

## **PLANNING AND HIGHWAYS COMMITTEE**

### **AGENDA**

**Meeting to be held in COMMITTEE ROOM 2, CIVIC CENTRE on  
Wednesday 9<sup>th</sup> August, 2017 at 5.30 p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Minutes of the last meeting of the Committee held on 11<sup>th</sup> July and the extraordinary meeting held on 28<sup>th</sup> June, 2017.</b>  (copies attached)	1
4.	<b>Report of the meeting of the Development Control (North Sunderland) Sub Committee held on 4<sup>th</sup> July, 2017.</b>  (copy attached)	11
5.	<b>Report of the meeting of the Development Control (South Sunderland) Sub Committee held on 4<sup>th</sup> July, 2017</b>  (copy attached)	13

6. **Report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 4<sup>th</sup> July, 2017** 18

(copy attached)

7. **Reference from Development Control (South Sunderland) Sub-Committee** 22

**Planning Application Reference 13/00799/FUL**

**Land at Burdon Lane, Burdon, Sunderland**

Report of the Executive Director of Economy and Place

(copy attached)

Elaine Waugh,  
Head of Law and Governance,  
Civic Centre  
SUNDERLAND

1<sup>st</sup> August, 2017

## Item 3

**At a extraordinary meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER on WEDNESDAY, 28<sup>th</sup> JUNE, 2017 at 4.00 p.m.**

### **Present:-**

Councillor Bell in the Chair

Councillors Ball, Beck, Chequer, English, Francis, I. Galbraith, Hodson, Jackson, Kay, Mordey, Porthouse, Scaplehorn, P. Smith, M. Turton, G. Walker, P. Walker and D. Wilson.

### **Declarations of Interest**

There were no declarations of interest

### **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors M. Dixon, Lauchlan, Middleton, Taylor, Turner, W. Turton and P. Watson.

### **Announcements**

The Chairman reminded the Committee of the procedure for determining planning and related documents.

The Planning Committee was quasi-judicial and that the Committee must base their decisions based upon the UDP and the National Planning Policy Framework (NPPF).

In this regards, in accordance with the requirements to make fair, open, balanced and objective decisions for each application on its merits, free of politics and previous ideas, councillors were required to read the officer's report, any late sheet references and consider the representations made by public speakers at the Committee meeting before reaching its decision.

### **Reference from Development Control (North Sunderland) Sub-Committee**

**Planning Application Reference: 16/02056/HY4**

## **Land and buildings to the west of Whitburn Road and North of Dykelands Road, Sunderland**

The Executive Director of Economy and Place submitted a report (copy circulated) to consider the planning submission of a hybrid application which sought outline planning permission for the demolition of existing buildings and creation of a leisure-led mixed use development on 8.3 Hectares of land to the west of Whitburn Road and North of Dykelands Road, Seaburn, Sunderland. The proposed development would include use classes; D1, D2 and Sui-Generis uses (amusement centre and/or privately managed park and/or funfair); A1 (maximum of 2000m<sup>2</sup> across the entire site), A2,A3,A4,A5,C1 (Hotel), C3 up to 279 residential units); along with associated landscaping and public realm improvements and stopping up on highways. Detailed consent was also sought for a first phase of infrastructure works which would include improvements to access roads and change of use from open space for the provision of public/visitor parking spaces on land to the north of Dykelands Road.

(For copy report – see original minutes)

Anthony Jukes, Principal Development Control Planner presented the report and was on hand to answer any queries.

Councillor Francis commented that the application had been a long time coming but the number of dwellings proposed seemed vague. Councillor Francis also commented that he was delighted to see a great many of conditions included and enquired how these would be monitored and the actions taken if they were not adhered to.

Mr Jukes advised that the conditions were framed in such a way that the information would be submitted up front and if they were not abided by then the Council had powers to enforce if needed. The Council could also react to issues brought up by the public such as noise complaints etc.

Councillor Porthouse referred to Page 39 of the report and wished to compliment the Officer on providing the Committee with the clarity over the Foul Sewage and how it was not for them to make any decisions over the sewage network.

Councillor Hodson referred to the access to the development which was mentioned on Page 22 of the report and requested clarification on how these proposals would be enforced and how the traffic flow would be managed.

Paul Muir, Group Engineer advised that this was a hybrid application with a masterplan showing three access points, two at Lowery Road and one at Seafields, there was no main access to the residential development which was beneficial as it would help distribution to the main junctions and it was considered to be a good scheme in terms of highways.

In response to Councillor Francis's enquiry Mr Jukes advised that he was only aware of this developer having come forward with a planning application for this development.

The Chairman introduced Ms Lindsay Seldon, who wished to speak in opposition to the proposals. Ms Seldon informed the Committee that she owned the amusement arcades currently located on the site as well as living there and had catered for many families over the last 50 years, surviving during difficult financial times when others hadn't.

Ms Seldon wished to raise concerns noted in the report over their future and requested that some clarity be provided on the plan going forward and hoped that their business experience would provide the confidence needed to back them.

Ms Seldon also raised concerns with regards to the parking proposals and the decrease in spaces that would be available, commenting that if the proposal was to grow the leisure offer then the spaces should be increased. Ms Seldon felt that safeguards needed to be put in place as this was a very important issue.

Mr Jukes advised that the application was an outline proposal and the plan showed the location of the amusement arcade with uses D1, D2 and Sui generis so this could be discussed further without precluding Seldon's from the project.

In terms of parking there would only be a shortfall of 18 spaces and the commercial uses going forward would also have to incorporate parking into their schemes.

Mr Muir advised that parking was a key issue given the location and that there were currently 204 spaces available, under the new development there would be 186, with 94 delivered within the first phase so in terms of delivery, the conditions had been worded specifically so this could be managed.

The Chairman introduced Mr Bob Latimer who wished to speak to the proposals. Mr Latimer informed the Committee that he had a business on the seafront and had no objection to the development in general but would have preferred a project with more commercial aspects rather than being residential focussed. Mr Latimer's concerns were in relation to sewage issues and the fact that the report stated there was capacity to take the sewage. Mr Latimer claimed that the permit was not fit for purpose and the system was not European compliant and unable to take flows downstream.

Mr Latimer commented that the Council's own beach reports have shown issues and he did not feel an extra 200+ houses could be accommodated therefore he requested that the application be put on hold so that further investigations of the sewage issues could be carried out.

Mr Jukes advised that details of the environmental permit had been explained in depth within the report and that the Council could not second guess the expert findings of the statutory consultees who had not raised any concerns. The issue had been robustly assessed in terms of planning considerations.

Councillor Mordey commented that all of the city's beaches held blue flag status.

The Chairman introduced Mr Michael Hartnack who wished to speak in opposition to the proposal. Mr Hartnack commented that this was a housing lead application rather than leisure lead and the Council were imposing this upon the residents rather than involving them. Mr Hartnack advised that he knew the area very well and was passionate to make it the best possible place it could be but felt the proposal was seriously flawed in a number of ways.

Mr Hartnack commented that he felt the application was being considered in isolation to the other developments in the area such as South Bents and that they needed to be considered as a whole. There would be greater pressure on the road network which already had significant congestion and with leisure pursuits wanted, the visitors of such establishments would need a good network to access.

In relation to parking, Mr Hartnack commented that the reduction of parking spaces would create a greater gridlock than the issues already being faced in the area at present and felt that the parking aspect of the proposal should be deferred until more detail was known.

Mr Hartnack commented that the proposal should be representative of what the people wanted and not exploitative of the beach for financial gain. Mr Hartnack felt that the application hadn't been properly thought through, especially with regards to the parking elements.

Mr Jukes advised that the application was supported with additional documents and reports such as habitat assessment which looked at the impacts of the development in other areas. A transport assessment was submitted and the application whilst having housing, also included leisure and open space uses,

Mr Jukes advised that the proposal had evolved from the Seafront Strategy masterplan which had carried out extensive public consultations.

Mr Muir informed the Committee that officers from Highways had been involved in dialogue with Siglion a great deal and parking surveys had been undertaken considering weekday traffic, bank holiday traffic and also considered the additional traffic that would be generated by the development itself so they were confident the proposal would be able to accommodate the demand.

In response to Councillor Mordey's enquiry over the parking provision at Whitburn, (mentioned in Page 25 of the report) and if this would mitigate for any loss in spaces, Mr Muir advised that this was outside of the scope of the application being considered but would increase provision.

The Chairman introduced Mr Arthur Pattison, a resident from Seafields who wished to speak against the application. Mr Pattison advised that he had made representations during the public consultation and these concerns were in relation to the heavy concentration of development within a relatively small area, and also the congestion that would affect the environment which was contradictory to the Councils Planning Policy and UDP.

With regards to access or egress, Mr Pattison felt the proposals were counterproductive to a major problem that was already in place and felt the plans were overly ambitious, placing substantial demand upon the road network, impacting safety and quality of life for the residents.

Mr Pattison also commented that the open space should have priority and requested that the plans be deferred for ratification.

Mr Juke referred to Pages 17-19 of the report which addressed the open space details of the proposal and the provision of alternatives. Housing was a key material consideration under the Planning Policy Framework and under paragraph 49 NPPF the most recent update refers to a deliverable 5 year housing site so this was about a balance of recommendations,

Mr Muir advised that access to Seafields had been considered and the developments access would not compromise safety and could be accommodated within the existing road networks.

Mr Muir also advised that road safety was important and the proposals were very pedestrian orientated with priority over traffic flow.

Councillor Hodson referred to the Car Park and commented that the proposed access would be where there was already congestion occurring at present with Dykelands Road car park being a quite difficult point of access.

Mr Muir advised that the access to Dykelands Road car park would require some improvements but they had taken careful consideration of the access arrangements and as the parking was split to either end of the site, this was designed to accommodate safe turning.

In response to Councillor Francis query over how many parking spaces would be allocated per dwelling, the Chairman advised that this would be decided at the reserved matters stage once developers had been identified.

The Chairman introduced Mr Frank Hunter, also a resident of Seafields who wished to speak in opposition to the proposals. Mr Hunter referred to the car parking and how Dykelands Road splits into Seafields and with the warm weather, people flooded to the beach which filled up the current car park and

surrounding streets so that emergency vehicles experience difficulty accessing. Mr Hunter believed that these casual use visitors had not been taken into account.

