concern that the development site already floods;
- Sedgeleth sewerage treatment plant is 'beyond capacity';
- Local infrastructure - lots of housing being developed with no associated infrastructure improvements or other facilities and the Council should be requiring this from developers;
- Some local facilities have, in fact, been lost, such as Shiney Row College and Newbottle Community Centre;
- Already problems obtaining appointments for doctors etc. - additional housing will only worsen the situation;
- Newbottle School is already operating at capacity and cannot accommodate more children;

- Concerns over access to Newbottle School and additional traffic to pick up/drop off children;
- Area is being heavily developed 'against the wishes' of local residents - other areas of Sunderland should share the burden;
- There are other areas of Sunderland which require reinvestment and housing, rather than just the Houghton area;
- Loss of character of Newbottle village - area now feels like a 'giant housing estate' with little remaining open space and areas for recreation;
- Creation of 'urban sprawl' and loss of area's 'semi-rural' character;
- Newbottle and Houghton are amalgamating into one sprawling town/area, all for money/revenue for Sunderland Council and house builders and not in the interest of local communities;
- The site is a settlement break and should be retained as such;
- No need for additional housing in this area given population of Sunderland is 'declining' and enough has already been built in Newbottle and Houghton area;
- Concerns over level of public consultation undertaken in respect of the application;
- Safety implications in respect of Suds pond, both in terms of creation of stagnant water and its location within an area of family homes;
- Anecdotal suggestion that the site contains mine shafts and cannot be built upon;
- The development will see a loss of wildlife and biodiversity;

With regard to public consultation, Members should note that the application has been given publicity via letters sent to individual properties, the erection of site notices in the area and the publication of a notice in the Sunderland Echo. This fulfils the planning application publicity requirements placed on the Council by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

It should also be noted that the mapping records held by the Council, which have been supplied by The Coal Authority, do not identify any specific coal mining remains within the application site. As such, there is no requirement for the applicant to undertake a site-specific Coal Mining Risk Assessment and the 'standing advice' provided by The Coal Authority, which advises developers to be aware of coal mining legacy hazards on a general level, would be applicable in the event the application is approved.

The other concerns raised by objectors relating to housing need, pressure on local services, the character and amenity of the area, loss of open space, flooding and drainage, ecology and transport are given further consideration in the next section of this report.

#### Northumbrian Water

Northumbrian Water has confirmed that it has no issues to raise in respect of the application, provided the development is carried out in accordance with the surface water management measures proposed by the Flood Risk Assessment and Drainage Strategy submitted with the application. It is therefore requested that in the event planning permission is granted, the aforementioned Strategy forms part of the approved documents and all works are undertaken in accordance with the drainage strategy approved by the Council.

#### Tyne and Wear County Archaeologist

The County Archaeology officer has considered the findings of the Archaeological Desk-Based Assessment submitted with the application. The site lies to the west of Newbottle village and was



probably in agricultural use during the medieval period. The Lambton Railway's Houghton Branch forms the eastern boundary of the site (now a public right of way). The Assessment has concluded that there are no known archaeological features within the site, but there is potential for prehistoric remains to exist given its undeveloped state.

The County Archaeology officer has advised that a range of further archaeological work is required, to entail a geophysical survey, fieldwalking, evaluation trenching and, if applicable, archaeological excavations. It is recommended that the requirement for such work to be carried out is secured via the imposition of appropriately worded conditions.

Tyne and Wear Fire and Rescue Service

No objections to the proposals from a planning perspective.

Council's Flood and Coastal Team (in capacity as Lead Local Flood Authority)

Initially lodged an objection to the application, on the basis that insufficient detail and information had been submitted by the applicant to allow for a full consideration of the implications of the development in relation to flood risk and surface-water drainage. In particular, concerns were raised regarding the method of calculating greenfield run-off rates, source control, connections to the existing drainage network in the area and responsibility for maintenance and upkeep of surface water management features within the development.

Following receipt of this objection, the applicant provided additional information in the form of a revised Flood Risk Assessment and Drainage Strategy. The Council's Flood and Coastal Team has confirmed that their concerns have been addressed by the additional information and that their initial objection to the application can now be removed. It is requested, however, that in the event planning permission is granted, conditions are imposed which require compliance with the submitted details, together with the submission of final details of source control, the detailed design of the Suds pond and landscaping details.

Council's Highways Team

The Council's Highways team has raised no objections to the application.

In terms of traffic impact, it is observed that the Transport Assessment submitted with the application has considered the proposed development in conjunction with impacts from other committed housing development in the area, including at Elba Park, Philadelphia, the former Homelands Estate and the aforementioned Persimmon Homes development adjacent to the Russell Foster site. The Assessment includes a review of the proposed new roundabout at the junction of Coaley Lane/Blind Lane, being delivered as part of the Persimmon development, and other localised widening improvements further north at the junction of Chester Road/Golf Course Road. It is considered that these planned improvements will accommodate the traffic growth associated with the proposed development.

With regard to the arrangements in respect of the adjacent school, it is observed that there are existing parking restrictions in place on Hawthorn Street and Fairbairn Drive (to the south of the development site), which prohibit short-term parking adjacent to the western pedestrian access to Newbottle Primary School. This includes a one-way system, which allows access to the rear of

the school. There are no plans to remove or change these restrictions as part of the development and there is not considered to be any need to do so.

A series of additional observations and comments in relation to the proposals have been provided; these are summarised below:

- The new access from Coaley Lane meets spacing standards in relation to nearby existing junctions;
- The road will need to be widened on its southern side to facilitate right-turns into the development (this is shown on the proposed site layout plans submitted with the application);
- A preliminary layout has been provided within the applicant's Transport Assessment; whilst this appears to be broadly acceptable, it is requested that a condition requiring the submission of a detailed design is imposed on any approval;
- Works for the access from Coaley Lane would be secured via an agreement under Section 278 of the Highways Act;
- The level of parking provided by the development (both for each dwelling and for visitors) is considered to be appropriate;
- Footways and new paths within the site should be designed to ensure the development is permeable and provide easy access to public transport routes on Coaley Lane. Such routes should be surfaced and at least 3 metres wide to assist both pedestrian and cycle access to local amenities and the nearby school;
- Recommended that the developer funds improvements to nearby existing bus shelters;
- The site lies close to the potential route of a new highway scheme (Central Route); delivery of this highway will, however, require Government funding and if this is secured, financial contributions from future housing developments in the area may be sought to provide additional resources;
- It is recommended that a condition be imposed requiring the submission and agreement of a Construction Management Plan, to cover the site compound location, contractor parking, construction traffic routes etc.;
- Roads within the development should be built to an adoptable standard;
- Proposed shared surface configurations are acceptable in principle but should be revised to include a 1.5 metres wide service strip, in order to allow vehicles to pass one another;
- Turning heads within the development should accommodate the turning movements of a large refuse vehicle;
- Details of traffic calming measures within the development site to be agreed as part of a technical submission under Section 38 of the Highways Act;
- Public rights of way bordering the site should be maintained at 3 metres wide, with a 2 metres wide verge to either side;
- Developer will have to confirm intent to enter into an agreement under Section 38 of the Highways Act with regard to adoption of new highways and footpaths and Section 278 of the Act in relation to works affecting existing highways;
- A Traffic Regulation Order (TRO) is required in respect of the new right turn into the site off Coaley Lane.

The Highways team's comments set out above were supplied to the applicant and the proposals have been altered, where necessary at this stage, to address the matters raised. The Council's Highways team has since confirmed that the revised proposals are acceptable, but it is requested that in the event planning permission is granted for the development, conditions are imposed to cover the following:

- Submission and agreement of a construction management plan;

- Detailed design of road widening on Coaley Lane prior to commencement and to be implemented prior to occupation of first dwelling;
- Details of footpath improvements, including pedestrian dropped crossing points and tactile paving to the locations meeting Hawthorn Street to the south and south-east of the development site prior to commencement and to be implemented prior to occupation.

### Council's Urban Design Team

The Council's Urban Design and Regeneration Officer has advised that the proposed development consists of a 'perimeter block' style development which provides high levels of permeability and strong frontage onto Coaley Lane and is considered to be broadly acceptable in terms of its design quality.

The Urban Design officer's initial comments did, however, request some minor amendments to be made to the scheme in order to provide some improvements. The recommended alterations comprise:

- It is understood that the constraints of the development site restrict the possibility of properties facing onto the public right of way to the east of the site and it is recognised that the inclusion of plots siding onto the route will aid levels of natural surveillance (provided the side elevations provide adequate levels of activation). The final boundary treatments to these plots will, however, be crucial in determining the overall impact on the environment and to this end, further details of proposed boundaries to dwellings standing alongside the right of way are required;
- The introduction of 'corner turning' properties, with dual frontages, is welcomed. In some instances, however, dwellings to corner plots adjacent to areas of public realm/green space have house types which do not feature side elevations with adequate fenestration or detailing. These house types should be replaced with those acting as corner turning properties or the current house types amended to introduce improved fenestration/detailing;
- A narrow pedestrian link runs between the site's western boundary and the end of Bellflower Close and Campion Close in the adjacent Gentoo development. Dwellings within the new development which face this path should be revised/amended to improve natural surveillance of this path, particularly the dwelling to plot 119 given that it is subject to long-distance views from the west;
- A long distance view from Coaley Lane terminates on the rear gardens of plots 52-53. It is recommended that a small area of planting and a detailed boundary treatment is included at this location.

The comments detailed above were supplied to the applicant and, following further discussion, the proposals have been amended in response to the Urban Design concerns. Dwellings to corner plots and at locations requiring improved surveillance have either been replaced with more appropriate house types or have been subject to amendments to improve fenestration/detailing, whilst the boundary elevations to properties flanking the public right of way to the east have been developed to improve overlooking. The boundaries will consist of open boarded fencing and a trellised element to upper parts, whilst brick piers have been introduced to improve the overall appearance of the footpath's corridor.

The Council's Urban Design officer has considered the amendments to the proposed development and has confirmed that the concerns identified in the initial consultation response have been satisfactorily addressed. It is requested, however, that in the event planning

permission is granted, a condition requiring the submission and approval of final details of the boundary treatment to plots 1 and 15 is imposed.

#### Council's Conservation Team (Ecology)

The Council's Senior Ecologist has confirmed that the Ecological Appraisal submitted with the application provides an appropriate assessment of the application site and impacts of the proposed development. In combination with the submitted landscaping proposals, the scheme will offer apposite mitigation and enhancement measures and to this end, it is requested that the measures identified by section 6 of the Appraisal are secured via a condition of any approval of planning permission.

With regard to the above, it is considered the hedgerows and trees within the development will provide important connective features to nearby landscaping and green corridors, whilst the flood attenuation area (i.e. Suds pond) can provide a valuable habitat and should be enhanced by, for example, the inclusion of rushes, sedges and herbs and careful profiling of its banks.

It is recognised, however, that on a wider level and in combination with other residential development being built in the area, the proposed scheme could have a negative impact on wildlife corridors, green infrastructure, designated sites and important animal species in the Houghton area. In order to address/mitigate this impact, it is requested that the developer provide a financial contribution towards off-site mitigation and enhancement measures - a figure of £38,400 has been proposed, to be spent on mitigating the cumulative impacts of people and domestic animals on the Moors Burn Wildlife Corridor and links (water vole, otter, bats and birds), including the Success Railway Proposed Local Wildlife Site (pLWS) and Sedgeleth pLWS and Houghton Cut LWS/Local Geological Site.

#### Council's Environmental Health team

The Council's Environmental Health team has assessed the land contamination report and noise assessment submitted with the planning application. With regard to land contamination, it is advised that no works other than site investigation works should be carried out prior to the receipt of written approval of any remediation strategy required in relation to the development of this site.

In terms of noise, the submitted assessment has been reviewed and it is observed that monitoring was undertaken at two locations in order to determine road noise from Coaley Lane. The methodology used in the assessment is considered to be appropriate and the results of the monitoring (maximum day time noise of 69dB(A), night time noise of 63dB(A)) are accepted. The assessment provides details of recommended noise mitigation measures in order to ensure dwellings closest to Coaley Lane (i.e. plots 1-15) are afforded appropriate living conditions and it is advised that these should be implemented to the specifications within the assessment prior to the dwellings being occupied.