Mr Hunter referred to the SHLAA and believed this was Phase 1 of a concerted attempt to turn Seaburn into a housing development despite the guidelines that were in place for protecting the greenbelt, parks and public car parks. Mr Hunter claimed that the Council were breaking their own rules.

Mr Hunter raised concerns over the Primary Schools in the area which were all full and questioned where children from 270 extra houses would be allocated.

Mr Hunter also raised concerns over the lack of consultation on other minor developments such as the skate park.

Mr Jukes referred to pages 18-19 of the report which covered the housing aspects of the report and the SHLAA, however this was not an allocated document and gave balanced reasons for the loss of open space.

Mr Jukes also advised that he could categorically state that the land was not green belt land and each development was assessed on their individual merits. In relation to the Skate Park mentioned, there were certain permitted development rights which did not require planning permission, such as leisure functions in that case.

The Chairman introduced Mr John Seager, Chief Executive of Siglion, Ian Cansfield and Neil Mcalpine, who wished to speak as the applicants of the development.

Mr Seager informed the Committee that this application was part of a 20 year partnership to help regenerate the City of Sunderland and breathe life into key sites such as the Vaux site, Chapelgarth and Seaburn, with the aim to make it a first choice destination by reinventing the seaside resort just as many other areas across the country had done.

The vision was to allow Seaburn to make a contribution to the economy all year round by complimenting the seafront with leisure offers and the proposal provided a mix of residential and commercial opportunities to provide this.

Mr Seager referred to the concerns raised over car parking and advised that this was why the first phase of the project was to start on the car park. The proposals had been taken to consultation events for a masterplan in 2015 with responses fantastically varied which brought the realisation that more time was needed to adapt to people's needs.

Mr Seager advised that as this was an outline application, should it be agreed it would allow them the time to consult and continue the engagement with the public as communication would be maintained throughout.

Mr Cansfield commented that this was a hybrid development that would attract visitors to the seaside as requested by the masterplan and as there was a significant amount of space there, it allowed many opportunities to ensure the leisure use was sustainable for the long term.

Mr Cansfield advised that some of the houses may be retirement homes that could cater for an aging population and they would continue to be engaging with residents.

In relation to drainage, they had taken a strategic approach with the Council and the drainage engineers so measures would be included to improve the water quality and the statutory consultees in Northumbrian Water had raised no objections to the proposals.

Mr Cansfield commented that they had worked closely with the Council officers and welcomed their recommendation to approve the scheme. Mr McAlpine referred to the Highway network and confirmed that this would be able to operate with minimal impact to the existing junctions. With regards to parking, two surveys had been carried out, one for typical use and also during bank holidays for the worst case scenario. The proposal would deliver 186 spaces in two locations and the access had been subject to independent testing with no issues found.

Councillor Mordey commented that having read the report and listened to both objectors and developers, the proposal being at the outline stage with the car park the only firm detail, he wished to see this approved and looked forward to seeing the development come to fruition.

In response to Councillor Francis' enquiry, the Chairman advised that all reserved matters would be brought back to Committee in due process.

Members having fully considered the report and the representations made at the meeting, it was unanimously agreed that:-

1. RESOLVED that Members delegate to the Director of Economy and Place to approve the application subject to the completion of a Section 106 Agreement as detailed in the report and subject to the 46 conditions contained therein.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) R. BELL  
(Chairman)

**At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in COMMITTEE ROOM 2 on TUESDAY, 11<sup>th</sup> JULY, 2017 at 5.30 p.m.**

**Present:-**

Councillor Bell in the Chair

Councillors Ball, Beck, M. Dixon, Francis, Hodson, Jackson, Lauchlan. Mordey, Porthouse, Scaplehorn, P. Smith, Taylor, Turner, M. Turton, W. Turton and G. Walker.

**Declarations of Interest**

There were no declarations of interest

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Chequer, English, I. Galbraith, Kay, Middleton, P. Walker, P. Watson and D. Wilson.

**Minutes of the last meeting of the Committee held on 13<sup>th</sup> June, 2017**

1. RESOLVED that the minutes of the last meeting held on 13<sup>th</sup> June, 2017 be confirmed and signed as a correct record.

**Report of the Meeting of the Development Control (North Sunderland) Sub Committee held on 6<sup>th</sup> June, 2017**

The report of the meeting of the Development Control (North Sunderland) Sub-Committee held on 6<sup>th</sup> June, 2017 (copy circulated) was submitted.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

**Report of the meetings of the Development Control (South Sunderland) Sub Committee held on 11<sup>th</sup> May (Extraordinary) 24<sup>th</sup> May, 31<sup>st</sup> May (Extraordinary) and 6<sup>th</sup> June, 2017**

The report of the meetings of the Development Control (South Sunderland) Sub-Committee held on 11<sup>th</sup> May (Extraordinary), 24<sup>th</sup> May, 31<sup>st</sup> May (Extraordinary) and 6<sup>th</sup> June, 2017 (copies circulated) were submitted.

(For copy reports – see original minutes)

3. RESOLVED that the reports be received and noted subject to the inclusion of Councillor Ball's apologies for each meeting.

**Report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 6<sup>th</sup> June, 2017**

The report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 6<sup>th</sup> June, 2017 (copy circulated) was submitted.

(For copy report – see original minutes)

4. RESOLVED that the report be received and noted.

**Proposal for Northern Gateway (North Bridge Street) and Approval to proceed with the advertising of Associated Traffic Regulation Orders**

The Head of Infrastructure and Transportation submitted a report (copy circulated) to advise the Committee of the proposals for the Northern Gateway (North Bridge Street) scheme and sought approval to proceed with the advertising of associated Traffic Regulation Orders. The report outlined the current status of the project, key layout changes and outcome of the most recent consultation.

(For copy report – see original minutes)

Councillor Mordey presented the report along with Officers, Ken Heads, Andrew Bruce and Chris Ferry who were on hand to answer Members queries.

In response to Councillor G. Walker's enquiry over what the bus companies concerns were, Councillor Mordey advised that Stagecoach had issues with the removal of the dedicated bus lane so that it was open to all vehicles. However the models had shown that this would not have a negative impact upon their journey times and would actually improve them.

Councillor Jackson wished to thank those involved for listening to residents of Dame Dorothy and their concerns so that the access would now be closed.

Councillor Francis enquired if this system would restore the area into the busy shopping centre that it used to be. The Chairman commented that he believed the current system had blighted that area and this proposal should improve matters.

In response to Councillor M. Dixon's query, Mr Heads advised that this was a Council designed scheme but had brought in an independent consultant to run the software on the data collected and to study the models available.

Councillor Porthouse referred to the no waiting/loading on North Bridge Street leading up to Roker Avenue and commented that he felt this would negatively affect the businesses here and that we needed to look at how to encourage business and embrace the traffic.

Councillor Mordey commented that they were restricted in terms of the size of the carriageways/number of lanes and if they removed the waiting/loading restrictions then this would cause gridlock across the city centre.

In response to the Chairman, Mr Bruce advised that they would be considering box junction markings within detailed design stage.

In response to Councillor Jackson's enquiry, Mr Bruce advised that there were plans to look at lowering curbs for residents in the area.

Members having fully considered the report it was:-

5. RESOLVED that

- (i) The Council proceed with the development of its scheme in its current form and advertise associated Traffic Regulation Orders.
- (ii) The Council continue to work with the Bus Companies to alleviate their concerns with the intention of their objection being removed from the informal consultation.
- (iii) The Council would consult local residents and stakeholders again if it was proposed to retain the bus lane on Dundas Street.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) R. BELL  
(Chairman)

## Item 4

**At a meeting of the DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY 4<sup>TH</sup> JULY, 2017 at 3.45 p.m.**

### **Present:-**

Councillor Jackson in the Chair

Councillors Beck, Bell, Foster, Porthouse and D. Wilson.

### **Declarations of Interest**

There were no declarations of interest

### **Apologies for Absence**

Apologies for absence were submitted by Councillors Chequer and Mordey.

### **Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Executive Director of Economy and Place submitted a report (copy circulated) relating to the North Sunderland area, copies of which had also been forwarded to each Member of the Council upon applications made thereunder.

(For copy report – see original minutes).

#### **17/00882/FU4 – Erection of single storey extension to front, two storey to side and single storey to rear. Change of open space to private garden and alterations to boundary treatments – Land adjacent 9 Longfield Road, Fulwell, Sunderland, SR6 9SG**

The representative of the Executive Director of Economy and Place outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

1. RESOLVED that consent be granted in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report and subject to the seven conditions contained therein

#### **17/00896/FU4 – Erection of a single storey extension to provide covered seating area – Kiosk 7 Northern Promenade, Whitburn Road, Sunderland, SR6 8AA**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that consent be granted in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report and subject to the five conditions contained therein

**17/01075/LP3 – Siting of 2 no. new on carriageway bus stops/shelters – Land at Castletown Way, Sunderland**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

3. RESOLVED that consent be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report and subject to the two conditions contained therein

**Items for Information**

16/02247/FUL – Bonners Field, Sunderland, SR6 0AA

The Chairman requested a site visit for this application.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) J. JACKSON,  
Chairman

## Item 5

**At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY 4<sup>th</sup> JULY, 2017  
at 4.45 p.m.**

### **Present:-**

Councillor Porthouse in the Chair

Councillors Ball, Bell, D. Dixon, M. Dixon, English, I. Galbraith, Jackson, Kay, Scaplehorn and P. Smith

### **Declarations of Interest**

There were no declarations of interest made.