#### Council's Education Team

The Council's Education Team has requested that the developer provides a financial contribution to support the delivery of additional school places and facilities anticipated to be required as a result of the development. A figure of £415,745 has been requested, to be spent on primary school provision within a 2-mile radius of the development site.

## Council's Sport and Leisure Team

The Council's Sport and Leisure Team has requested that, in lieu of any on-site play facilities being provided, the developer makes a financial contribution of £89,728, to be spent on the provision of new play facilities or the improvement of existing play facilities (where appropriate) within the Houghton Ward.

## Council's Housing Team

The Council's Housing Team has welcomed the applicant's intention for 10% of the proposed housing being affordable. With regard to the type of affordable housing to be afforded at the site, it is noted that the Council's most recent Strategic Housing Market Assessment (SHMA) of 2016 recommends that across the City, on-site affordable housing is provided at a ratio of 80% affordable rent: 20% intermediate tenure and in the majority of cases, the Council would pursue such a balance. In this case, however, the Council's Housing team has agreed to the principle of the affordable housing at the site taking the form of the Discount Market Value (DMV) housing proposed by Gentoo.

In considering this matter, the Council's Housing team has had regard to the level and types of affordable housing Gentoo is bound to provide as part of the redevelopment of the adjacent Homelands Estate. To this end, it is accepted that overall, the Homelands redevelopment will secure 35 no. units of affordable rent accommodation, in addition to the 13 no. DMV units being provided as part of the current application. This equates to 27% of the overall affordable housing contribution within the Homelands redevelopment being affordable rent and it is ultimately considered that when taken as a whole, the various phases of the Homelands will provide an acceptable mix of different tenure types. The acceptance of the DMV housing as the affordable housing product for the current development proposal is subject to the agreement of appropriate eligibility criteria for buyers of the dwellings in question.

## **POLICIES:**

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

EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_11\_Restrictions upon new development or intensified use of land liable to flooding  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_1\_Provision for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
R\_3\_Infrastructure provision, etc. in association with developments  
B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
CN\_6\_Retain / enhance important open breaks & wedges between / within settlements  
CN\_8\_Protection of higher grades of agricultural land (Grades 2 and 3A)  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_20\_Developments affecting designated/proposed SSSI's

CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN\_22\_Developments affecting protected wildlife species and habitats

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

T\_22\_Parking standards in new developments

## **COMMENTS:**

### **ISSUES TO CONSIDER**

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

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6) of the Act), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan are to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development and paragraphs 7 and 8 therein explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 goes on to explain that the presumption in favour of sustainable development should be viewed as a 'golden thread' running through both plan-making and decision-taking and means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land);
- always seek to secure a high quality of design and a good standard of amenity;
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;

- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EN6, EN10, EN11, EN12, EN14, H1, H4, H16, H21, R3, B2, B11, B13, B14, CN6, CN8, CN17, CN20, CN21, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

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

- The principle of the proposed development;
- The principle of developing agricultural land;
- The impact of the development on visual and residential amenity and urban design considerations;
- The impact of the development in respect of highway and pedestrian safety;
- The impact of the development in respect of ecology and biodiversity;
- The impact of the development in respect of flooding and drainage;
- The impact of the development in respect of ground conditions;
- The implications of the development in respect of archaeology;
- Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

## 1. Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

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

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local

policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

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

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs. To this end, the Council has produced a Strategic Housing Land Availability Assessment (SHLAA), dated May 2016, which provides a speculative assessment of potential available housing land and serves to inform the assessment of five-year deliverable housing supply within the City for the purposes of producing a new Local Plan. It must be noted that the SHLAA is not a planning policy document, although as it informs the assessment of housing land supply, it can be a material consideration in determining planning applications for residential development.

To summarise, at this juncture the Council as Local Planning Authority cannot robustly demonstrate a five-year supply of housing land that has been subject to independent examination via a public enquiry. As such, and in line with the guidance of aforementioned paragraph 49 of the NPPF, the more up to date development management and housing policies in the NPPF must be given greater weight when considering this application than the housing policies in the Council's saved Unitary Development Plan.

With regard to local policy, the development site is not allocated for a specific land use on the proposals map of the Council's adopted UDP (it does not, for example, form part of the Green Belt) and as such, policy EN10 therein is applicable. This 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. Given that the application site is flanked by residential development to the east and west and is located within an area which is primarily residential in character, it is considered that the proposed development is, in terms of broad land use principles, an acceptable use of the application site and not to be in conflict with the aims and objectives of aforementioned policy EN10 of the UDP.

The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

In this regard, although the application site is not allocated for housing development by the UDP, it has been identified in the Council's 2016 SHLAA as being capable of accommodating up to 80 no. dwellings within a delivery period of 6-10 years. As such, the approval of planning permission for residential development of the site would serve to contribute positively to the supply of deliverable housing land in the City. Indeed, as the application proposes 128 no. dwellings, the development would in fact represent a greater contribution to housing supply than is otherwise identified by the SHLAA.

It must also be noted, however, that the application site lies beyond a 'settlement break', as identified on the Proposals Map of the Council's UDP. Such breaks are intended to help retain the distinct physical characteristics of the City's constituent communities, focus efforts on regenerating existing urban areas and provide open space 'lungs'. Policy CN6 of the UDP states that important breaks and wedges within and between settlements will be retained and enhanced



and to this end, the settlement break in question is intended to maintain distinction between the edge of the former Homelands Estate/Sunniside to the west and Newbottle to the east.

The Council has, however, recently undertaken a Settlement Break Review (March 2016) to support the development of a new Local Plan. The document serves to review the value of all the settlement breaks identified within the UDP and balance the desire for such breaks to be retained against the need for the City to identify sufficient land to meet its development needs and the recognition that there is a finite supply of brownfield land available.

The Review has considered the value and characteristics of the settlement break between Homelands/Sunniside and Newbottle and has concluded that the land does not resemble or act as a Settlement Break. The gap between the respective settlements is negligible, as is the impact of the site on the setting of the historic Newbottle village and its Conservation Area, and it is considered reasonable to argue that the land falls within an established urban area. It is noted, however, that the east side of the existing Settlement Break provides a footpath/cycleway and very narrow Green Infrastructure Corridor - this should be preserved and enhanced, with opportunities taken to widen the corridor where possible.

The Review suggests, therefore, that the land within the Settlement Break could be developed with only a minor adverse impact on the character of the area and that this minor impact could be satisfactorily mitigated by the retention and enhancement of the footpath/cycleway corridor along its eastern side.

With regard to the above, it is considered that whilst policy CN6 of the UDP seeks to retain settlement breaks identified by the UDP, this position cannot reasonably be maintained or supported in relation to the application site given that the Council's most up-to-date Review has concluded that the Settlement Break in question does not resemble or act as a settlement break and that the land can be developed with only a minor adverse impact on the character of the area.

In summary, and with reference to the comments provided above, there is not considered to be any unacceptable conflict with the aforementioned land use-related policies in the UDP. As has been raised by a number of objectors to the application, it is recognised that the application involves the development of a greenfield site, rather than securing the more desirable redevelopment of previously-developed 'brownfield' land and objectors have also raised concern regarding the amount of new housing being built, or with planning permission, in the wider Newbottle/Houghton-le-Spring area and the 'urbanising' effect this is having on the character and appearance of the area.

Nevertheless, and especially as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered on its own merits and in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability. In this regard, the proposed development will make a modest, but valuable, contribution to housing supply in the City and in the absence of any clear conflict with relevant local and national land-use policies and a robustly-tested supply of housing land, the proposed development of this greenfield site for residential purposes is considered to be acceptable in principle, subject to the proper assessment of other impacts of the scheme and relevant material planning considerations, which are addressed in more detail below.

Objectors to the application have also suggested that other areas of the City should share the burden of new housing, rather than so much being focused on the Houghton area. In this regard, each development proposal must be considered on its own merits and with reference to relevant local and national planning policy considerations and individual applications for new housing in

the Houghton area cannot be resisted solely on the basis that a significant amount of housing has already been built or approved. Nevertheless, it is considered reasonable to suggest that other areas of the City are taking their share of new housing development; for example, the South Sunderland Growth Area would represent an urban extension to the south of Ryhope, Tunstall and Doxford Park capable of delivering 2800-3300 new dwellings over the next 15-20 years.

Some objectors to the scheme have also suggested that as the population of Sunderland is perceived to be 'falling', there is no need for new housing to be built. In this regard, the Council's most recent Strategic Housing Market Assessment (SHMA) of March 2016 includes an Objectively Assessed Housing Need, which uses factors such as census data, population projections, household projections, vacancy rates, growth aspirations and job creation to provide a recommended figure for the number of new dwellings required in the City for the period 2015-2035. The SHMA identifies that the City continues to lose population, particularly young family forming households, to adjacent authority areas and commute back into the City to work. Clearly, this is not a sustainable option and it is therefore essential that the City continues to deliver high-quality housing sites to encourage the development of family homes and/or executive properties. To this end, the Objectively Assessed Housing Need within the SHMA recommends the delivery of 819 new dwellings per year in the City for the period 2015-2035.

Objectors have also expressed concern that the proposed housing and other new housing developments in the Houghton area are being built without tandem improvements in infrastructure, facilities and services. Particular concerns have been expressed in relation to school place provision and the capacity of local health centres. In this regard, the Council's Education team has not objected to the application, provided that the developer makes a financial contribution to support the provision of primary school facilities in the area. A contribution of £415,745 has been sought and the developer has agreed to the payment of this sum as a requirement of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended). Furthermore, the Commissioning Manager for the NHS Sunderland Clinical Commissioning Group has confirmed that there is still capacity for new patients at one of the nearest practices to the site and that there is no requirement and no plan to increase capacity based on current patient numbers. Nor do the new housing numbers in the area justify the creation of another practice.

To conclude, whilst the proposed residential development affects a greenfield site which is identified as a 'settlement break' by the Council's UDP, it must be recognised that the Council cannot demonstrate the availability of a 5-year supply of housing land and that the Council's most recent Settlement Break Review does not recommend the maintenance of this settlement break. As such, and having given consideration to the most relevant national and local planning policies, it is considered that the principle of developing the site for residential purposes is acceptable.

## 2. Principle of developing agricultural land

The development site is currently used for agricultural purposes, namely the growing of crops. Regard must therefore be given to policy CN8 of the UDP, 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. This approach broadly reflects the advice of paragraph 112 of the NPPF, which requires Local Authorities to give preference to the development of poorer quality agricultural land ahead of higher grade land.

The Agricultural Land Classification report submitted with the planning application has considered the quality of the agricultural land at the development site and has concluded that based on the relevant climate, site and soil properties, the land should be classed as falling within Subgrade 3b

(moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a higher range of crops). This conclusion is echoed by the MAGIC website (the Government's authoritative geographic information database), which also shows the land to be Subgrade Grade 3b.

Given the above, it is concluded that the proposal will not lead to the loss of prime, valuable agricultural land, in accordance with the aims and objectives of policy CN8 of the UDP and paragraph 112 of the NPPF.

### 3. Impact of development on visual and residential amenity and urban design considerations

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity. Also relevant in terms of residential amenity is policy EN6, which states that where noise sensitive development is proposed which is likely to be exposed to significant levels of noise, the applicant will be required to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Such an approach is echoed by the guidance provided by paragraph 123 of the NPPF.

Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy H21 seeks to ensure that new residential development is afforded appropriate levels of amenity open space and/or casual playspace, with the levels recommended dependent on the type of housing proposed (in terms of total numbers of bedrooms) and proximity to existing areas of open space. Also relevant is policy CN17, which seeks to protect valuable trees and hedgerows.

In terms of the visual amenity of the locality, it is clear that the application site affects open, agricultural land located between the established built development of the former Homelands Estate and Newbottle village which, as highlighted earlier in this report, is identified as a 'settlement break' by the Council's UDP. The development of the land will serve to significantly fill the gap between the existing built-up areas to the east and west, although a substantial break will remain to the east in the form of the green corridor of the former Lambton railway line (now a public right of way).