### **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Hodson, Mordey, P. Watson and S. Watson.

### **Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Executive Director of Economy and Place submitted a report, addendum report and circulatory report (copies circulated) relating to the South Sunderland area, copies of which had been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy reports – see original minutes)

At this juncture the Chairman proposed a change in the order of business to allow Officers to be able to present their reports expediently and accordingly the applications would now be submitted to the Committee in the following order:-

- 17/00635/FUL – Shackleton House, Silksworth Row, Sunderland, SR1 3QJ
- 17/00731/LB3 – Barnes Junior School, Mount Road, Sunderland, SR4 7QF
- 17/00444/VAR – 183 Hylton Road, Sunderland, SR4 7YE
- 17/00702/FU4 – Land to the Front of The Point Holmeside and Port of Call, 1-3 Park Lane, Sunderland, SR1 3NX

- 17/00857/FUL – Fox Cover Filling Station, Durham Road, Sunderland, SR3 3NS
- 17/00927/SUB – Plot of Land to Rear of 62 Durham Road, Munslow Road, Sunderland
- 17/00976/SUB – City Hospitals, Sunderland Children's Centre, Durham Road
- 17/00978/LBC – City Hospitals, Sunderland Children's Centre, Durham Road

**17/00635/FUL – Change of use from office space (Class B1) to higher education and ancillary prayer facility (Class D1), to include internal reconfiguration and refurbishment and replacement of existing entrance lobby to South West elevation with new lobby and canopy. Installation of ventilation louvres and condensing units to South West and North West elevations, and new lift overrun to central core. Demolition of garages to form an ambulance turning and parking area. Reconfiguration of car parking to form pedestrian footpath (Amended description 21.06.2017)  
Shackleton House, Silksworth Row, Sunderland, SR1 3QJ**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

1. RESOLVED that the application be approved for the reasons set out in the report subject to the 7 conditions set out therein.

**17/00731/LB3 – Replacement central heating system to school, including removal of 61no. cast iron radiators.  
Barnes Junior School, Mount Road, Sunderland, SR4 7QF**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the 2 conditions set out therein.

**17/00444/VAR – Variation of Condition 2 (plans), 3 (opening hours) and 4 (colour of flue) attached to planning application 16/00203/FUL (Change of use from retail A1 to hot food takeaway A5) substitution of plans, extend opening hours from 09.00-20.00 to 09.00-00.00 and removal of condition 4.  
183 Hylton Road, Sunderland, SR4 7YE**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Chairman then introduced Marianne McCallum who was in attendance to speak in support of the application on behalf of the Planning Agent, Turleys. Ms McCallum stated that it was disappointing to see that the application was recommended for refusal. She wanted to be able to work with the planning department to develop an acceptable scheme but had only just found out that the Environmental Health department had an issue with the premises closing at 11pm or later. The applicant was willing to paint the flue brick red if required. The changes to the shop front had been deemed to be acceptable and the application would bring the premises back into use and would create 22 new jobs. Planning Permission had been granted with the condition that the premises closed at 8pm; all of the neighbouring takeaway outlets were able to open until between 10pm and midnight and as such there was already noise created in the area until midnight. It was anticipated that there would only be one or two deliveries an hour from the premises after 9pm so any noise after this time would be minimal. The applicant needed to be able to operate between 11am and 11pm in order for the proposal to be viable. It was acknowledged that the property was located within a predominantly residential area however it was located within a parade of commercial units. There had been assessments of the potential noise impact of the development and the consultant had found that any noise created would not exceed the council's standards; there had also not been any objections from local residents.

The representative of the Executive Director of Economy and Place advised that Environmental Health had not categorically stated that they did not want the application to go ahead but that there was not enough information available to show that there would not be a significant adverse impact from the proposed development.

The Chairman queried why the other premises in the area were allowed to open so much later than the application premises. The representative of the Executive Director of Economy and Place advised that the other premises had been operating for a long time and the present application must be considered pursuant to the current legislative regime and further confirmed that it was also not possible to retrospectively apply conditions to existing premises.

Councillor Kay commented that although residents had not formally objected to the application they had expressed concerns to him over the impact of vehicles attending the premises and late night noise; there were other premises in the area which were open late however the introduction of more would lead to a cumulative impact on residents.

3. RESOLVED that the application be refused for the reasons set out in the report.

**17/00702/FU4 – Change of Use from Highway to Semi-Permanent Non Fixed Street Café**  
**Land to the Front of The Point Holmeside and Port of Call, 1-3 Park Lane, Sunderland, SR1 3NX**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

4. RESOLVED that Member be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report, subject to the 4 conditions set out therein.

**17/00857/FUL – Retrospective change of use from a petrol filling station (Sui Generis) to a petrol filling station with modular self-service launderette facilities (Sui Generis)**  
**Fox Cover Filling Station, Durham Road, Sunderland, SR3 3NS**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed. There had been an additional representation received following the production of the agenda; this representation had not raised any new issues beyond those which had already been considered.

5. RESOLVED that Members be minded to grant planning permission for the reasons set out in the report subject to the 4 conditions set out therein.

**17/0927/SUB – Erection of detached dwelling (Resubmission)**  
**Plot of Land Rear of 62 Durham Road, Munslow Road, Sunderland**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Committee's Solicitor Carolyn Forster advised that a request to speak had been received from the applicant Mr Paul Teasdale.

The Chairman introduced Mr Teasdale to the meeting and invited him to address the Committee.

Mr Teasdale stated that he had met with the neighbours and they had welcomed a development of the site but had expressed concerns with the previous proposal. He had withdrawn that application and had amended the proposals to remove the rear Velux windows to prevent overlooking; the neighbours had been happy with the amended proposal. Approval had been granted for a similar proposal in 2011 so he did not see why the application under consideration today was being recommended for refusal. He did not see how it could be considered overdevelopment of the site as other neighbouring sites had been given planning permission for similar developments.

The representative of the Executive Director of Economy and Place advised that the proposal under consideration today was 1m taller than the previously approved application and that although it was not possible to prejudge a potential application it was likely that should the 2011 proposal be resubmitted that it would be looked on favourably although it was important to note that since the 2011 application had been approved the NPPF had been introduced and had raised the bar for design standards. She also stated that the applicant's agent had been contacted two weeks ago in order to inform them of the concerns that had been raised.

Members discussed the application and it was:-

6. RESOLVED that the application be refused for the reasons set out in the report.

**17/00976/SUB – Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets (Retrospective)**

**City Hospitals Sunderland, Children's Centre, Durham Road, Sunderland, SR3 4AG**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

7. RESOLVED that the application be approved for the reasons set out in the addendum report subject to the condition set out therein.

**17/00978/LBC – Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets and the installation of 10no. signs. (Retrospective)**

**City Hospitals Sunderland, Children's Centre, Durham Road, Sunderland, SR3 4AG**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

8. RESOLVED that Listed Building Consent be granted for the reasons set out in the addendum report subject to the condition set out therein.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) S. PORTHOUSE,  
Chairman.

## Item 6

**At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 4<sup>th</sup> JULY, 2017 at 5.45 p.m.**

### **Present:-**

Councillor B. Scaplehorn in the Chair

Councillors Bell, M. Dixon, Jackson, Lauchlan, Porthouse, Taylor, Turner, M. Turton, W. Turton and G. Walker.

### **Declarations of Interest**

17/01048/LP3 – Biddick Primary and Nursery School, Kirkham, Biddick, Washington, NE38 7HQ

Councillor Lauchlan made an open declaration in the application as he was a Governor of Biddick Primary School and left the meeting during consideration of the item.

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Hodson and Mordey

### **Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Executive Director of Economy and Place submitted a report (copies circulated), which related to Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy report – see original minutes)

**17/00133/FU4 – Retrospective enclosure of land and change of use from highway to mixed use showmans storage and residential site, and erection of a boundary fence with double gates, involving the stopping up of the highway at land adjacent to 2 Wylam Close, Stephenson, Washington**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

1. RESOLVED that the application be granted consent in accordance with Regulation 4 of the Town and Country Planning Regulations 1992 (as amended) for the reasons as set out in the report and subject to the two conditions detailed therein.

**17/00161/VAR – Variation of condition 2 (plans) of planning permission ref. 12/00333/FUL (residential development comprising of 170 houses with associated access, parking and landscaping, to include public open space. Stopping up of highways and change of use to residential) comprising substitution of house types of plots 46, 48, 51, 54, 74-80, 83, 85-90 and 92-94 with “Area D” at land north of Station Road, Barmston Road, Washington**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Planning Officer referred to page 10 of the agenda and the statement from the Council's Ecology Team and advised that there was a typo and the word “not” should be deleted as the additional ecological details have satisfied the relevant condition; and it was:-

2. RESOLVED that the application be approved for the reasons as set out in the report and subject to the 24 conditions detailed therein.

**17/00557/FU4 - Construction of 524 no space car park with vehicular access and associated works to include landscaping, lighting, and flood attenuation basin at land north of Cygnet Way, Cygnet Way, Rainton Bridge South, Houghton le Spring**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Chairman welcomed Mr Brooksbank who had requested to speak in favour of the application advising that he was the planning consultant on behalf of the applicant, Marick Real Estate.

Mr. Brooksbank thanked the Committee for the opportunity to address them and commented that this was a currently underused and vacant site that served little purpose and was of no benefit to Rainton Bridge as there was no appetite for development upon this site. He advised that this proposal would help support the economy and employment opportunities within the Industrial Estate.

Car parking had been a long standing issue in the area and this development would look to reduce the amount of on street parking and the landscaping element would look to enhance the area. No objections had been received to the application and the development was welcomed by the local businesses in the area.

Upon being asked if the car park would be free, Mr. Brooksbank advised that he would expect it to be a paid for car parking provision but the businesses on site would discuss this and make the decision at a later date.

3. RESOLVED that the application be granted consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons as set out in the report and subject to the eleven conditions detailed therein.

**17/00743/FU4 – Erection of a single storey extension to existing production building to allow installation of a new production line, erection of a covered storage area canopy and the creation of 5 no additional car parking spaces at Tacle, Unit 2, Phoenix Way, Rainton Bridge Industrial Estate, Houghton le Spring**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Planning Officer referred Members to a report for circulation which had been submitted explain that following consultation with the Lead Local Flood Authority the application had been considered to be acceptable subject to the imposition of two further conditions, and it was:-

4. RESOLVED that the application be granted consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons as set out in the report and subject to the twelve conditions detailed therein.