As noted previously, however, the Council's most recent Settlement Break Review has highlighted the generally 'urban' nature of the locality and has suggested that the development of the site would cause only a minor adverse impact on the character and appearance of the locality. It is ultimately considered that this will be the case in relation to the development proposed by the current application and that although the gap between the two adjacent built-up areas will be substantially closed, the impact of the development on the character and amenity of the area will not be unacceptable given the existing, predominantly 'urban' nature of the locality.

In terms of the site layout and built form of the development, broadly speaking the proposed development will be similar in style and of a similar density to the housing being built on the adjacent former Homelands Estate and will essentially be viewed as a further phase of this development. Such an approach is considered to be appropriate and will afford a cohesive development of the land to the south side of Coaley Lane, in line with UDP policy H4's objectives. On a more detailed level, as noted in the 'Representations' section of this report, the Council's Urban Design officer has confirmed that the amendments to the proposals have served to improve the treatment of corner plots within the site and the relationship between the development and footpaths/rights of way flanking the site. Following these amendments, the

Urban Design officer has confirmed that the development is acceptable from a design quality perspective, subject to the imposition of conditions requiring the submission of the materials to be used in the development and final details of the boundary treatment to plots 1 and 15.

In terms of landscaping, the development will include the retention and gapping-up of sections of existing hedges along the perimeter of the site, whilst individual trees around the edge of the site will also be retained where appropriate. This will serve to provide the site with 'soft', green boundaries and ensure existing important landscape features are retained where possible, in line with UDP policy CN17's objectives. Within the site, ornamental hedges will be used at key junctions and trees will be planted in front gardens, areas of open space and in streets. Otherwise, areas of open space and private gardens will be grassed.

In terms of open space provision, a total of 0.804ha of the site area takes the form of open space and this exceeds the amount recommended by policy H21 of the UDP for a site of this size and make-up (in terms of bedroom numbers). It is recognised, however, that much of the open space within the site is incidental landscaping and a significant proportion is taken by the Suds pond. Nevertheless, the site is very well-connected to existing areas of open space in the locality, including the public open space immediately to the south of Hawthorn Street and the Newbottle play area adjacent to the site's south-east corner. As such, the implications of the development in relation to open space are considered to be acceptable.

Allied to the above, it is considered that the proposed layout will afford prospective occupiers with a good standard of amenity, with all new dwellings afforded substantial areas of private external amenity space. In addition, spacing between the new dwellings largely accords with the recommendations set out in the Council's Residential Design Guide 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), an arrangement which ensures dwellings are afforded acceptable levels of privacy and main living room windows with a middle- to long-distance outlook.

Dwellings to the northern part of the site are proposed to face Coaley Lane which, given its busy nature, is considered to represent a potential source of noise which could affect the amenity of properties fronting it. In line with the requirements of policy EN6 of the UDP and paragraph 123 of the NPPF, the application has been accompanied by a Noise Assessment, which considers the level of noise generated by traffic along Coaley Lane and assesses whether this will be likely to affect the amenity of the dwellings facing the road. As a guide, the Assessment cites the World Health Organisation's (WHO's) 'Guidelines for Community Noise', which recommends seeking to achieve daytime noise levels of 50-55dB(A) in residential areas. These levels should be reduced by 5-10dB for evening and night-time periods and lower noise levels are applicable for indoor environments.

The Assessment has undertaken a survey of noise levels and has concluded that on the basis of the proposed development layout, noise amelioration measures for appropriate enhancement of the sound insulation of noise affected facades is required. To this end, the Assessment has measured noise from road traffic noise at up to 69dB(A) during the daytime and 63dB(A) during the night time. Recommendations for amelioration measures are provided by the Assessment and could involve enhancements to glazing, ventilation and roofs/ceilings. Subject to final definitions and provision of appropriate measures, the Assessment concludes that the residents of the proposed dwellings will be provided with acceptable internal and external noise environments.

As detailed in the 'Representations' section of this report, the Council's Environmental Health officers have advised that given the conclusions of the Assessment, the noise amelioration

measures it recommends in respect of the dwellings fronting Coaley Lane should be implemented, in order to ensure that the proposed development will afford prospective residents with acceptable levels of amenity and to accord with the requirements of policies B2 and EN6 of the UDP and the core principles and paragraph 123 of the NPPF. It is suggested that in the event Members are minded to approve the application, a condition requiring the submission and agreement of final noise amelioration measures is imposed.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that the separation distances between the new dwellings and existing properties is such that their living conditions will not be unduly harmed. Spacing of at least 14 or 21 metres is provided between the proposed dwellings and those to the west (within the former Homelands Estate development), whilst those to the east (Melrose Gardens) are a minimum of 25 metres from the development site's eastern boundary. As such, it is considered that the new development will not result any nearby dwellings experiencing any significant loss of outlook, privacy or being subjected to overshadowing/loss of light.

With reference to the above comments, it is considered that the impact of the proposed development on visual and residential amenity is acceptable and its implications in relation to urban design and open space considerations are also acceptable, in accordance with the requirements of policies CN17, B2, EN6, H4 and H21 of the UDP, the Council's Residential Design Guide SPD and the core principles of the NPPF.

#### 4. Impact of the development on highway and pedestrian safety

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 32 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Also relevant is paragraph 69 of the NPPF, which sets out that the planning system should play an important role in facilitating social interaction and creating healthy, inclusive communities. It should, for example, promote safe and accessible environments and developments which contain clear and legible pedestrian routes. Paragraph 75, meanwhile, states that planning policies should protect and enhance public rights of way and access and that Local Authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking; in this regard, the Council's 'Residential Design Guide' SPD setting out recommended levels of one in-curtilage parking space per new dwelling and visitor parking afforded at a rate of one space for every third dwelling.

As set out in the 'Representations' section of this report, the Council's Highways team has raised no objections to the development and considers that the Transport Assessment submitted with

the application adequately assesses the traffic impacts of the development, having taken into account impacts from other committed housing developments in the area. To conclude on this matter, the Council's Highways team considers that the existing road network and improvements planned in association with other approved developments will be able to accommodate the traffic growth associated with the proposed development.

In addition, the Council's Highways officers have confirmed that proposed access arrangements for the development are acceptable, as is the layout of the scheme from a highways perspective. The scheme will provide acceptable pedestrian links to existing routes outside the development site, whilst it also offers good connectivity to public transport facilities, such as the bus routes running along Coaley Lane, and other facilities and services in the area, such as the local shops in Newbottle and Newbottle Primary School. The development will also provide an appropriate number of private and visitor parking spaces.

The consultation comments received from the Council's Highways officers did set out a range of observations and recommendations in respect of the layout of the proposed development and detailed design criteria, which have either been addressed following amendments to the originally submitted site layout plans or will be addressed upon final technical designs being agreed through applications under section 38 and section 278 of the Highways Act. A contribution towards bus shelter improvements in the locality would also be sought under section 278 of the Act.

The Highways team's consultation comments recommended that in the event planning permission is granted, conditions requiring the submission and agreement of a detailed design of the works associated with the new access into the site from Coaley Lane, including road widening; the submission and approval of a Construction Management Plan and the submission and approval of details of pedestrian crossing points onto Hawthorn Street are imposed. It is recommended that in the event Members are minded to approve the application, conditions to this effect are imposed.

With regard to the comments provided by the Council's Highways team and for the reasons set out above, it is considered that the proposed development will not give rise to severe residual cumulative highways impacts. As such, the development does not conflict with the requirements of paragraph 32 of the NPPF, whilst the proposals also comply with the aims and objectives of policies T14 and T22 of the UDP and the recommended parking standards set out in the Council's 'Residential Design Guide' SPD.

## 5. Implications of development in respect of ecology and biodiversity

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

As set out in the 'Representations' section of this report, the Council's Senior Ecologist has not objected to the application, on the basis that the development will afford appropriate on-site biodiversity mitigation and enhancement measures in the form of retained trees and hedges and the new Suds pond. In this regard, in the event Members are minded to approve the application, it is recommended that a condition be imposed which requires adherence with the

mitigation/enhancement measures recommended by the Ecological Appraisal submitted with the planning application.

It is considered, however, that the proposed scheme could have a negative impact on wildlife sites and features in the wider area, but in this regard, the applicant has agreed to a financial contribution of £38,400 in order to provide appropriate off-site mitigation and enhancement measures. The contribution would be targeted towards mitigating the cumulative impacts of people and domestic animals on the Moors Burn Wildlife Corridor and the nearest existing and proposed Local Wildlife Sites.

The Council's Senior Ecologist has confirmed that subject to the receipt of the financial contribution, which would be secured via a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), the implications of the development in relation to on-site and off-site biodiversity and ecology will be acceptable, in compliance with the requirements of section 11 of the NPPF and policies CN20, CN21 and CN22 of the UDP.

## 6. Implications of development in respect of flooding/drainage

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people or properties at risk of flooding.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government (dated 18th December 2014), to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (Suds) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for Suds and this should be used to inform the preparation of a Suds scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which, following initial consultation with the Council's Flood and Coastal team, was revised and improved. The FRA concludes that the development site is located within Flood Zone 1 (at lowest risk of flooding) and that flood risk from other sources is low. Surface Water Flood mapping does identify that the existing site is subject to low flood-risk in its south-eastern corner, although this risk will be eliminated through positive drainage of proposed impermeable areas.

The Drainage Strategy, meanwhile, outlines what are considered to represent sustainable drainage schemes for the development and it has identified (due to site constraints such as poor site permeability and distance to an available watercourse) that discharge to a public sewer is the

most appropriate form of surface water management for the development. The discharge of surface water flows from the site will not, however, exceed 20l/s (the rate required by Northumbrian Water and below the greenfield run-off rate sought by the aforementioned DEFRA guidance), with this rate of flow from the site to be achieved via the provision of an attenuation pond at its south-west corner (its lowest-lying area). The Strategy has calculated that the pond should be capable of storing up to 1350m<sup>3</sup> of run-off water.

The Council's Flood and Coastal Team has considered the application details and, following the aforementioned revisions and improvements to the submitted FRA and Drainage Strategy, has confirmed that the proposed drainage strategy for the site is acceptable. The applicant (Gentoo) has also advised that surface features of the strategy will be maintained by a management company (yet to be appointed). It is requested, however, that conditions are imposed which require compliance with the submitted details, together with the submission of final details of source control, detailed design of the Suds pond and landscaping details. In the event Members are minded to approve the application, it is recommended that conditions to this effect are imposed.

Subject to the imposition of such conditions, it is considered that the proposed drainage scheme will be acceptable and will result in the development being compliant with the aims and objectives of the aforementioned UDP policies, the NPPF and the DEFRA guidance in this regard.

## 7. Implications of development in respect of land contamination/ground conditions

Paragraph 121 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 EN14 of the UDP 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The Geoenvironmental Appraisal submitted with the application has concluded that overall, the site represents a low environmental risk, save for evidence of lead in the strip of rougher grassland along the site's southern boundary. It is recommended that topsoil from this area be removed and replaced with clean topsoil as necessary, but otherwise, the existing topsoil within the site should be capable of being re-used as part of a residential development given that it has only been used for agricultural purposes. In any case, it is recommended that a full remediation strategy be prepared and submitted to the Local Authority for its approval prior to any development commencing. It is considered that this recommendation can, if Members are so minded, be addressed via the imposition of the suite of conditions which require the additional investigations to be carried out, followed by the submission of details of remediation and mitigation where necessary.

With regard to the above comments, it is considered that subject to the imposition of the recommended conditions, the implications of the development in respect of land contamination is acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.



## 8. Implications of development in respect of archaeology

In line with the requirements of aforementioned paragraph 141 of the NPPF, policy B13 of the UDP states that the Council will seek to safeguard sites of local archaeological significance, whilst policy B14 states that where development proposal affect sites of known archaeological importance, an archaeological assessment or evaluation may be required.

As noted in the 'Representations' section of this report, the County Archaeologist has asked that as the development site is of potential archaeological interest due to its greenfield nature, conditions be imposed to require the undertaking of a programme of archaeological fieldwork. It is recommended that in the event Members are minded to approve the application, the conditions requested by the County Archaeologist are imposed in order to ensure any remains at the site are properly investigated and recorded prior to it being developed, in accordance with the requirements of the aforementioned relevant local and national planning policies.

## 9. Section 106 Contributions

Paragraph 203 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 - planning obligations, which are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended), should only be used where it is not possible to use conditions. Paragraph 204 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;

With the abovementioned policy framework in mind, and having had regard to the consultation responses received from consultees within the Council, it is considered that the proposed development gives rise to implications in respect of play space, education provision, biodiversity/ecology and affordable housing which are most appropriately resolved via securing contributions through a section 106 agreement.

Paragraph 73 of the NPPF and policy H21 of the UDP underline the importance of affording high-quality recreational and open space provision in association with new developments. In cases where a development involves the erection of more than 10 no. dwellings, it is the Council's usual practice to secure a contribution to the provision of children's play equipment, either as part of the development or at an off-site location.

The proposed development does not include any on-site play provision and as such, the Council's Sport and Leisure team indicated that a financial contribution of £89,728 (i.e. £701 x number of dwellings proposed) should be sought via a s106 agreement. In this instance, the contribution would be utilised towards the provision of new play facilities or the improvement of existing facilities (where appropriate) in the Houghton Ward, with funds being utilised to support on-going maintenance of play parks.

In addition to the above, paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and should give great weight to the need to

create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

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

To this end, the Council's Education and Lifelong Learning team has advised that a financial contribution towards school places in the locality should be requested and secured as part of a S106 agreement. A contribution of £415,745 has been calculated, based on the number of bedrooms being provided within the development.

Finally, in line with the objectives of paragraph 50 of the NPPF and policy H16 of the UDP, the City Council will normally seek to secure the provision of affordable housing as part of new residential development involving 15 or more units. The usual requirement, as recommended by the Council's most recent Strategic Housing Market Assessment, is for 10% of units within a new development to be affordable, at a split of 80% social/affordable rent - 20% intermediate tenure. In this case, however, and for the reasons set out in the 'Representations' section of this report, the Council's Housing team has accepted Gentoo's proposal for the 13 no. on-site affordable housing units to be Discount Market Value (DMV) housing.

The applicant has agreed to the contributions requested in relation to off-site play space and education and is also willing to provide 13 no. DMV housing units as part of the proposed development (identified as the dwellings to plots 105-117 of the proposed layout). In addition, the applicant has also agreed to the payment of £38,400 in respect of mitigating the impact of the development on off-site sites of ecological/biodiversity importance.

To summarise, a draft Section 106 agreement will be drawn up by the Council's Solicitor which is designed to secure:

- Contribution of £89,728 towards off-site play, to be spent on the cost of providing new or improving or maintaining existing facilities in the Houghton Ward;
- Contribution of £415,745 towards education, to be invested in primary schools and academies within a 2-mile radius of the development site;
- Contribution of £38,400 towards supporting mitigation of negative impacts arising from the development on nearby sites of biodiversity and ecological interest;
- Provision of 13 no. affordable housing units on-site, all to be Discount Market Value units;

The terms of the agreement have been agreed by the applicant and it is consequently anticipated that the Section 106 agreement will be completed and sealed in the near future, although this will occur after the meeting of the Sub-Committee on 23rd March 2017.

## **CONCLUSION**

In summary, the principle of housing development is considered to be acceptable in this location when assessed against the impact tests set out in the NPPF. Whilst the development relates to a greenfield site which is identified as a settlement break by the Council's adopted UDP, the proposed housing scheme must be considered in the context of the Council being currently unable to demonstrate a five-year supply of housing land and the contribution the approval of residential development on this site would make to housing land supply (particularly as the site is

identified in the Council's most up-to-date SHLAA). To this end, paragraph 49 of the NPPF makes it clear that in such circumstances, applications for housing development should be considered in the context of the NPPF's presumption in favour of sustainable development and unless clear conflict with other policies of the NPPF and up-to-date, relevant policies of a Local Authority's Development Plan can be identified, such applications should be approved.

In this regard, for the reasons set out above, the proposed development is considered to be acceptable in terms of urban design, visual and residential amenity, highway access and car parking, flood risk and drainage, ground conditions, archaeology, ecology/biodiversity, play space and education provision and affordable housing. Given that the proposed development has been found to be acceptable with regard to all relevant material planning issues, with regard to the overarching aims, objectives and detailed policies of the NPPF and with regard to the up-to-date relevant policies of the Council's UDP and 'Residential Design Guide' SPD, it is considered that the scheme will achieve the sustainable development sought by paragraph 14 of the NPPF and should therefore be approved.

To conclude, following examination of all relevant material planning considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of the guidance provided by paragraphs 14 and 49 of the NPPF, which state that housing should be considered in the context of the presumption of sustainable development, it is recommended that subject to the signing of the proposed section 106 agreement (as detailed earlier in this report), planning permission should be approved in accordance with the draft conditions listed below.

#### EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- 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:** Mind to Approve the application, subject to the conditions set out below and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

#### **Conditions:**

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

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

- the site location plan (drawing no. 16/06/100);
- the amended proposed site layout plan (drawing no. 16/06/200, revision P13);
- the affordable housing plan (drawing no. 16/06/204, revision P1);
- the proposed landscaping strategy (drawing no. 1026/01);
- the proposed fence details (drawing no. 16/06/300, revision P1);
- the 'Ash' plans and elevations (drawing no. 16/06/210, revision P1);
- the 'Yew' plans and elevations (drawing no. 16/06/211, revision P1);
- the 'Poplar' plans and elevations (drawing no. 16/06/212, revision P2);
- the 'Laburnum' plans and elevations (drawing no. 16/06/213, revision P3);
- the 'Hawthorn' plans and elevations (drawing no. 16/06/214, revision P1);
- the 'Elder' plans and elevations (drawing no. 16/06/215, revision P1);
- the 'Elder' detached, gable fronted plans and elevations (drawing no. 16/06/216, revision P1);
- the 'Larch' plans and elevations (drawing no. 16/06/217, revision P3);
- the 'Hazel' plans and elevations (drawing no. 16/06/218, revision P3);

- the 'Hazel A' plans and elevations (drawing no. 16/06/219, revision P3);
- the 'Mitford' plans and elevations (drawing no. 16/06/220, revision P2);
- the 'Sycamore' plans and elevations (drawing no. 16/06/221, revision P2);
- the 'Spruce' plans and elevations (drawing no. 16/06/222, revision P1);
- the 'Juniper' elevations (drawing no. 16/06/223, revision P2);
- the 'Juniper' plans (drawing no. 16/06/224, revision P1);
- the modified gable elevations (drawing no. 16/06/225, revision P1);
- the revised Flood Risk Assessment and Drainage Strategy N16012 -revision 1, produced by Patrick Parsons;
- the proposed drainage strategy plan (drawing no. N16012-220, revision P2).

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

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

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

5 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.

6 No deliveries shall be taken at or despatched from the site outside the hours of 07:00 - 19:00 Monday to Friday, 07:30 - 14:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and to comply with policy B2 of the UDP.

7 No tree or hedge shown to be retained on the landscaping strategy submitted with the application (produced by Southern Green, drawing no. 1026/01) shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority, in the interests of retaining trees and hedges of amenity and/or biodiversity value and to accord with the objectives of policies CN17 and CN22 of the UDP and the core principles of the NPPF.

8 No dwelling hereby approved shall be occupied until its off-street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans.

Each respective parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T22 of the UDP.

9 The development hereby approved shall not commence until a detailed design of the layout of the new vehicular access junction to/from Coaley Lane into the development site, to include full details of any associated road widening to Coaley Lane, together with a programme for its implementation via an agreement under Section 278 of the Highways Act, has been submitted to and agreed in writing with the Council as Local Planning Authority. For the avoidance of doubt, the design of the junction and road widening shall be informed by the 'Proposed Site Access' drawing provided at Appendix 3 of the Transport Assessment submitted with the application (produced by Milestone Transport Planning, December 2016, drawing no. 17008/001, rev. A). The new access and associated works shall then be installed in accordance with the agreed details and must be implemented prior to the occupation of the first dwelling, in order to provide an appropriate access into the development site and to comply with the requirements of policy T14 of the UDP and paragraphs 69 and 75 of the NPPF.

10 Notwithstanding the submitted plans, the development hereby approved shall not commence until a detailed scheme of ecological mitigation and enhancement has been submitted to and agreed in writing with the Council as Local Planning Authority. For the avoidance of doubt, the scheme shall be informed by Section 6.0 of the Ecological Appraisal (produced by Dendra Consulting Ltd, December 2016) and the proposed Landscaping Strategy (produced by Southern Green, drawing no. 1026/01) submitted with the planning application and it should include detailed proposals for new and supplementary planting at the site, treatment of areas of connective landscaping and proposals for the biodiversity enhancement of the Suds pond. The submitted details shall also include a proposed programme for the implementation of the scheme, together with proposed measures to secure the ongoing maintenance and management of any existing or proposed key biodiversity features within the development. The agreed scheme shall then be implemented and maintained in accordance with an agreed programme, in the interests of achieving appropriate biodiversity enhancements at the site and to accord with the objectives of section 11 of the NPPF and policy CN22 of the UDP.

11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of soft landscaping and treatment of hard surfaces. The scheme shall include indications of all existing trees and hedgerows on the land and details of proposed measures for the protection of all trees/hedges to be retained as part of the development during the course of construction works, and shall also include proposed timings for the implementation of the agreed scheme. The agreed scheme shall be informed by the landscaping strategy submitted with the planning application (Southern Green drawing no. 1026/01) and the ecological mitigation/enhancement measures required in relation to the discharge of condition 10 and shall then be implemented in accordance with the agreed timings, in the interests of visual amenity, biodiversity and ecology and to comply with policies B2 and CN22 of the UDP.

12 No development, other than that required to enable the satisfactory discharge of this condition, shall commence until final specifications of proposed source control measures, detailed design of the Suds pond (which should show an area of permanent water) and landscaping proposals have been submitted to and approved in writing by the City Council as Local Planning Authority. The drainage strategy associated with the approved development shall then be

implemented in full accordance with the approved details and the drainage strategy set out by the 'Flood Risk Assessment and Drainage Strategy N16012 - Revision 1' (produced by Patrick Parsons) and the Proposed Drainage Strategy plan (Patrick Parsons drawing no. N16012-220, P2) submitted with the application and the email correspondence from Mr Paul Bye of Patrick Parsons (dated 24/01/2017), in the interests of delivering an appropriate drainage strategy for the site and to comply with the objectives of paragraph 103 of the NPPF and policy EN12 of the UDP.

13 The development hereby approved shall not commence until full details of the boundary treatment to plots 1 and 15 has been submitted to and agreed in writing with the Council as Local Planning Authority. The development shall then proceed in full accordance with the agreed details, in the interests of visual amenity and to comply with the requirements of the core principles of the NPPF and policy B2 of the Council's UDP.

14 The development hereby approved shall not commence until full details of improvements to footpaths at the locations where pedestrian routes leading from the south and south-east of the development site meet Hawthorn Street have been submitted to and agreed in writing with the Council as Local Planning Authority. For the avoidance of doubt, the improvements shall include dropped crossing points and tactile paving and the proposed details shall be accompanied by a programme for their implementation. The agreed improvements shall then be installed in accordance with the timings provided in the agreed programme, in order to improve pedestrian access facilities around the development site and to comply with the objectives of the NPPF and policy T14 of the Council's UDP.

15 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 16 to number 18 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 16 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

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

18 The remediation scheme approved under Condition number 17 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 16 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 17 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 18 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the



development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan

20 The development hereby approved shall not commence until a proposed noise amelioration programme in respect of the dwellings fronting Coaley Lane (i.e. plot nos. 1-15) has been submitted to and approved in writing with the Council as Local Planning Authority. For the avoidance of doubt, the programme shall be informed by section 6 of the 'Noise Assessment, N16012 - Revision 0', produced by Patrick Parsons, December 2016, and the agreed measures shall be installed at each respective dwelling prior to their initial occupation and maintained as such thereafter for the lifetime of the development, in the interests of affording residents with an appropriate standard of amenity and to comply with the objectives of policy EN6 of the UDP and paragraph 123 of the NPPF.