**17/00938/FUL – Creation of 50 no. replacement parking spaces to facilitate the formation of a vehicle training facility within existing car park area at Future Technology Centre, Barmston Court, Nissan Way, Sunderland**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

The Planning Officer advised that there was still further information to be received regarding drainage and flood-risk, and therefore it was:-

5. RESOLVED that the application be delegated to the Executive Director of Economy and Place who be minded to approve the application for the reasons as set out in the report and subject to the five conditions as detailed

therein and any additional water management conditions as are deemed to be required; in the event of any issues the application will be submitted to a further meeting of the Committee for Members consideration.

**17/01048/LP3 – Proposed entrance extension at Biddick Primary and Nursery School, Kirkham, Biddick, Washington, NE38 7HQ**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

6. RESOLVED that Members be minded to grant consent to the application in accordance with Regulation 3 of the Town and Country Planning Regulations 1992 subject to their being no objections received as the public consultation does not expire until 12<sup>th</sup> July, 2017, for the reasons as set out in the report and subject to the three conditions detailed therein.

**17/00672/FUL – Change of use from agriculture to the keeping of horses and erection of field shelter at 8 Over the Hill Farm, Steadings, Houghton le Spring, DH4 4NY**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Sub Committee and the relevant material planning considerations against which the application had been assessed.

7. RESOLVED that the application be refused for the reason as set out in the report.

**Items for Information**

8. RESOLVED that the items for information contained within the matrix be received and noted.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) B. SCAPLEHORN,  
Chairman.

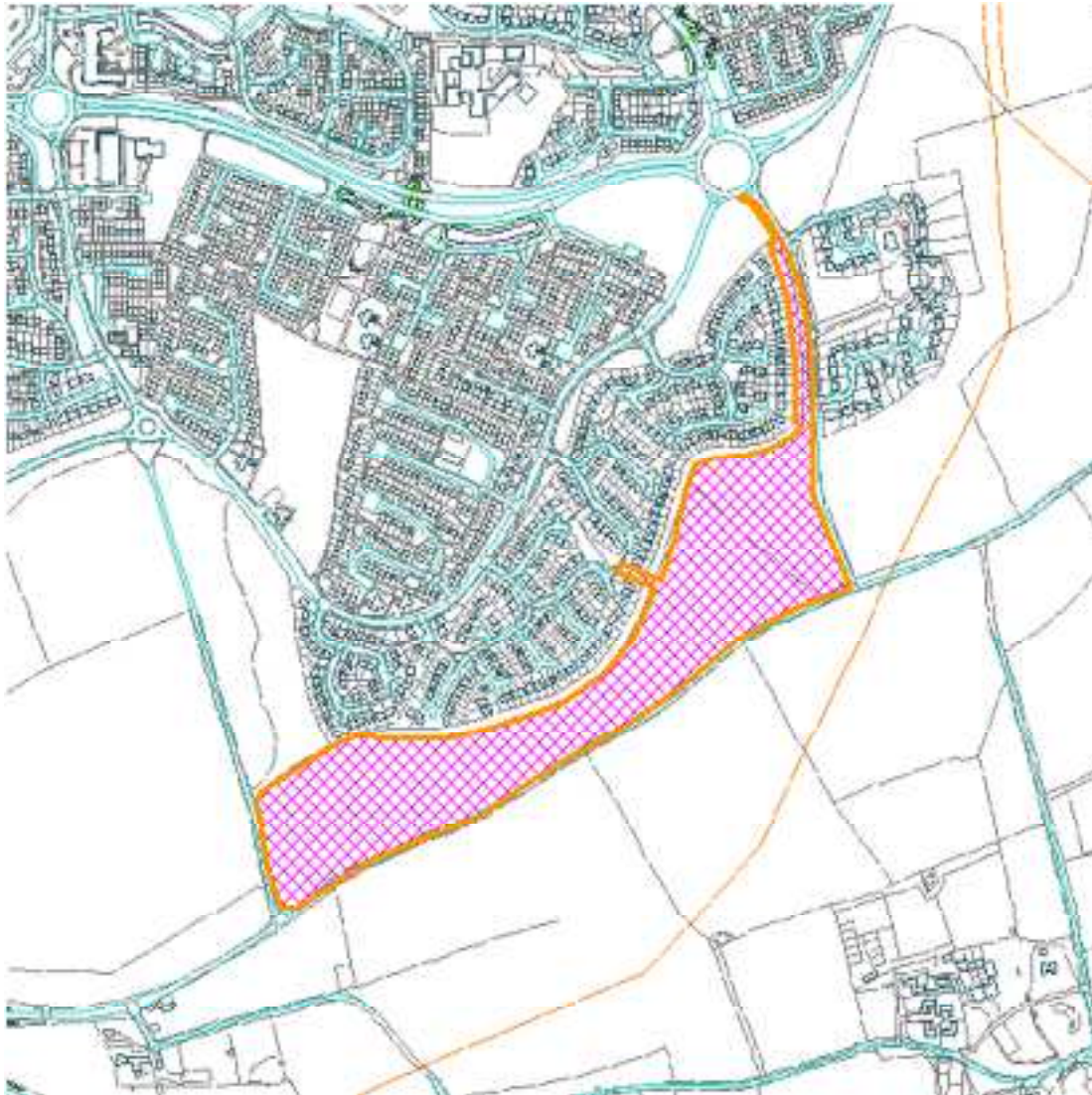
# Item 7

**Planning Application Reference: 13/00799/FUL**

**Land at Burdon Lane, Burdon, Sunderland**

## **FULL APPLICATION**

Erection of 109 dwellings; formation of vehicular and pedestrian accesses, pedestrian footpaths and cycle links; provision of SUDs basins and swales, open space, landscaping and associated works (Revised scheme, amended description, application site plan, plans and reports 11 April 2017).



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## **Application Site**

The site is presently an agricultural field that extends to approximately 9.82 hectares. To the north of the site is the existing residential estate of Thristley Woods, which the applicant, Bellway, constructed in the 1990s. To the north-east there is also another residential estate, Lodgeside Meadows; with the Grade II listed Tunstall Village

Lodge and accompanying residential estate located further northwards along Burdon Road. To the north-west is Blakeney Woods, whilst to the west is Chapelgarth, which is a long established allocated housing site in the Unitary Development Plan (UDP). Indeed planning permission (ref. 16/00388/HY4) has recently been granted for 750no. residential units and up to 1000 square metres of ancillary commercial uses at the Chapelgarth site.

The site is also located within the Settlement Break, as defined via policy CN6 of the UDP. The adopted Tyne and Wear Green Belt is located to the south, across from Burdon Lane.

### **Amended proposals**

When first submitted the application sought permission to erect 118 homes. However, during the course of considering the application the applicant has amended their development proposal following various consultation responses and objections.

The first amendment was formally submitted in April 2014 and reduced the number of proposed homes to 115. This was subject to another round of public consultation. The amended scheme also included a new footpath link from the site into existing the Thristley Woods Estate via an existing residents rear/ side garden. It is believed that the existing homeowner in Thristley Woods rents the land off the applicant, Bellway. The amended scheme also proposed a new footway/ cycleway to the west of Burdon Road, whilst a buffer was also introduced to Blakeney Woods.

Then in June 2015 a further amended scheme was submitted as the applicant proposed two Sustainable Urban Drainage Systems (SuDS) in the form of swales on Green Belt land i.e. within the agricultural field to the south of the site. This was subject to another round of consultation.

However, in late March this year the applicant has submitted their fourth and final amendment. Following a period of consideration by the applicant and to resolve a number of technical matters that emerged during the course of the planning application the most recently revised scheme has been prepared. The development proposal is now as follows:

- Total number of homes has been revised from 115 to 109;
- Three SuDS basins and swales now included within the application site (rather than the Green Belt land to south), in order to provide storage of surface water and help mitigate the overland flows from the farmland to the south;
- Increased amount of open space within the application site; and
- Inclusion of footpath route around the perimeter of the site.

Members may also wish to note that the previously proposed footpath link through an existing resident's side and rear garden in Thristley Woods has now been removed.

## Environmental Impact Assessment

When the application was first submitted it was screened as to whether it required the submission of an Environmental Impact Assessment (EIA). In assessing this Schedule 2 development due regard was given to Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) 2011 (as amended). It was considered that within the context of the 2011 Regulations the proposed development did not require the submission of an EIA; please see the Screening Request and Opinion via reference 12/02370/SCR for further information.

Following the most recently amended scheme the applicant submitted an EIA Screening Note as part of their updated submission. Within this note it is re-iterated that the site is not located within any specially designated areas of historic, ecological or landscape value but the land directly to the south is within the Greenbelt. The site is subject to a number of policy designations as defined by the Council's Unitary Development Plan (UDP) Proposals Map including Trees/Woodland, Great North Forest, Important Panoramic Views, Strategic Footpath and Important Settlement Breaks.

The proposed development comprises residential development which is less than 150 dwellings but is more than 5 hectares and therefore constitutes an 'Urban Development Project' under the category of 'Infrastructure Projects' as detailed in Schedule 2 of the 2017 Regulations. As a result, the proposal is a Schedule 2 Development under Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

However, paragraph 18 of NPPG advises that "...Only a very small proportion of Schedule 2 development will require an assessment". It is acknowledged that the site is in excess of 5ha however, the amount of residential development proposed falls significantly below the amount of development that would be likely to require an EIA. Furthermore, it is also acknowledged that being mindful to the location of the site i.e. immediately adjacent to a substantial suburban urban area; it is not considered reasonable to suggest that the development would have a significant urbanising effect.

The planning submission's EIA note highlights the recent approval at the Chapelgarth site (ref: 16/00388/HY4), which itself was supported by an Environmental Statement. The Chapelgarth scheme is significantly larger both in terms of the quantum of development (up to 750 homes) and the physical size of the site (49.73ha). It is noted that even with this scale of proposed development that application's ES did not identify any significant environmental effects following the detailed mitigation proposed by the development. In respect of cumulative effects the Chapelgarth's EIA states that the "...wider development of the South Sunderland area has been considered by the project team, as well as by Sunderland City Council themselves as part of the draft SSGA SPD process, and in conclusion it is considered that there will be no significant adverse cumulative effect should the planned, proposed and foreseeable developments all come to fruition".