21 No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, evaluation and where appropriate, mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. The fieldwork is required on the basis that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved and recorded wherever possible, in accordance with paragraph 141 of the NPPF and policy B14 of the Council's UDP.

22 The dwellings hereby approved shall not be occupied until the final report of the results of the archaeological fieldwork undertaken pursuant to condition 21 has been submitted to and approved in writing by the Local Planning Authority. The report is required on the basis that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved and recorded wherever possible, in accordance with paragraph 141 of the NPPF and policy B14 of the Council's UDP.

23 The dwellings hereby approved shall not be occupied until a report detailing the results of the archaeological fieldwork undertaken pursuant to condition 21 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Council as Local Planning Authority prior to submission to the editor of the journal. The production of the report will serve to enhance understanding of, and will allow public access to, the work undertaken, in accordance with paragraph 141 of the NPPF and policy B14 of the Council's UDP.

**Reference No.:** 17/00126/FUL Full Application

**Proposal:** **Creation of a second floor extension with balconies to rear to provide 22no. new bedrooms**

**Location:** George Washington Hotel Stone Cellar Road Us worth Washington NE37 1PH

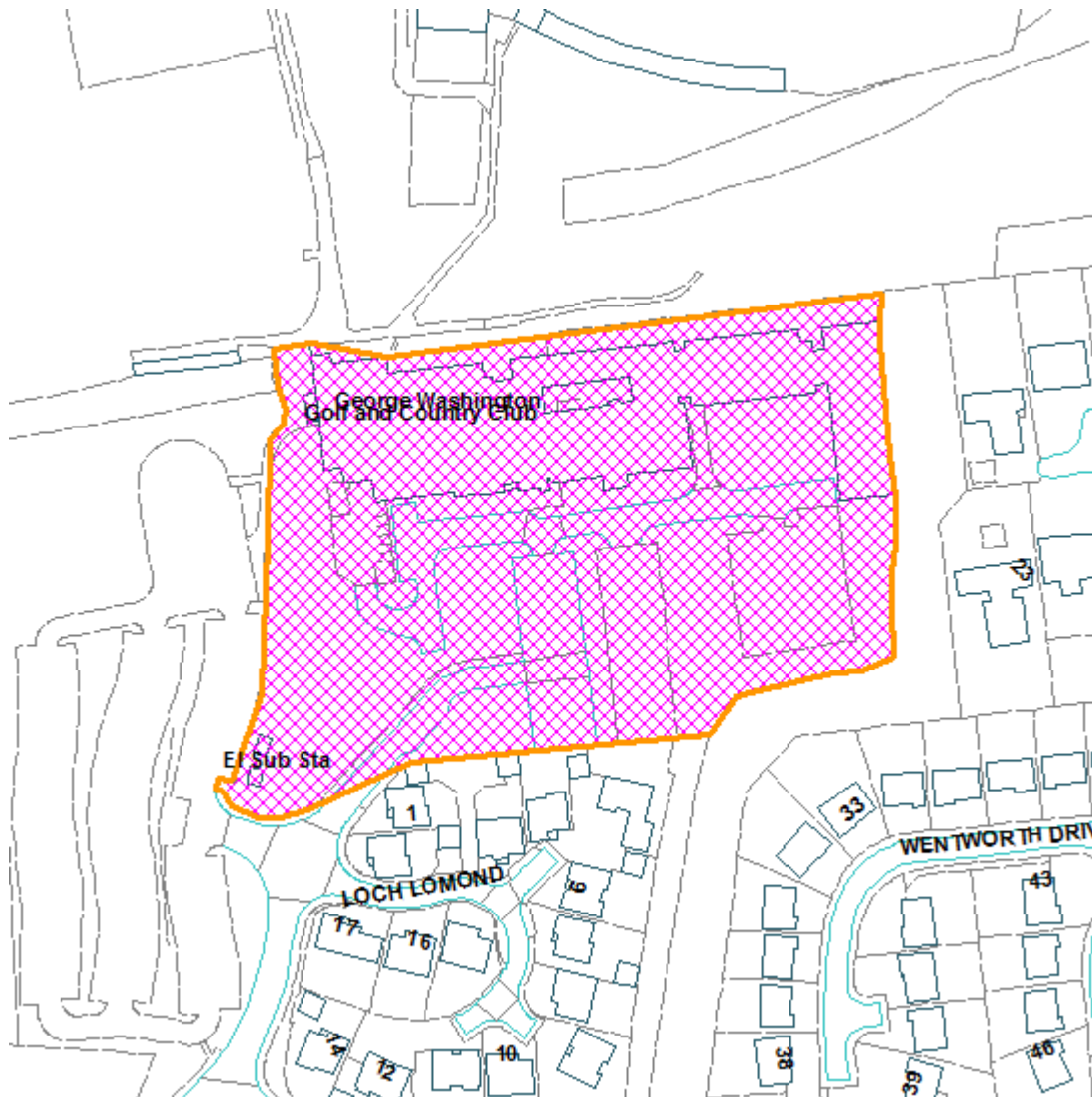
**Ward:** Washington West

**Applicant:** Mercure Newcastle George Washington Hotel Golf And Spa

**Date Valid:** 7 February 2017

**Target Date:** 4 April 2017

### Location Plan



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## PROPOSAL:

### Site

The property to which the application relates is a hotel / leisure facility with a gross internal floor area of 7060.5sq.m providing 103no. bedrooms. The site extends to 1.69 hectares which is accessible from Stone Cellar Road to the south via an access road of over 150m in length. The host building is situated adjacent to, but wholly outside, the Tyne and Wear Green Belt, within which a golf course is situated which abuts the northern boundary of the site. Dwellings exist to the south of the site in Loch Lomond and to the east/southeast in Wentworth Drive.

The host building includes single- and two-storey sections, incorporating flat and pitched roofs, and additions have recently been provided to its front, including an entrance feature and restaurant. A car park and highway network exist immediately in front of the building and a further car park exists to the north side. The application site slopes generally downward from west to east and from south to north and includes a substantial proportion of grassland and numerous trees and hedges.

### Proposal

Planning permission is sought to erect an extension over the roof space of an existing two-storey section of the host building to form an additional storey which would provide 996.5sq.m of new gross floorspace. The extension would accommodate 22no. additional bedrooms and storage space and would be accessed by three stairwells and two lifts which would afford level access to all but two of the proposed rooms.

The proposed extension is to be sited to the rear section of the host building, to be set 12.9m from the foremost building line (flush with the front building line of the easternmost affected section) and 15m from the easternmost side building line of the host hotel building. The extension measures approximately 80m in width by 15.5m in depth (excluding balconies) at its greatest points. The affected section of the existing building is flat roofed, incorporates two steps and varies in height from approximately 6m to 7.2m due to the slope in ground levels. The proposed extension is predominantly pitched roofed comprising eaves heights of between 8m and 9.4m and ridge heights between 9.6m and 11.9m whilst flat roofs would be provided for two lift shafts and a link between two sections of the hotel which would sit between the eaves and ridge heights of the adjacent pitched roof sections of the extension.

Railed balconies would be installed along the majority of the rear elevation serving a total of 12no. rooms. Large windows / glazed doorways would be incorporated throughout and the extension would be predominantly finished with light grey eternity composite cladding panels, with the exception of the eastern lift shaft which would be finished with matching brickwork, whilst the pitched roofs would be finished with natural slate tiles. A minor alteration to the rear fenestration of the existing eastern stairwell is also proposed.

This application originally proposed a flat-roofed extension with a uniform parapet to its entire length which would measure between 8.9m and 11.7m from ground level; this was proposed with the intention of providing a single floor level for the extension with no steps which would be served by a single lift. However, concerns were raised to the agent acting on behalf of the applicant over the design and massing of this scheme and amended plans were submitted accordingly. Given that an additional lift is required for the revised scheme, the gross floorspace of the proposed extension has increased from 943sq.m to 996.5sq.m. Whilst the design has been altered, given that the scale, including the height, of the extension has not significantly increased, it was not considered necessary to re-publicise the application.

## Planning History

Consent was previously granted to erect a second floor extension in a position similar to currently proposed through the approval of reserved matters ref. 04/02775/REM in April 2005 which comprised 30no. additional rooms over a lesser gross floor area than the current proposal. This second floor extension was not constructed, however given that other aspects have been implemented, in particular the redevelopment of the golf club house to the west, this consent remains extant.

This approval of reserved matters followed the grant of outline planning permission in 2004 (ref. 04/00254/OUT) for the extension and enhancement of the hotel and golf club to provide hotel, leisure and golf facilities, the provision of ancillary car parking and landscaping and a 0.9 hectare residential development; through subsequent consents a residential development of 16no. detached dwellings now exist on this 0.9 hectare area immediately to the south of the Hotel in a cul-de-sac known as Loch Lomond.

Subsequently, planning permission was granted in 2012 (ref. 12/02387/FUL) and 2013 (ref. 13/00843/SUB) for a single-storey rear extension; the latter has been implemented.

Planning permission was granted in 2014 (ref. 14/00099/FUL) to erect a single-storey extension, entrance canopy and refuse store to the front, carry out alterations to the front elevation, create a new front patio area and reconfigure the front car park, access arrangements and landscaping of the site. A development of the same description was approved in 2015 through application ref. 15/00508/FUL and this consent was varied in 2016 through application ref. 16/00337/VAR.

## TYPE OF PUBLICITY:

Site Notice Posted  
Neighbour Notifications

## CONSULTEES:

Washington West - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **23.03.2017**

## REPRESENTATIONS:

This application has been publicised by letters to 24no. neighbouring properties and the display of site notices and five resultant objections have been received from residents of Lock Lomond and Wentworth Drive, the contents of which are summarised as follows.

1. Residents are regularly disrupted by the use of a recently constructed outdoor drinking area, arguments from stag and hen groups staying at the hotel and firework displays, which would be exacerbated by the proposed additional rooms, and the hotel management has shown little regard for residents' concerns, as highlighted by complaints to the Council's Licensing section.

2. Hotel residents often collide with the mini roundabout on Stone Cellar Road and such incidents would increase by virtue of the proposed additional accommodation.
3. Residents' concerns around noise and anti-social behaviour were "brushed aside" in respect of a previous planning application pertaining to this site.
4. The hotel is bound by a restrictive covenant which states "not to do or permit anything to be done upon the land which may be or become a nuisance, annoyance or disturbance to the owners or occupiers of any adjoining or neighbouring land" (sic); how can the Council grant planning permission when the applicant is falling foul of the restrictive covenant which the Council should be upholding?
5. The hotel is over-developing the site, to the detriment of residents and the area as a whole, and adding another storey is unacceptable given its close proximity to residential properties.
6. Previous applications were approved given that the hotel brings revenue to the area and generates employment, however the combined Council tax which the surrounding residents pay outweighs such revenue and the low paid jobs the hotel generates do not give it carte blanche to have their covenant responsibilities "overlooked or side-stepped".
7. Residents would suffer noise disturbance during construction works.

The following comments are offered in response to each of these points.

1. The impact of the proposal on the amenity of neighbouring residents will be considered subsequently in this report, however it is noted that any existing problems associated with the management of the hotel cannot be reasonably enforced by the current application for planning permission.
2. This matter will be considered within the "Highways" section of this report.
3. The reasons for each previous decision are fully set out in the respective officers' report, taking into account and responding to each representation made.
4. This is a standard covenant applied to residential properties which does not affect the planning merits of a proposal and is a private matter which is not enforceable by the Council.
5. It is not considered that the hotel represents an overdevelopment of the site given that its footprint, which would not be increased by the current proposal, equates to approximately 25% of the overall site area whilst parking requirements and the impact of the proposal on residential amenity are considered subsequently in this report.
6. Previous applications were not approved for such reasons; each previous application pertaining to this site was determined having regard to relevant policies and guidance and all material planning considerations, as evidenced by the respective officers' reports.
7. This matter will be addressed subsequently in this report.

## **POLICIES:**

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

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

CN\_5\_Safeguarding the visual amenity of the Green Belt

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

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

T\_22\_Parking standards in new developments

## COMMENTS:

The main issues to consider are the impact of the proposal on the amenity of neighbouring residents, the design, massing and external appearance of the extension relative to the host building, the impact of the proposal on the character and appearance of the Green Belt and any highway implications.

### Residential Amenity

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, "respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy". In addition, UDP policy EN5 seeks to minimise noise and disturbance caused by development which is likely to significantly increase existing ambient sound or vibration levels in residential areas or other noise sensitive areas.

In this instance, the nearest dwellings to the application site are those in Loch Lomond, situated approximately 60m to the south at the closest point and adjacent to the Hotel car park, and those in Wentworth Drive which are situated beyond a tree belt along the eastern boundary of the site approximately 18m from the host building and 36m from the proposed extension at the closest points.

Given such distances, it is not considered that the proposed extension, in itself, would pose any significant impact on the amenity of neighbouring residents in terms of outlook, privacy or the level of daylight/sunlight afforded to these dwellings, nor would the extension appear oppressive from the curtilage of any neighbouring property.

It is noted, as set out by the representations summarised above, that some neighbouring residents experience occasions of disturbance from the hotel and these residents conclude that such disturbance would be exacerbated as a result of the proposed extension.

However, it must be noted that the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular owner, operator or occupants. Therefore, the effectiveness of the management of an existing facility can be given limited weight in the determination of a planning application.

It must be accepted that the nature of the use of a hotel differs to that of a typical residential dwelling, in that there are more comings and goings by a higher turnover of people spread over a greater period throughout the day and night and the subject hotel also provides facilities which are available to all members of the public. As such, it cannot be realistically expected that a hotel (which is longstanding in this instance) within a predominantly residential area will not pose a degree of noise and disturbance; the precise management of the hotel falls outside of planning control and it must be noted that the hotel is regulated by other regimes, such as licensing, environmental health and police.

Given that the current proposal would increase the capacity of the hotel by 22no. rooms, which equates to an approximately 21% increase, it would be likely to result in an increase in the number of visitors and, consequently, the potential for noise generation. However, it is not considered that any conclusive evidence exists which confirms that there would be any significant increase in noise or disturbance as a direct result of the proposed development; given the separation distances from neighbouring dwellings set out above it is highly unlikely that noise generated from the proposed rooms would affect any neighbouring resident whilst any ancillary noise generation can be addressed through proper management. Complaints in respect of drunken behaviour and

noise from firework displays should be reported to Northumbria Police or the Council's Environmental Health or Licensing sections.

In addition, consideration must be given to the fact that there is an extant planning permission to provide an additional 30no. bedrooms to the hotel. This is considered to be a real fall-back position which represents a greater intensification than the current proposal to provide 22no. rooms.

It is accepted that residents may be subjected to some noise disturbance during construction works. However, this would be a temporary matter which is a consequence of the majority of development, the surrounding dwellings are a notable distance from the proposed extension and construction hours can be limited by condition, should Members be minded to approve planning permission, to ensure that there would be no disturbance during early and late hours of the day.

### Design, Massing and External Appearance

Having regard to UDP policy B2, as set out earlier in this report, concerns were raised over the originally proposed scheme in terms of its design and massing. Whilst the originally submitted plans proposed a flat-roofed structure, matching the original and predominant flat roofed design of the host building, this would have resulted in the building having a continuous uniform flat roof across a width of some 77m. In addition, the original scheme proposed a substantial use of cladding by virtue of the spacing between first and second floors in certain sections together with smaller window openings.

The revised scheme is predominantly pitched roofed however, given that there would no longer be a void between first and second floor levels, the overall height has not substantially increased from as originally proposed and, indeed, the eaves height is notably lower, resulting in a form of development which, it is considered, would appear notably less visually prominent and more proportionate to the host building. Whilst the hotel building is originally flat-roofed, it is considered to be of limited design/aesthetic merit and pitched roofs have recently been incorporated over the golf club house to the west and the main front entrance whilst all surrounding dwellings have pitched roofs. The amended scheme also retains the varied heights of the building, which is considered to be necessary given the gradient of the site in order to maintain reasonable proportions. For such reasons, the design and massing of the proposed extension is considered to represent an improvement of the host building which would be in-keeping with aspects of the existing building and the surrounding area.

The revised plans have also increased the size of the windows which, together with the amended design and massing, has resulted in a significantly lesser area of external wall space. Whilst no glazing would be provided to an approximately 21m continuous section of frontage to the western part of the extension, this section would be set some 20m from the front building line of this part of the building and, as such, would not be highly prominent. On this basis, the proposed materials are considered to be acceptable in principle, however, given that no specific details have been provided, it is recommended, should Members be minded to grant planning permission, that a condition be imposed requiring a schedule and/or sample of the external cladding, brickwork and roofing material be submitted for approval by the Local Planning Authority. It is noted that the submitted plans propose natural slate roof tiles; whilst such a material is considered to be acceptable, this is not considered to be the only acceptable option in this instance and, as such, the finally approved materials may differ from those indicated on the plans.

## Character and Appearance of Green Belt

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

Paragraph 79 of the NPPF sets out the importance the Government places on Green Belts, noting that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that "the essential characteristics of Green Belts are their openness and their permanence".

To this end, UDP policy CN5, which is considered to be fully compliant with the NPPF, states that "care will be taken to ensure that the visual amenities of the green belt will not be injured by proposals for development within, or conspicuous from, the green belt". The supporting text to this policy advises that the appearance of the Green Belt may be further enhanced by ensuring strict control of the form and 'footprint' of the development within or adjoining its boundary, noting that much of the Green Belt comprises attractive landscape and, as such, where development is permitted, its design will need to take account of potential impact on the wider landscape.

The proposed extension would be clearly visible from the adjacent area of Green Belt and would affect the wider landscape when viewed outwith the Green Belt, particularly from the approach to the site from the south. However, the extension would be contained wholly within the footprint of the host building, so would not extend the building closer to the Green Belt. Whilst the height of the hotel building would be increased, given the west to east downward gradient of the site, the extension would not exceed the height of the highest western section of the building and it is not considered that the resultant building would significantly change the character of the landscape of the area, including the Green Belt, relative to the existing site circumstances.

The proposal would pose some impact on the character and appearance of the Green Belt and, whilst the height of the building would be increased, it is considered, by virtue of the design and massing as set out above, that a net improvement would be achieved.

## Highways

The highways implications of the proposal are still under consideration, upon consultation with the Council's Network Management section, and it is anticipated that this matter will be addressed by a separate report to the Sub-Committee.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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



- sex;
- sexual orientation.

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

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

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

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

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

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

## **Conclusion**

For the reasons given above, it is not considered that the proposal would pose a significant impact on the amenity of neighbouring residents or the character or appearance of the Green Belt whilst the design, massing and external appearance of the building would be enhanced as a result of the proposed extension.

However, the highway implications of the proposal are still being considered and the statutory period for the receipt of representations does not expire until 17.03.2017, after the preparation of this report but prior to the meeting of the Sub-Committee. Any representations received in the interim will be reported at the Sub-Committee meeting.

On the proviso that this outstanding matter can be satisfactorily addressed and no representations are received which raise an issue which has not already been addressed by this report, it is considered that the proposal accords with the provisions of the UDP and, in the absence of any material considerations to indicate otherwise, it is recommended that Members be minded to approve this application, subject to the conditions set out below, which are subject to change pending further assessment of the proposal.

**RECOMMENDATION:** Members be minded to approve this application, subject to the conditions set out below, which are subject to change pending further assessment of the proposal.

**Conditions:**

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

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

- Drawing no. 2986 C-00: Location Plan received 23.01.2017
- Drawing no. 2986 C-01: Existing Site Plan received 23.01.2017
- Drawing no. 2986 C-02: Existing Partial Floor Plans received 23.01.2017
- Drawing no. 2986 C-03 Rev. C: Proposed Partial Ground and First Floor Plans received 09.03.2017
- Drawing no. 2986 C-04 Rev. C: Proposed Second Floor and Roof Plans received 09.03.2017
- Drawing no. 2986 C-05 Rev. D: Existing and Proposed Elevations received 09.03.2017
- Drawing no. 2986 C-12 Rev. A: Existing and Proposed Site Elevations received 09.03.2017

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

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

4 No construction works required for the development hereby approved shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between the hours of 08.00 and 13.00 on Saturdays and, for the avoidance of doubt, no development shall be carried out at any time on Sundays or Bank Holidays, in order to protect local residents from excessive disturbance and to comply with policy EN5 of the adopted Unitary Development Plan.

**Reference No.:** 17/00184/FUL Full Application

**Proposal:** **Change of use from D1 to combined D1 and B1 use.**

**Location:** Washington Church Of Christ Albert Place Columbia Washington NE38 7BP

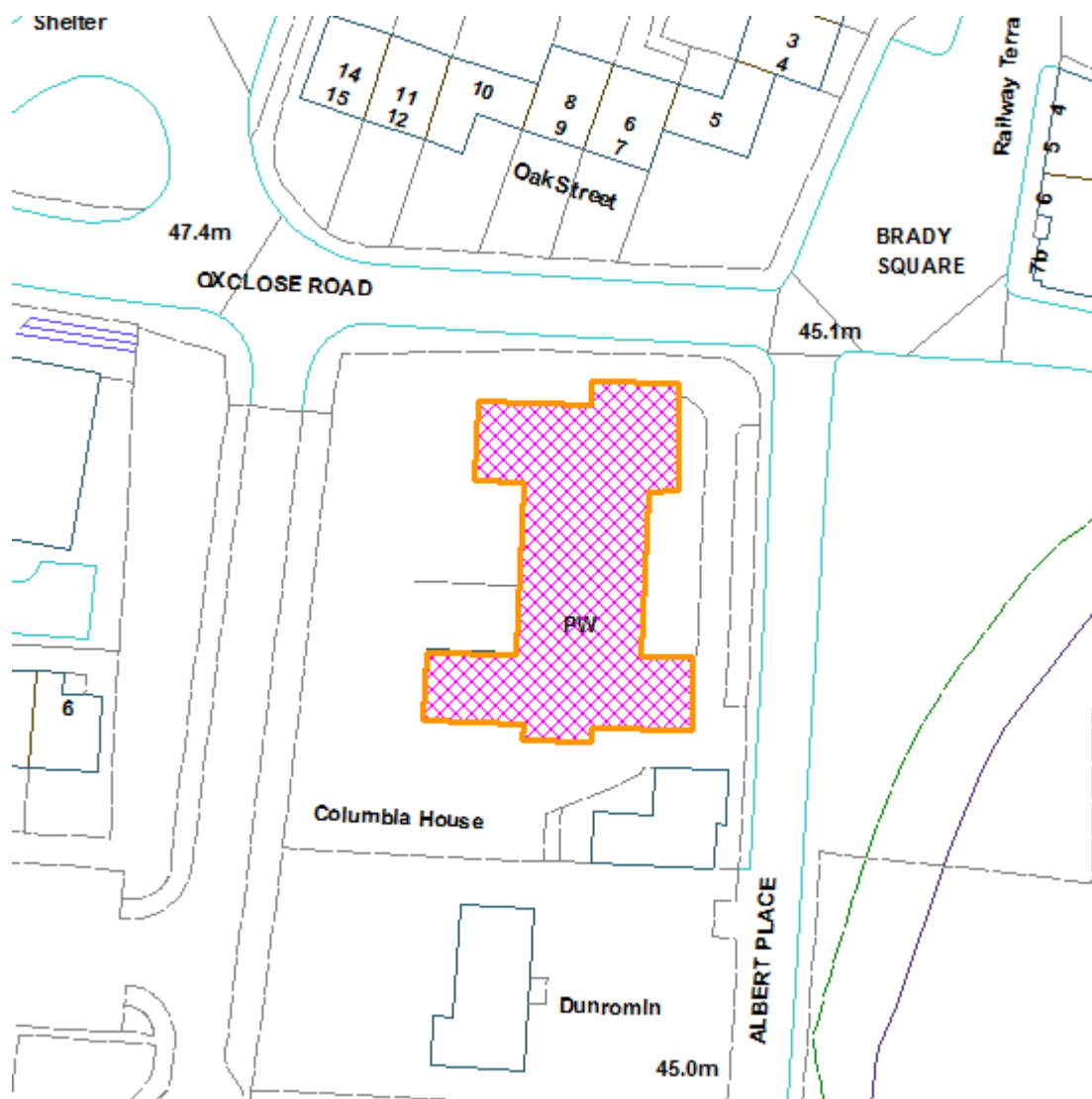
**Ward:** Washington Central

**Applicant:** Mr Shaun O'Brien

**Date Valid:** 3 February 2017

**Target Date:** 31 March 2017

## Location Plan



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## **PROPOSAL:**

Planning permission is sought for the change of use of an existing church falling within use class D1 (Non-residential Institutions), to a combined D1 and B1 use (Non-residential Institutions and Business).