It is also noted that both the Cherryknowle recent approval (ref: 16/01524/HYB) and the South Ryhope planning applications (ref: 16/01502/OU4) have been supported

by their own ES. This is largely due to the scale of the development proposed at Cherryknowle and the adjacency of the South Ryhope site to the Durham Coast Site of Special Scientific Interest. Whilst the transport report submitted in support of the amended scheme now before Members includes an updated review the operational capacity of key junctions to reflect recent committed developments including Chapelgarth, Cherry Knowle, and wider proposals for the SSGA.

In conclusion, Officers remain of the view that the proposed development would not have significant environmental impacts to such a degree so as to warrant the submission of an ES.

## **Habitat Regulations**

The Council, as the Local Planning Authority (LPA), is presently formulating a Supplementary Planning Document (SPD) in order to support the emerging South Sunderland Growth Area (SSGA). The SPD will give detail to guide potential planning applications in order to ensure a co-ordinated and strategic approach to decision-making.

A Habitat Regulations Assessment (HRA) is required because of the size of the SSGA and its proximity to the Natura 2000 (N2K) European sites (i.e. Northumbria Coast Special Protection Area (SPA)/ Ramsar site and Durham Coast Special Area of Conservation (SAC)). Following the HRA Screening stage, two likely Significant Effects have been identified: recreational disturbance of SPA wintering birds and degradation of SAC habitat, both having been identified through increased visitor pressure.

The relevance of HRA to this planning application is due to the fact that the proposed development site is a Neighbouring Site to the SSGA and therefore, in-combination with the SSGA, could contribute to recreational pressures on the N2K. The applicant has therefore screened their development within the context of the Habitat Regulations. This aspect of the development will be discussed in more detail in the ecology section of this report.

The revised planning application has been supported by relevant updated plans, as well as the following supporting reports:

- EIA Screening Note;
- Section 106 Heads of Terms;
- Transport Assessment;
- Design & Access Statement;
- FRA & Drainage Strategy;
- Preliminary Ecological Appraisal;
- Habitat Screening Assessment.

The above is in addition to the previously submitted reports, such as, Landscape & Visual Impact Assessment, Contamination Study and Agricultural Land Classification Report.

## **Consultation**

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order (2010 & 2015), that is, by:

- Site Notice
- Press Notice and
- Neighbour Notification Letters

The application is a departure from the Unitary Development Plan and has been advertised as such.

The application has been subject to various rounds of consultation.

The first round of consultation was when the application was first submitted in 2013. However, following amendments to the scheme it has been necessary to undertake additional full consultation exercises in May 2013, July 2015, September 2015 & April 2017.

Reviewing the LPA's Uniform system there appears to have been over the various rounds of consultation 65 people who have written in objection, with 2 writing neither in support or objection and a further 2 in support.

A petition against the development was received by the LPA in May 2013. It was signed by 345 individuals, whilst a further 144 signed petition was received during the July 2015 consultation exercise.

Members may wish to note that following the most recent round of consultation for the amended scheme now before Members 13 letters of objection were received.

The following is a summary of all the comments received at various stages of the application. Members should note that the original and full copies of the representations, some of which have been written in substantial detail, are available to view via the planning application file on the Council's Public Access system.

### **Principle of development:**

- Inappropriate use;
- Loss of Agricultural land;
- Loss of Settlement Break;
- Burdon Lane should be retained as a country road and bordered by fields;
- Brownfield first; Brownfield sites nearby, such as Chapelgarth and Cherry Knowle; Doxford Park being developed;
- Questioning of the Council's stated need for 15,000 homes when Census figures show a decline in the City's population; No evidence or demand for housing; 2000 empty houses in Sunderland;
- No certainty of inward migration; No market or demand for executive housing; perception of Sunderland and competition with Wynyard, Cleadon, Gosforth;

objector provided various pieces of local housing market evidence to support the view that there is no demand.

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Land-use and Policy considerations' section of this report.

#### **Amenity impacts:**

- Overlooking and privacy;
- Visual amenity;
- Landscape impacts; standalone development impact on a rolling topography in a rural open landscape; landscape has a high value to existing residents;
- Health concerns;
- Increased litter;
- Noise impacts;
- Large family homes next to retirement bungalows;
- Overdevelopment;
- Loss of views;
- Encroachment;
- Loss of Heritage;
- Noise;
- Additional trees should be planted to safeguard proposed residents from the A1.

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Urban design, amenity and landscape considerations ' & 'Land contamination, Noise and Vibration' sections of this report.

#### **Ecology and associated impacts:**

- Existing tree plantation impacts solar panels and building foundations;
- Removal of habitat within tree plantation would lead to rat problems in the estate;
- Ecological, wildlife and biodiversity impacts, loss of green infrastructure;
- Proposed walkway/ cycleway & widening of Burdon Road will require removal of trees, which act as a buffer for residents;
- No assessment been undertaken about impact on wildlife from the introduction of the tree large SUDS ponds.

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Ecology and Nature Conservation' section of this report.

### **Water environment considerations:**

- Existing flooding problems;
- Emergency services been called out; sand bags required;
- Existing drain infrastructure cannot cope, surcharging experienced within Thristley Woods;
- Concerns over the accuracy Flood Risk submissions, flawed and inaccurate data which does not include or account for overland water flow (Northumbrian Water should re-examine their assessment); does not take into account high water table, asserting that SUDS are not effective in such areas;
- Prior to determination the applicant must accept responsibility and resolve existing flooding impacts experienced in Thristley Woods (Bellway) estate;
- Flood Risk Assessment only deals with the application site;
- Applicant has not undertaken substantive groundwater assessments;
- Assertions that the development will affect the natural flow of ground water in limestone areas lead to sink holes and impacts on existing properties;
- Making ponds to control flooding above height of existing homes is appalling;
- Safety of these ponds when children play unsupervised;
- Council will have to maintain the proposed SUDS at tax-payer expense;

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Water environment and Flood Risk considerations' section of this report.

### **Transportation concerns:**

- Increase in traffic and widening of roads with associated increases in speed;
- Tree plantation to the northern boundary is a strategic footpath in the UDP;
- Poor public transport connections; bus stops will be four times the walking desirable distance (based on the 200m);
- Path through Blakeney Woods is not a suitable route to bus stops – unsafe, in a poor state of disrepair; easy hiding place for assaults;
- Proposed route to west of Burdon Road would require the removal of all shrubbery and trees for this to be safe – predators again cited;
- Applicant is no longer proposing improvements to Burdon Lane;
- Improvement to Burdon Road will encourage HGV vehicles using this as a route to the A690;
- Proposed route would necessitate vulnerable children crossing the busy Burdon Road at Mill Hill; pedestrians are then expected to walk along soft grass verge;
- Burdon Lane is a 60mph road where surface water flooding occurs; querying the reliance on previous recorded accidents rates or capacity problems to suggest that the development will not significantly to either of these;
- The site is used daily by the public to walk, cycle and ride horses.

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Highway considerations' section of this report.

**Construction concerns:**

- Heavy construction traffic and damage to property;
- Pollution increase;
- Residential amenity impacts;
- Years of disruption.

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Land contamination, Noise and Vibration' section of this report.

**Other concerns:**

- Flawed and subjective supporting documents have been submitted in support of the proposals that cannot be relied upon;
- Impact on house prices;
- Existing (lack of) maintenance of tree belt impacts on existing residents' boundary fences.
- Tree belt maintenance borne by tax payers;
- Unsustainable development - affects the ability of future generations to meet food production, health and well-being;
- No affordable homes being provided;
- Facilitation of criminal activity in the plantation along northern boundary and Blakeney Woods and proposed footpaths;
- Shortage of school places; impacts on GPs;
- In terms of executive housing demand there is not a sense of place like there is for those areas the site is competing with such as Wynyard, Durham, Cleadon and Durham;
- Planned pathway through the woods leading to anti-social behaviour;

The above issues which are considered material to the consideration of the planning application will be considered in the subsequent 'Land-use and Policy considerations', 'Highway considerations' and 'Planning Obligations: Section 106' sections of this report.

**Natural England**

No consultation response received to the April 2017 '21 day consultation' period.

However, Natural England's have previously responded to the scheme when the development proposed 115 dwellings in August 2015 confirming that the proposal can be screened out from requiring any further stages of assessment because significant effects were considered unlikely to occur, either alone or in-combination.

### **Northumbrian Water (NW)**

In making their response to the amended scheme NW assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat the anticipated flows arising from the development. Having assessed the development in this context they referred to their earlier consultation response, which required that the development be carried out in strict accordance with the Flood Risk Assessment i.e. where it estimated that foul flows of 9 litres per second from the development will discharge without restriction to manhole 5104; and that surface water flows will be restricted to 32 litres per second and discharge to manhole 5103.

### **County Archaeologist (CA)**

The CA has assessed the planning submission's Cultural Heritage Assessment. The CA noted that as the site has never been developed there is potential for buried archaeological remains to survive. It is standard practice for greenfield sites in Tyne and Wear to be archaeologically investigated. The CA has recommended that a geophysical survey be undertaken followed by evaluation trial trenching, along with any findings being reported on, the content of which being publicised in a suitable journal.

Therefore, should Members be minded to approve, the CA has recommended three conditions covering these requirements.

### **Environment Agency (EA)**

No consultation response received to the April 2017 '21 day consultation' period.

The EA has previously responded to earlier consultations by noting the planning submission's approach to attenuating surface water on site, whilst discharging to NW's public sewer at an agreed rate. The EA advised that all drainage agreements need to be made between the developer and NW. This approach remains the case with the amended scheme.

In relation to the proposed development, in so far as it relates to land contamination, the EA considered issues relating to controlled waters and in this respect it is considered that the controlled waters at the site are of low environmental sensitivity and as such stated that there was no need to provide detailed site-specific comments.

### **Tyne and Wear Fire Rescue Service**

The Tyne and Wear Fire and Rescue Service have confirmed that they have no objections to the proposal. They have provided additional commentary in respect Building Regulations, which falls outside the remit of considering the merits of this planning application.

## **Nexus**

Nexus offered no objection to the application, however, they have noted that the size of the development means that a number of the proposed homes fall outside of the 400 metre walking distance from a frequent bus service as required by the Nexus Planning Liaison Policy for new developments. In order to incentivise travel by public transport by all residents, Nexus requires two four-weekly Network One All Zone travel passes per dwelling. The travel plan should be updated to include this as well as details of how residents can apply for these.