The host building is an attractive single storey traditional red-brick school building which appears to date from the late 19th/early 20th century. Whilst the building's origins were in education it is currently in use as a Church and provides a number of community based facilities including a crèche, Scouts, Brownies etc.

The building occupies a site on the corner of Albert Place and Oxclose Road in a largely residential area of Columbia, Washington. Entry/egress to the site is obtained via an existing vehicular access on Albert Place. The relatively narrow access point intersects the southern gable of the main building and the northern gable of the adjacent Columbia House, a private residential property which is understood to have been the old school masters house. This property will once have been intrinsically associated with the main School site.

The application has been submitted by the Coalfields Regeneration trust which is a regeneration charity committed to improving the quality of life in the former mining communities throughout Britain. The application qualifies that the aims of the trusts projects are to positively impact local communities by helping people learn new skills in order to achieve qualifications which in turn helps people from these communities find jobs and set up new businesses, thus positively influencing their local economy.

The proposal seeks to retain the existing church and community uses but wishes to introduce B1 (office use) into the building. It has been intimated within the submission that the offices would provide ideal starter units/space for local residents who currently work from home.

The proposed floor plan sets out that a total of 8no small offices, 2no meeting rooms, an individual community room, a mother and toddler room and ancillary kitchen/W.C facilities would be provided within the reconfigured ground floor.

The opening hours for the new offices are proposed to be between 9am and 5pm whilst it has been suggested that the mother and toddler group would utilise the community room 2-3 times a week during day with the Guides/Brownies utilising the room once or twice a week in the evening. Vehicular access to the site would be retained as existing.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Washington Central - Ward Councillor Consultation

Final Date for Receipt of Representations: **22.03.2017**

## **REPRESENTATIONS:**

Consultations -

Network Management -

- o The level of in-curtilage parking is considered to be adequate to accommodate the projected use of the building.
- o It is advised that the existing point of access be widened to allow for two-way traffic.
- o The gates positioned to the northern end of the site must not be used for vehicular traffic as the access is too close to the junction.
- o Footway crossing works are required to widen the existing crossing at the applicant's expense.

Neighbour representations - One representation has been received from the occupants of Columbia House.

The representation raises the following concerns;

1. The access and parking arrangements

Concerns have been raised over the potential increase in vehicles visiting the site in terms of the constraints presented by the access point, the resultant impacts on highway and pedestrian safety given the proximity of the access to their front door and the ability of the existing hard surfacing to accommodate the additional traffic and parking.

2. Impact on amenities and neighbouring buildings

The intensification in comings and goings would increase levels of noise and disturbance, pollution, result in a loss of privacy, undermine the structural integrity of Columbia House and potentially affect the security for the occupants.

It should be noted that the statutory period for the receipt of representations does not expire until 22 March 2017.

## **POLICIES:**

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

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

CF\_2\_Consideration of alternative community uses when existing sites become surplus

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

T\_22\_Parking standards in new developments

## COMMENTS:

### Considerations

The main issues to assess in respect of the proposed scheme are considered to be;

- o The principle of the change of use;
- o The impact of the proposal on the amenity of the area;
- o The implications of the proposal in respect of parking, access and highway; and pedestrian safety.

### Policy Overview

In considering these matters, regard must be given to the planning guidance provided by the National Planning Policy Framework (NPPF), the broad aim of which is for planning decisions to deliver sustainable development. To achieve this aim, the NPPF sets out that new development should seek to effectively re-use existing land and property and be respectful to amenity. Also of relevance in this case is paragraph 70 of the NPPF, which seeks to protect existing valued community facilities (including places of worship) and plan positively for the provision of new such facilities, and paragraph 32, which sets out that Local Planning Authorities should only consider preventing or refusing development on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, meanwhile, policy EN10 of the Council's adopted Unitary Development Plan (1998) sets out that development in areas which are not allocated for a particular use by the UDP Proposals Map must be compatible with the prevailing pattern of land use in the neighbourhood. Policy B2, meanwhile, seeks to maintain acceptable standards of visual and residential amenity, to respect and enhance visual and residential amenity, whilst policy CF2 states that where a building currently in a community use becomes surplus to requirements, priority will be given to alternative public/community uses.

Also relevant are policies T14 and T22, which, respectively, seek to maintain acceptable standards of highway and pedestrian safety and ensure new developments are afforded appropriate levels of dedicated parking.

### Principle of development

The enquiry site is not allocated for a specific land use by the Council's UDP Proposals Map and consequently, aforementioned policy EN10 applies. The subject building is located in an area featuring a range of commercial and residential uses, including a snooker club to the west, shops to the north-east and residential dwellings to the south and north-west. The subject property itself, meanwhile, has historically been used as a school and then as a place of worship with ancillary community facilities

Given the nature of its previous uses and the context of the site, it is considered that the proposed mixed use of the property, which will continue to involve uses falling within class D1, is broadly compatible with the prevailing pattern of land use in the neighbourhood and is therefore in accord with policy EN10's objectives.

As indicated above, the existing use of the property as a place of worship constitutes a 'community use' for the purposes of paragraph 70 of the NPPF and policy CF2 of the Council's

UDP and there is a general presumption in favour of seeking to maintain buildings in such uses. In this instance, it is recognised that the proposals are being put forward by the Coalfields Regeneration Trust, a charitable organisation which has a remit of delivering projects designed to increase opportunities to learn and acquire new skills in Coalfield communities throughout England, Scotland and Wales.

To this end, part of the building will be used to afford rooms and facilities for local residents and community groups to utilise (e.g. mother and toddler groups and Guides), as well as providing space for use by the existing church. The remaining space within the building is intended to offer 8 no. small offices and 2 no. meeting rooms for use by local businesses, professionals and other organisations.

Whilst the building would no longer be used solely as a place of worship, it is evident that the proposed use is intended to afford a broader range of facilities designed to be of benefit to the local community, as well as continuing to provide facilities for the church. In this respect it is largely considered that the proposed use will satisfy the objectives of paragraph 70 of the NPPF and policy CF2 of the UDP.

#### Impact of development upon the amenity of the area

As has been outlined above, the building is a traditional red-brick school building which would appear to date from the late 19th/early 20th century. Although not listed, the property is an attractive building and is considered to be of some heritage interest.

The submission illustrates that there would be no significant alterations to the external appearance of the building with the only change relating to the installation of a new double width access door within the rear elevation. On this basis the scheme is considered to adhere with the principles of UDP policy B2 and raises no concerns in respect of its impact on the visual amenity of the area.

In respect of residential amenity, the site is separated from the nearest residential properties to the north (Oak Street) by Oxclose Road whilst the nearest properties to the west (Hillthorne Close) are separated from the site by the access road which serves Columbia Grange School. An area of open space opposes the site to the east. Whilst it is acknowledged that proposal would represent an intensification on the existing comings and goings at the site, the level of intensity generated by the proposed offices use between the hours of 9am and 5pm in tandem with the existing uses carried out from the site, is not considered to be of such significance that it would unduly impinge on occupiers of the properties outlined above.

In light of the content of the objection received and based on observations made during the officer site visit, it is acknowledged that any potential impact of the proposed use would be more keenly felt by the occupants of Columbia House which lies within the historic curtilage of the old school site but which now is occupied as a private residential dwelling. The basis for the objection fundamentally derives from the intimate relationship that the property has with the building in terms of its proximity (the front door of Columbia House faces onto and directly egresses into the narrow shared access serving the site).

Given the nature of the above arrangement, concern has been expressed by the occupants of Columbia House that the proposal would lead to an intensification of vehicles/people visiting the site on a daily basis and that such increases would subsequently impact on their existing living conditions.

The host building is understood to be currently operating in a relatively limited capacity with a small Church Service taking place on a Sunday morning, a crèche operating 2 to 3 times a week and the Brownies/Guides meeting once or twice a week. Given that 8 offices are now proposed in addition to the existing uses, it is reasonable to expect that there will be a greater intensity in the associated comings and goings of the site.

Clearly, the relationship of Columbia House to the host building is intimate due to its historic association and the concerns expressed by the occupants are fully appreciated. However, in acknowledging such concerns, it is also understood that there will inevitably be pressures to ensure the longer term viability of the building. Against this backdrop and whilst the use of the property may be limited at this time, it does need to be recognised that the host building benefits from an existing D1 use and, as such, has the potential to be occupied for any purpose within Use Class D1 without the requirement of planning permission. Such uses would be unfettered and could include but would not be limited to, a clinic, health centre, day nursery and a training centre all of which would have the potential to generate additional levels of vehicular traffic.

The 8no offices are not considered to offer significant internal space and whilst the applicant has stipulated that 20 people could potentially be working from within them at any one time, this is considered to be an upper estimate given the respective size of the individual offices. In addition, the application qualifies that the largely week day operational hours of the offices would not conflict with the existing community uses which are carried out on Sundays and during the early evening periods.

Given the aforementioned relationship, it is reasonable to suggest that any intensification in the use of the host building has the potential to cause some additional inconvenience to the occupants of Columbia House; however, as has been outlined above, the potential fall-back position in respect of the alternative uses that could be carried out must be given a reasonable degree of material weight in assessing any perceived impact. However, notwithstanding any fall-back position, in this particular instance and based on the details provided, it is not considered that the addition of the 8no offices would intensify comings and goings to such an extent as to be significantly harmful to living conditions of the occupants of Columbia House.

The implications of the proposal in respect of parking, access and highway and pedestrian safety

Paragraph 32 of the National Planning Policy Framework (NPPF) sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

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

In response to consultation, the City Council's Network Management Section has noted that there is sufficient hardstanding within the curtilage of the site to accommodate the projected increase vehicles cars visiting the site.

In considering the potential increase of vehicular movements in respect of highway and pedestrian safety, further observations have been offered by Network Management. Although the office use is intended to employ up to 20 people (likely to be arriving for 9am and leaving at 5pm), not all of the staff would be expected to travel by car, some may car share whilst the intention for



the offices to be community based coupled with the sustainable location of the building, would suggest that some people would walk to the site. This is certainly likely to be the case with the on-going community uses that are currently being carried out.

As has been eluded to above, based on the proposed uses the arrival times and departure times for staff and visitors are unlikely to conflict which would minimise conflict between end users.

It is recognised that the spacing between the host building and Columbia House cannot accommodate a two car passing width and as such the Local Planning Authority initially suggested that the applicant consider implementing a one-way circular road system. However, due to the constraints of the site (the northern boundary of the site sits notably below the ground level of Oxclose Road), the applicant has opined that the work required to implement such a scheme would be substantial, costly and reduce parking at the site.

Notwithstanding the above, based on the projected number of visitors to the site at any one time and the timings of the visits, any conflicting traffic movements would likely be minimal and it has been advised that the existing point of entry from Albert Place be widened to accommodate two way traffic and to allow for a vehicle to wait within the site rather than on the adopted highway.