## **Consideration**

The key planning issues in relation to this application are:

1. Land-use and Policy considerations
2. Agricultural considerations
3. Highway considerations
4. Urban design, amenity and landscape considerations
5. Ecology and Nature Conservation
6. Water environment and Flood Risk considerations
7. Land contamination, Noise and Vibration
8. Planning Obligations: Section 106
10. Summary

### **1. Land-use and Policy considerations**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for the determination of a planning application 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 UDP, rests on their consistency with the policies of the NPPF. The closer the local planning policy is to the NPPF the greater the weight that may be given to that policy.

Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraphs 7 and 8 of the NPPF explains 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 sets out the 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:-
  - 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 that development should be restricted.”

In terms of specific policies that may indicate that development should be restricted footnote 9 to Paragraph 14 highlights Birds and Habitats Directive (Paragraph 119) and/ or SSSIs, Green Belt, Local Green Space, designated Heritage Assets and locations at risk of flooding.

Paragraphs 186 and 187 require local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development. In particular Paragraph 187 states that “...planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible” and work with applicants to “secure developments that improve the economic, social and environmental conditions of the area”.

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

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

The Draft Plan appeared before Cabinet on the 19 July where Members agreed to undertake a public consultation on this first draft to commence on 7 August and finish on the 2 October. However, as the Draft Plan has only recently been made public and as the public consultation period has just commenced it is considered that only limited weight can be given to its provisions and proposals.

#### - Policy EN10

As the statutory starting point for the consideration of a planning application is the Development Plan it is important to recognise and consider the existing land use allocation at the site. In this regard it is noted that the site is governed by Policy EN10, which states that where land is not identified for any particular purpose then development in such areas will need to be compatible with the principal use of the neighbourhood. In this respect it is noted there are agricultural fields to the east (north of Burdon Lane) and to the south (Green Belt) of the site. However, it is also noted that residential development lies immediately to the north of the site, along with the urban area of Doxford. Furthermore a recent planning permission (ref: 16/00388/HY4) has been granted for 750no. residential units and up to 1000 square

metres of ancillary commercial uses at the Chapelgarth site, which is situated to the west of the site.

- Settlement Break

The Proposals Plan of the UDP has the majority of the site located within Settlement Break and as such is governed by policy CN6. This policy states that important open breaks and wedges within and between settlements will be retained and enhanced.

However, reviewing the wording of Paragraph 14 of the Framework (see above) decision-takers, in part, are being directed to grant permission where a relevant policy is out-of-date. Paragraph 215 reaffirms this by stating that due weight should only be given to policies in existing plans that were adopted prior to 2004 (such as the Council's UDP) according to their degree of consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework the greater the weight that may be given to that policy.

In light of this dynamic between local and national policy it is critical to note that unlike Green Belts, which are specifically protected by virtue of Paragraphs 89 and 90, the Council's allocated Settlement Breaks are not afforded explicit protection and as such there is a degree of inconsistency between the NPPF and UDP policy CN6. Moreover, colleagues in Strategic Policy, who are tasked to deliver the new plan (Core Strategy and Development Plan 2017-2033), have considered the various Settlement Breaks within the City via the Draft Settlement Break Review (2013). This review suggests that this area of City's Settlement Break is no longer critical in view of the continuous and large swathe of adopted Green Belt land that lies immediately to the south of the application site. It is the Green Belt land that effectively separates the urban area of Sunderland from the urban areas of Houghton and Seaham.

- Housing

Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and should be read in conjunction with Paragraph 47 which seeks the significant boost in the supply of housing. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In the event that a five-year supply cannot be met, the Local Planning Authority (LPA) may have to favourably consider planning applications for housing on unallocated sites. A five-year supply of housing land, or lack of, is therefore an important and significant material consideration in the determination of planning applications.

Given the above Paragraphs 47 and 159 require councils to have a clear understanding of housing needs in their area. This is demonstrated in Sunderland by the Council's Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA).

The SHMA is the means through which the LPA identifies the scale and mix of housing and range of tenures that the local population is likely to need over the plan period, while the SHLAA is the means through which the Authority establishes

realistic assumptions about the availability, suitability and likely economic viability of land to meet that identified need.

- Need

Appropriate housing and planning policies have a fundamental role to play in the delivery of thriving, inclusive and sustainable areas. Building on the 2013 SHMA the Sunderland Objectively Assessed Need and Strategic Housing Market Assessment Update 2016 identifies an imbalance of house types amongst the City's housing stock, with low levels of large family, detached dwellings being identified as a major cause for out-migration to areas with more appropriate housing. The proposal being put forward by the scheme comprises the provision of larger, detached high value family dwellings and as such is considered with the locally defined need.

The SHMA has recommended that the Objectively Assessed Housing Need (OAN) for Sunderland for the proposed plan period 2015-2035 is 819 each year. This is established from a baseline of 467 dwellings, with an upward adjustment based on past migration trends of +37 (to 504 dwellings). This adjustment is based on migration trends over the past 5 years which reflect recent reductions in net out-migration compared with the past 10 years.

However, this demographic scenario does not provide a sufficient working age population to support anticipated jobs growth in the City. Therefore a further adjustment is considered necessary to support anticipated jobs growth by increasing the size of the working age population. In order to accommodate the jobs-led calculations results in an additional requirement for 315, thereby increasing the OAN to 819 dwellings each year.

- Supply

In light of the OAN the Council's 2016 SHLAA provides the speculative assessment of housing potential and is part of the on-going evidence base that supports the forthcoming Sunderland Local Plan. In estimating potential housing supply on individual sites, the assessment involves making assumptions about whether sites can be developed for housing and when.

The 2016 SHLAA has earmarked the site as 'Site 356 Burdon Road/ Hall Farm Road, land at' and identified it as a Deliverable 1-5 Year site. Sites are considered to be deliverable if they are available now, offer a suitable viable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years. The site is therefore part of the City's five year supply of housing land, which is being given significant weight by virtue of Paragraphs 47 and 49 of the NPPF.

Furthermore, the site is a neighbouring site to the four Locations for Major Development (LMDs) that comprises the SSGA, which together have the potential of meeting over 20% of the City's housing need over the next plan period. The LMDs are Chapelgarth, Land North of Burdon Lane, Cherry Knowle and South Ryhope, with anticipated housing allocations of 650, 955, 1750 and 450 homes respectively. Indeed the SSGA via Policy SS3 of the emerging Core Strategy is a key part of the

City's Spatial Delivery for Growth and is a Strategic Site Allocation by virtue of Policy SA2.

- Brownfield sites

Brownfield land comprises around 43% of the total sites identified in the 1-15 year SHLAA supply. In urban development terms, approximately 84% of 1-15 year SHLAA sites lie within the urban area, with 16% of sites located on the urban fringe, such as the sites within the SSGA.

The amount of brownfield land within the SHLAA has been influenced by the success in regenerating brownfield land (e.g. Teal Farm, former Lambton Cokeworks site, High Ford Estate and Lisburn Terrace), as well as recent adjustments to sites in light of the Government's brownfield land definition. Local housing market factors form part of the various components of planning evidence basis, including the Council's draft Viability Assessment and SHMA. This evidence base was used to underpin the assessment of sites as part of the SHLAA process. The evidence includes examination of sales values, levels of sales, and market demand, while consideration was given to the precise localities and the attractiveness of areas as places to live.

The most recent draft Viability Assessment (October 2016) modelled a range of site typologies with the capability of delivering different house types and varying yields around Sunderland. Furthermore, a selection of non-consented brownfield sites has been included in the housing land supply where it could be demonstrated that the site could be brought forward for development. A number of Gentoo schemes have been identified within the land supply, as the provider can demonstrate that they intend to deliver schemes on the site and have a track history of brownfield sites in the City area.

The Council has also excluded all non-consented brownfield sites that are privately owned from the land supply on achievability and viability grounds, thereby reflecting the initial findings of the draft Viability Assessment. Furthermore, Council-owned brownfield sites without consent have been excluded with the exception of a selection of sites that are identified in the Sunderland Capital Programme for Disposal, as these are expected to be marketed in the plan period. These sites have been included within the land supply as it can be demonstrated with confidence that there is intent to make the site available for housing development.

In addition, the Council as landowner has greater control over the land value which it secures through land sale i.e. the Council has control to secure land receipts below those values identified in the Draft Viability Assessment, thereby making these brownfield sites more viable and deliverable. The Council is also working with the Homes & Communities Agency through their programmes to overcome some of the barriers on Council owned land that is preventing them from being developable sites for housing. This highlights that the SHLAA process has and will continue to have regard to including brownfield sites within its housing supply.

Nevertheless, as the with emerging Core Strategy, the SHLAA has not been subject to independent examination via a public inquiry and as such, on balance, at this

stage the Council cannot say with certainty that a five-year supply of deliverable housing sites is available in the City. Accordingly, it is considered that the more up to date development management and housing policies in the NPPF should therefore be given significant weight. Again, in this respect, attention is drawn to the wording of Paragraphs 14, 47 and 49, particularly that housing applications should be considered within the context of a presumption in favour of sustainable development.

- Concluding remarks

In accordance with Paragraph 215 of the Framework and with respect to the Settlement Break at the site, it is considered that a level of inconsistency exists between local and national planning policy. This is further highlighted by the findings of the Council's Settlement Break Review and the presence of the large swathe of Green Belt land immediately to the south of the application site. It is the Greenbelt that provides the distinct settlement boundary separating the urban area of Sunderland from the urban areas of Houghton and Seaham.

In terms of the principle of housing it is noted that the site forms part of the City's deliverable 5 year supply of housing land (as required by Paragraph 47 of NPPF). Officers are therefore mindful of Paragraph 49, which states that housing applications should be considered in the context of a presumption of sustainable development and in this regard, and along with Paragraph 14, the delivery of housing within the site is being given significant weight. When reaching this conclusion, and as will be discussed in detail in the subsequent sections of this report, there are not considered to be any other conflict with local or national planning policy, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal.

## **2. Agricultural considerations**

Paragraph 112 of the NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Policy CN8 of the UDP is considered to comply with this Paragraph as it states that where development results in the irreversible loss of the BMV agricultural land (Grades 2 and 3a) it will only be permitted where it can be demonstrated that no other sites exist upon which the development could reasonably be located.

The BMV agricultural land is defined in Annex 2 of the NPPF as land consisting of Grades 1, 2 and 3a (Ministry of Agriculture, Forestry and Fisheries (MAFF) Agricultural Land Classification (ALC)). The site has been used for arable farming, there are no buildings on the land; it is not fenced and has no provision of water for livestock. The development will result in the loss of 9.82ha of agricultural land.

In terms of considering the development proposal it is noted that an ALC Survey has been submitted in support of the application suggesting that in terms of climatic conditions the application site is Grade 2, however, given soil wetness, the overall

grading has been reduced to 3a. This corresponds with the Government's multi-disciplinary geographic information database, MAGIC, which characterises the land as comprising a mixture of grades 2 and 3b. The site therefore falls within the definition of BMV agricultural land.

Given the above policy context, it is noted that the application site is allocated as Settlement Break however, as has been discussed above, it is considered that more weight should be given to the delivery of this 1-5 year executive housing site. It is also noted that the emerging Draft Plan is proposing four Locations for Major Development (LMD) within the area, collectively termed the SSGA. The application site is identified as a Neighbouring Site in the SSGA's draft SPD and in combination with the four SSGA sites, has the potential to contribute to and deliver over 20% of the objectively assessed housing need for the City over the next plan period.

Furthermore, ALC surveys show that there are no areas of land of significantly lower agricultural grade within the area that the development could be relocated toward whilst the surrounding land to the south and west is the allocated Green Belt, which is not only farmed land but is also governed by strict national and local planning policy.

Consequently, the proposed development of housing is considered necessary in view of its delivery of executive housing development while the site is surrounded by Greenbelt and adjacent to the emerging SSGA, as such, it is not considered that there are alternative sites to which the development proposal could reasonably be re-located elsewhere. It is therefore considered, on balance, that the development of the site is acceptable in respect of Paragraph 112 and policy CN8.

### **3. Highway considerations**

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movement should be supported by a Transport Assessment 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, whilst 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 and T9 seek to improve facilities for pedestrians and cyclists respectively.

The following comments are in response to the revised proposals which includes a reduction in the number of dwellings to 109 units. The Transport Assessment has been updated and reviewed along with the subsequent changes to the site access and layout drawings. The transport report has also been updated to review the operational capacity of key junctions to reflect recent committed developments including Chapelgarth, Cherry Knowle, and wider proposals for the SSGA. Based on the submitted information, the junctions on Burdon Road are able to accommodate the increase in traffic arising from this development during peak hours for both AM and PM periods.

## - Site Access

The section of Burdon Road where the new vehicular access is proposed has been widened to 7.3m as part of historical highway improvement and maintenance works. However, the following changes are required to achieve a safe form of access to/ from the development and have been discussed and agreed with the applicant.

The updated layout drawings include previously requested changes to the kerb radii at the entrance to the development site, visibility splay requirements and also localised widening on the section approaching Burdon Road. This localised widening will improve two-way traffic movement at the narrowest section of Burdon Road and help address perceived road safety concerns. All works can be undertaken within existing highway limits or land within the applicant's ownership.

A drawing has been provided to show a proposed highway widening on the section of Burdon Road between the entrances to Lodgeside Meadow and The Fold. The proposed widening is to be provided on the western side of Burdon Road, which at the narrowest point will increase the existing road width by an average of 2m.

These works are required to facilitate the development, and will need to be completed before any works commence on site to accommodate construction traffic specifically relating to HGV movements.

## - Road Safety

A speed limit of 40mph is currently in place on the northern section of Burdon Road which commences to the immediate south of Lodgeside Meadow. Further to the south, the national speed limit of 60mph is in force on Burdon Road.

Following discussions with the applicant, a drawing showing the proposed highway widening on the section of Burdon Road also includes proposals to reduce the speed limit to 30mph from the section to the south of the new site access up to the junction with Doxford Park Way/ Hall Farm Road roundabout. This will require a Traffic Regulation Order to introduce the change to the speed limit, and will require consultation with residents, Ward Councillors and statutory organisations. The provision of a coloured anti-skid road surface treatment and road-markings to highlight the change has also been provided as per previous recommendation. The associated costs are to be met by the applicant.

There have been concerns raised previously about road safety on Burdon Road. There are no records of traffic accidents or collisions involving personal injury on Burdon Road over the past three years. Three accidents have occurred at the Burdon Road/ Burdon Lane junction but each have differing contributory factors and the development would not have a bearing on these incidents. However, as part of the development there are proposals to widen a section of Burdon Road and reduce the speed limit to 30mph which would have a positive impact.

- Central Spine Road

As recommended, the main road serving the site has been designed to deter vehicle speeds in excess of 20mph. Physical measures are to be provided include speed tables at junctions with full width speed humps sited at regular distances on straight sections of road in between junctions. These have been detailed on the revised adoption plan drawing.

- Side Roads

Adoptable layout to be provided for accesses serving greater than 3 properties with footway or highway verge provided.

Side roads serving three to four properties are intended to be constructed as shared surfaces with appropriate levels of lighting provided. These surfaces will include refuse collection points where shared surfaces exceed an overall distance of 25m.

For the purposes of highway adoption, and ancillary areas of service strip including public lighting or utility apparatus where a footway is not provided directly adjacent the carriageway, should be included as highway verge.

Tree planting adjacent to the highway shall require a suitable root barrier and be sited so as not to obstruct visibility.

- Pedestrian/ Cycle Route Provision

It is noted that a footpath link is to be provided which will connect to a track to the immediate west of the development which provides a route to Blakeney Woods. Consideration will need to be given to the timing of the provision in relation to the phasing and build out of the site, subject to planning permission.

It is noted that the proposed footpath connection to Hoyle Fold/ Fairmile Drive has now been removed from the scheme. A number of concerns have previously been raised with regard to potential anti-social behaviour, and although it removes a direct link through the Thristley Woods Estate to the bus stops on Hall Farm Road, the removal of this link is on balance accepted.

The proposal benefits from a new footpath link to the existing footway network at the junction with Hall Farm Road/ Doxford Park Way roundabout.

A new 3m wide footpath/ cycleway is to be provided to the eastern side of the development to provide a connection to tie into existing footways at the junction of Doxford Park Way/ Hall Farm Road roundabout. This will provide a safe walking / cycling route segregated from vehicular traffic using Burdon Road. An additional footpath link has been added to improve connectivity for the new dwellings on the north side of the central spine road, which provides a more direct link to the footpath/ cycleway which follows the attenuation pond. A direct connection to Burdon Road had been sought but given level changes across the site this route would require to be constructed at an excessive gradient and would not meet accessibility design standards.

A footpath is to be provided along the northern boundary of the development site which will provide a link along the full extent of the development site. To allow for natural surveillance this route should be 3m wide with verge provided to both sides where achievable.

During the course of the application and as discussed in the Consultation section a response was previously received from Northumbria Police's ALO. The ALO had concerns over the existing path/ bridleway through Blackeney Woods and the use of this route as a primary means of access to bus stops and amenities given that it runs through a wooded area and is in a poor state of repair. There have also been objections received highlighting similar concerns regarding the Blakeney Woods footpath.

Considering this aspect of the development attention is drawn to the adjacent approved residential development at the Chapelgarth site (ref: 16/00388/HY4). The approved primary route through the Chapelgarth site has been designed to accommodate a bus route, which has been supported by a financial contribution in order to deliver public transport at the site. The eastern extremity of the Chapelgarth site is within 400m of this primary route and therefore, given the adjacency of the two sites to one another, the western edge of the application site is within a similar distance.

The draft SSGA SPD notes that there are no East-West public rights of way within the wider SSGA and it is for this reason that a network of interconnected pedestrian and cycle routes will be sought in order to provide an interconnected sustainable transport corridor. The development proposal before Members provides for such an East-West link through its site as well as the cycleway/ footway to the west of Burdon Road, along with road widening to Burdon Road itself.

By future proofing the development with a western access into the Chapelgarth site via Blakeney Woods, and given the delivery of the Burdon Road footway/ cycleway the proposed scheme has, given the constraints of the site, provided for as appropriate an access to public transport as can reasonably be expected. Furthermore, it is noted that Nexus have not objected to the development proposal.

Nevertheless, following the ALO's earlier comments to the previous scheme, which are still considered to be pertinent, it will be important to ensure that this western access path is safe and as such, should Members be minded to approve, a suitably worded landscaping condition should be imposed to ensure that no dense or high planting is introduced around the western footpath link.

#### - Parking

The revised layout now incorporates visitor parking spaces which appear to be well distributed throughout the scheme. The typical provision is 1 space per 3 dwellings, however it is noted that some dwellings include a double driveway arrangement and garage parking.

The house types proposed by the developer all include three spaces for parking within each plot including either single or double garage space with associated

driveway. Twenty seven visitor parking spaces are provided over and above the plot parking which meets with current Council guidelines. Given the location, all associated residential parking including visitors will be contained within the development.

- Developer Contributions

The applicant has agreed to provide S106 funding towards construction of the Ryhope to Doxford Park Link Road. The funding requirement will be £1847 per dwelling, and is based upon the Infrastructure Delivery Strategy for the SSGA.

- Offsite Highway Improvements

The localised widening of Burdon road should be secured through a Grampian condition and delivered prior to commencement of groundworks/ site activities. The widening will be required to accommodate HGV construction traffic.

The remaining off site highway improvements including the provision of the footpath/ cycle route to the east, the footpath connection to the west, and the speed limit reduction, signing and entry treatment shall be completed prior to the occupation of the 50th dwelling. In the event that Members are minded to approve the application these will be submitted and approved via a suitably worded planning condition.

- Travel Plan

A condition will be required to include for provision of a Residential Travel Plan which should include incentives to promote sustainable travel by walking, cycling and use of public transport, also having regard to the comments received from Nexus.