Whilst concerns have been expressed by the adjacent occupiers over the suitability of the former school yard to accommodate the increase in vehicles, any future issues with the surfacing in terms of its condition and maintenance, would be of a civil nature and the responsibility of the land owner. Similarly, any concerns over the impact of additional traffic on the foundations of Columbia House are, without the relevant evidence base provided by a structural report, considered to be conjecture at this time and again would be a civil matter between the respective landowners.

In light of the above reasoning, there are considered to be no demonstrable grounds which would suggest that the proposal would cause a significant impact on the public highway and give reason to recommend a refusal of planning permission on highway grounds.

## **Conclusion**

The proposed use of the building is considered to be broadly compatible with the prevailing pattern of land use in the neighbourhood in accordance with UDP policy EN10 and would serve to maintain the existing community uses in accordance with the aims and objectives of UDP policy CF2.

Whilst it is acknowledged that the proposal would intensify comings and goings at the site, it is not considered that the result impacts would be significantly harmful to the living conditions of nearby residential occupiers or to highway/pedestrian safety.

To date, one representation has been received and based on the reasoning provided above, there are considered to be no material grounds to warrant a refusal of planning permission at this juncture. However, as the public consultation period does not expire until 22 March, there is still opportunity for a further representation/s to be received prior to the committee meeting. If further representations are received which raise any issues which have not been considered within this report, they shall be presented to members at the meeting.

Based on the above, it is recommended that members be minded to approve the application, subject to no further representations being received and the list of conditions as set out at the foot of this report.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to;  
(a)tackle prejudice, and  
(b)promote understanding.

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

**RECOMMENDATION:** Members be minded to approve the application, subject to no further representations being received and the list of conditions as set out below:-

## Conditions:

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

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

- The floor plans and elevations as existing and proposed received 01.02.2017 (Plan ref's 001, 002 and 003REVB)
- The car parking plan, block plan and location plans all received 01.02.2017.

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

3 The office use hereby approved shall not commence until full details of the access widening works have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall include elevations, floor plans and a method statement

No development shall take place until detailed drawings relating to the new footpath connection onto Chester Road and the removal of the existing subway link from Chester Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in complete accordance with the agreed details and implemented prior to the commencement of the use, in the interests of highway safety and to accord with policy T14 of the UDP.

4 The B1 use hereby approved shall be for the purposes of use B1a (offices) only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. In the interests of protecting the amenity of the area to comply with policy B2 of the UDP.

5 The ground floor commercial unit shall not be operated for the purposes hereby approved outside the following hours:

Monday to Friday 08:00 to 18:00

In order to protect the amenities of the area in accordance with policy B2 of the UDP.

**Reference No.:** 17/00232/SU4 Resubmission (Rag 4)

**Proposal:** **Erection of a two storey extension to side with a single storey extension to front (Resubmission)**

**Location:** 1 Meadow Close Houghton-Le-Spring DH5 8HU

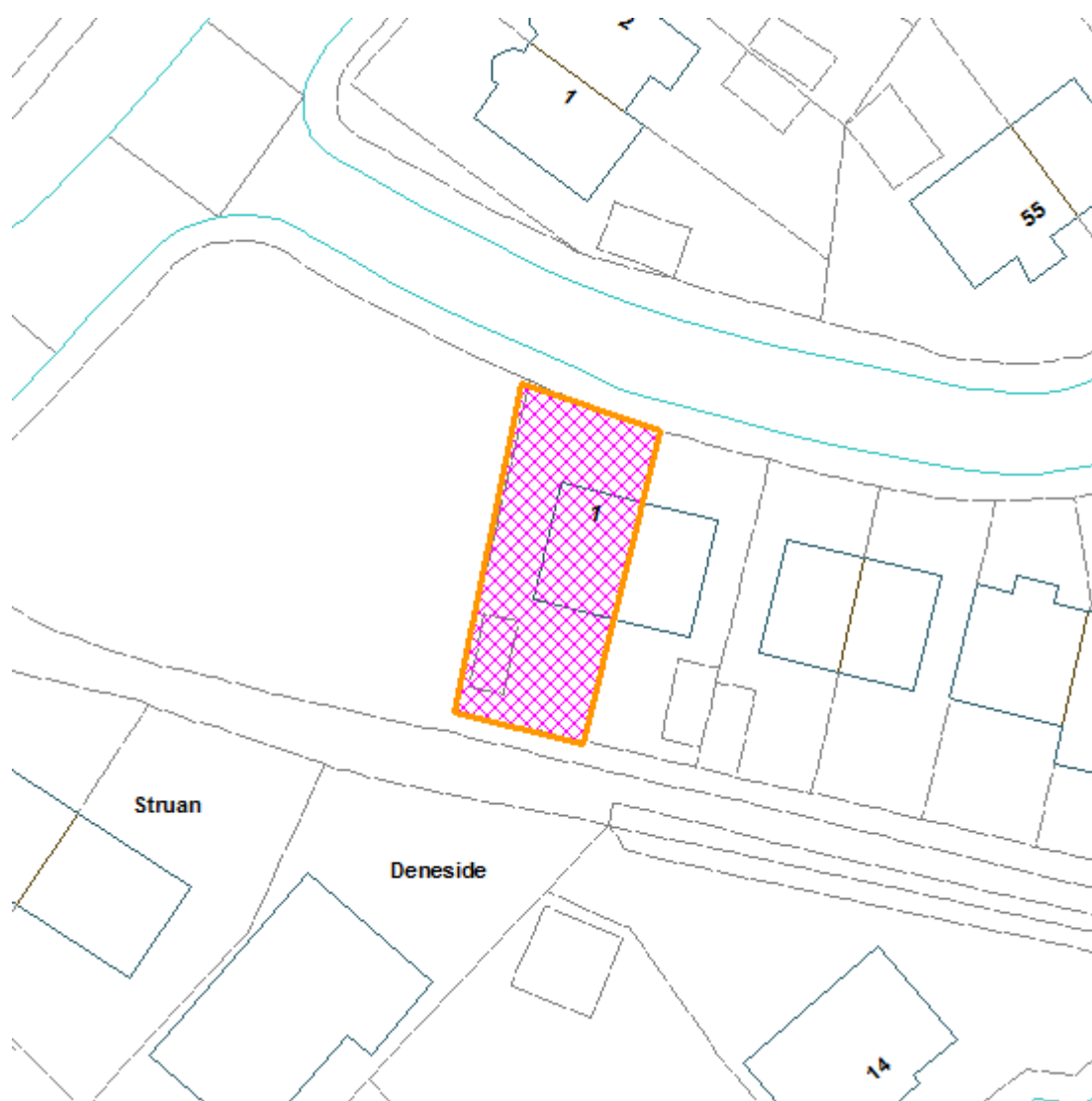
**Ward:** Copt Hill

**Applicant:** Mr Carl Mason

**Date Valid:** 8 February 2017

**Target Date:** 5 April 2017

### Location Plan



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## **PROPOSAL:**

### **INTRODUCTION**

Planning permission is sought for the erection of a two storey extension to the side and rear of 1 Meadow Close, Houghton Le Spring along with a single storey extension to the front. The property, which is semi-detached, is located at the end of a row of houses on the south side of Meadow Close. To the east, north and south are residential dwellings whilst immediately to the west is an area of amenity open space. The dwelling therefore occupies a relatively open and prominent location which is visible from several directions. There is a well-defined building line along the south side of Meadow Close and a regular pattern of development is evident within this mature residential estate. There have been few modifications to dwellings in the near vicinity of the subject site.

Members may recall that planning permission was recently refused for a similar extension at the application site due to the impact of the proposed two storey front extension on the character and visual amenities of the street scene. This application seeks to address the previous issues identified in the reason for refusal.

### **PROPOSAL**

The two storey extension would be positioned along the west side of the property. It is shown to be 3.6 m wide. This equates to the entire width of the existing side space within the plot. The extension is designed with a gable end and the ridge is in line with the main roof of the dwelling and is flush with the front elevation. To the rear the extension projects beyond the rear elevation of the property by 1.1 m and the roof at this point is designed with a hipped end that is 1.2 m lower than the main ridge. To the front the single storey extension projects 1.5 m beyond the front elevation and is designed with a monopitch roof that wraps around part of the frontage partly to provide a porch entrance.

The proposed extension will provide for a new study at ground floor level and a fourth bedroom with en suite at first floor.

### **POLICY BACKGROUND**

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

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

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

in the plan to the policies in the Framework, the greater the weight that may be given)'). The UDP policies and SPD guidance referred to below in the assessment of this application are not considered to be in any conflict with the policy guidance or general aims and objectives of the NPPF and so remain pertinent.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 56 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 64, meanwhile, 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.

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

#### **TYPE OF PUBLICITY:**

Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **09.03.2017**

#### **REPRESENTATIONS:**

No representations have been received in response to public consultation.

Network Management - no objection given that there is access for cars both to the front and rear of the dwelling, even though the driveway length to the front of the property would be reduced to 4 m.

#### **POLICIES:**

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

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

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

## COMMENTS:

### PLANNING ISSUES

Given the local and national policy framework set out above, it is evident that in assessing the merits of the proposed development, the main issues to consider are (1) the impact of the development on visual amenity and (2) its impact on the living conditions of existing neighbouring dwellings.

#### 1. Impact on visual amenity

General advice on this matter is provided by section 7.0 of the Council's adopted 'Household Alterations and Extensions' SPD. It advises, for example, that extensions should ideally be added to less prominent elevations to reduce visual impact on the street, should generally appear as subservient to the original dwelling and should seek to retain the host dwelling's existing character and appearance. Section 7.2 of the SPD then states that two-storey front extensions will not normally be permitted, although all cases will be considered on their individual merits.

In terms of the relationship between the proposed extension and the host dwelling, it is considered that the proposed extension is an acceptable addition extension to the property which appears subservient addition to it, and will not dominate the dwelling's scale and appearance in its setting at the end of the row. It is considered to relate satisfactorily to the context of the wider street scene and does not introduce an incongruous feature to otherwise relatively unmodified dwellings.

At the rear the extension is shown to project 1 m from the rear elevation. Whilst it would be visible from public view its projection is limited and the rood design, with its hipped end, helps to provide a subordinate form of development that is in keeping with the host dwelling and does not unduly interfere with the character of the wider street scene.

The adopted SPD, above, recommends that two storey side extensions should not represent more than 50% of the existing width of the dwelling and be designed with a setback at first floor level and a dropped ridge in order to create a subordinate form of development and to prevent a terracing effect. In this case the dwelling lies adjacent to public open space and there is no opportunity to create a terrace effect given the absence of a dwelling along its west side. Further, in design terms there are no dropped ridges elsewhere in the immediate locality, rather a regular and uniform pattern of development that would be maintained by the proposed design of the extension in relation to its roof form.

In light of the above, it is considered that the proposed extension respects the character and appearance of the host property and the form and pattern of existing development found in the locality. The proposal therefore accord with the requirements of aforementioned policy B2 of the Council's adopted UDP, section 7.2 of the adopted 'Household Alterations and Extensions' SPD and the core principles and paragraphs 56 and 64 of the NPPF.

#### 2. Impact on residential amenity

The extension would be situated some distance away from neighbouring dwellings and would not cause harm to existing levels of light outlook or privacy.

In this regard, there would be no conflict with the requirements of policy B2 of the Council's UDP, the 'Household Alterations and Extensions' SPD and the core principles of the NPPF.

## CONCLUSION

As set out above, it is considered that the size, scale and position of the proposed extension is sympathetic to the host property and would have limited impact on the visual amenity of the area. As such, the developments comply with the requirements of the core principles and paragraphs 56 and 64 of the NPPF, policy B2 of the Council's adopted Unitary Development Plan and the relevant parts of the Council's adopted 'Household Alterations and Extensions' SPD. The application is consequently recommended for approval.

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

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal. Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

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



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

**RECOMMENDATION:** Members be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations (1992) subject to the conditions listed below:-

**Conditions:**

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

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

Existing and proposed elevations and existing floor plans, site location plan, proposed front elevation, existing site plan, proposed site plan, proposed floor plans received 8.2.17.

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.