- Scheme of Work

A Construction Management Plan will be required. The routing and control of construction traffic will need to be agreed through a Scheme of Work condition and include a routing plan and signing strategy. Details will include locations of site compounds, contractor parking, wheel washing and/ or road cleaning operations. The latter will be needed to ensure appropriate control measures are in place to prevent mud or debris being deposited on the highway.

Members may also wish to note that the proposed development will require agreements through Section 38 (highway adoption) and 278 (works to existing highways) of the Highways Act. Both legal and supervision fees will need to be met by the applicant.

In conclusion, it is considered that there are no operational, accessibility or road safety issues that would have an adverse material impact on the surrounding road network and as such the proposal is acceptable, in accordance with Paragraph 32 of the NPPF and UDP policies T8, T9 and T14.

#### **4. Urban design, amenity and landscape considerations**

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.

UDP policy B2 requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity. UDP policy B19 requires developments to which the public have access to incorporate measures to assist community safety and protection from crime.

UDP policy CN5 requires care to 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. CN7 is concerned with appropriate enhancements on the open countryside on the fringes of settlements, whilst policy CN13 seeks to protect and enhance important public views and requires new development to be located and designed so as not to unduly interrupt or prejudice views, whilst opportunities to enhance such views should be taken into account when considering proposals.

- Design, residential and visual amenity

The revised scheme submitted provides an improved layout from those previously considered with a welcome increase in green space and architectural style appropriate for the site's context. Whilst a development of 109 dwellings on this 10.3ha (gross) site provides for a 10.6 dwellings per hectare, which is considered appropriate for an executive form of development.

The layout of the development has resulted in a scheme that is orientated to frame the existing and proposed open space areas within and adjacent to the development, thereby providing for a good level of natural surveillance. It is noted that in light of the topography of the site some properties within the middle-eastern section of the site requires retaining wall structures abutting the proposed footpath along the northern boundary of the site.

In terms of physical built nature of the proposed retaining wall the applicant has clarified that they will be seeking to adopt a 'permacrib' type approach and would welcome a condition to agree the exact design. The benefit of a 'permacrib' structure is that it can accommodate landscaping, thereby softening its physical appearance and helping the structure to assimilate within this area of the site, especially in view of the opposing plantation woodland to the north of the site.

In terms of the natural surveillance of this footpath it is noted that at key junctures plots will directly overlook the proposed route, particularly Plots 53 & 54 and Plot 63, whilst the intervening Plots physically abutting this route will provide for an element of overlooking from first floor windows. On balance, therefore, the proposed retaining structures are considered acceptable.

In terms of the proposed relationship with its southern boundary, the proposed SUDS and landscaping areas provide for a good degree of spacing with Burdon Lane and therefore the Green Belt land beyond. The spacing varies from around 11m to 15m, which is considered to provide for a reasonable stand-off separation distance to the existing hedging that runs along the site and Burdon Lane, thereby limiting the impacts on the farmed Green Belt land to the south.

The layout of the housing development is focused along its 6m wide 'boulevard' that runs through the centre of the site. This main route is framed either side by the proposed dwellings. The design approach adopted provides for a suitable design response to the public facing north eastern boundary of the development. This area of the site will largely comprise of open space by virtue of the proposed SUDS. Indeed SUDS form a sequence of spaces being developed throughout the site, thereby resulting in a relatively open, landscaped development.

In terms of the proposed development's relationship with existing properties within the Thristley Woods Estate the existing tree buffer to the immediate north of the application site, which varies in depth from 8-10m, provides for a significant amount of physical screening between the existing and proposed development. The applicant has submitted Sectional drawings in view of the elevated position of parts of the application site relative to the existing properties in the Thristley Woods Estate. The sections, which are drawn at key junctures, show the resultant relationship with the existing properties to the north, with 29.3m being achieved where main elevations face one another. It is considered that in conjunction with the buffering effect of the plantation woodland and the orientation of the existing and proposed properties, that the spacing being afforded is acceptable in respect to impacts on the existing residential amenity.

Given the low density of development coupled with the provision of the SUDS/ open space areas and in view of the reasonably sized gardens of the proposed Plots it is considered that the development proposal will provide for a good degree of residential amenity. It is noted that the linear shape of the site results in spacing between Plots that are below the Council's standards (i.e. 21m between main facing windows and 14m towards gable elevations). However, the Residential Design Guide Supplementary Planning Document highlights that these standards will be applied broadly and flexibly should imaginative and quality housing require a deviation.

In view of the staggered relationships within the development it is noted that the spacing shortfall affects a limited number of plots, particularly those along the main route through the site. Whilst any increase in internal spacing would result in pushing the built development towards the southern boundary and the open countryside beyond, as well as towards the northern boundary and the existing properties in Thristley Woods Estate. It is considered that the landscaped setting of the development creates a well-designed scheme that suitably accounts for its location and the boundaries it shares with existing development, Blakeney Woods and the open countryside to the west and south (Green Belt land) of the site.

- Visual amenity and landscaping

In terms of impacts from the development on the wider landscape it is noted that the application site is a narrow field to the south of the Thristley Woods Estate and the wider urban area of Doxford. It is also noted that the topography of the site gradually slopes down to the north-eastern most point of the site, along Burdon Road. The southern boundary of the site is constrained by the vehicular Burdon Lane, and that this boundary is lined by sparse hedging.

To the west the boundary of the site is Blakeney Woods, which shields the development site from the western approach, whilst a plantation belt of trees separates the site from the Thristley Woods Estate. There are a limited number of Public Rights of Way within the wider area i.e. Herrington Bridleway 21 to the east of the Plantation Woodland to the south of Chapelgarth, and the Burdon Bridleway located to the south adjacent to Burdon Dene; whilst the Burdon Restricted Byway to the south of Nettles Lane lies across from Burdon Lane.

The urban fringe setting of the site is characterised by a rolling topography with pronounced local highpoints at Mill Hill (New Silksworth), Mill Hill (Tunstall) and Mill Hill (Ryhope). This rolling topography is contrasted by the incised Denes that run from Burdon through to Ryhope to the south. This rolling topography is a characteristic of the Durham Magnesian Limestone Escarpment within which the site is located. The site has higher ground to its west and south-western sections with lower ground in its eastern and northern sections. Thereafter the land rises to the north.

It is noted that the development of the site, on the approach past the plantation woodland that lines the southern boundary of Chapelgarth, will impact on views of the rolling topography to the north of Burdon Lane. However, it is also considered that the rolling topography is also disturbed to a certain extent by existing urban development within Doxford, such as the Thristley Woods Estate and Lodgeside Meadows, and the residential areas of Ryhope beyond. It is also noted that land to the south of the south, which is elevated and is open countryside, is extensive and protected by virtue of it being adopted Green Belt. Furthermore, the separation of the built development from its southern boundary will also help to soften the immediate impact on those travelling along Burdon Lane.

The residential areas to the north of the site contain a number of local streets in close proximity to the site. However, the plantation woodland that separates the site from the Thristley Woods Estate will help to screen the proposed development from the majority of these receptors. Objections have been received highlighting the fact that the public use the site for recreational purposes, and some point towards there being a multi-user route on-site.

However, contrary to this view it should be noted that the agricultural field and adjoining northern plantation woodland are privately owned. The multi-user route issue derives from UDP policy SA49, which was written in order to support the establishment of new or enhanced strategic footpaths over the UDP plan period. This policy envisaged these being implemented on an incremental basis. However,

they are a policy aspiration and do not confirm that a Multi-User route exists at the site.

The retention of the perimeter hedge pattern in conjunction with the landscaping buffer and landscaping enhancements will soften the impact of the development on Blakeney Woods, Burdon Lane and Burdon Road. In particular the intervening SUDS along the southern boundary of the site will help to mitigate the impact of the built development onto the Green Belt land to the south. The scheme also benefits from an internal pattern of open space that will be planted with internal tree groups, thereby breaking up and softening the skyline of the development.

In concluding this section of the report the built form of the development is considered to provide for a quality urban extension. Through its open spaces within the site, off-set distance to Burdon Lane, and its retention and enhancement of hedge planting along with the additional landscaping proposed, it is considered that the development suitably account for its landscape character and urban fringe setting.

## **5. Ecology and Nature Conservation**

Paragraphs 109 and 118 of the NPPF state that local planning authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments.

Paragraph 119 states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

UDP policy CN16 encourages the retention and enhancement of field hedgerows as well as new planting in order to, in part, enhance main transport corridors and wildlife corridors. Policy CN18 requires the Council to seek opportunities for new habitat creation in development proposals. Policy CN21 requires the Council to avoid adverse impacts on Local Nature Reserves, whilst Policy CN22 highlights development that would adversely affect any animal or plant species afforded special protection will not be permitted.

Current government guidance 'Making Space for Nature 2010' (DEFRA) highlights the need to restore and create wildlife habitats, with particular emphasis being placed on improving the quality of designated sites through better habitat management; increasing the size of current wildlife sites; enhancing connections through wildlife corridors; and, the reduction of pressures on wildlife by improving the wider environment, including buffering of wildlife sites.

Given the above and when considering earlier layouts at the site it was highlighted that consideration will need to be given to the proposed development's impact on the Blakeney Woods Local Wildlife Site (LWS). Previous layouts had proposed residential curtilages in close proximity to the LWS and as such, there were concerns

regarding impacts from human activity (e.g. fertilizer in garden areas). With this in mind it is noted that the proposed layout now before Members ensures that the Plots face onto Blakeney Woods, which not only improves natural surveillance, it ensures, by virtue of the vehicular roads serving the properties and the area of SUDS/ open space, that a reasonable buffer will exist with the LWS. It is considered that this aspect of the proposed development will provide for a sensitive relationship with Blakeney Woods, whilst the SUDS will provide further biodiversity enhancements via a suitable planting scheme, thereby increasing the range, mix and quality of the proposed habitats.

Colleagues in the Council's Natural Heritage Team have considered the updated submission, which has been supported by the revised Preliminary Ecological Appraisal (PEA) (March 2017) and the Habitats Regulations Assessment Screening R10.

In terms of notable species at the site the PEA confirmed that no buildings were present within the survey area and that the trees on site were of negligible suitability in terms of supporting roosting bats. It was noted however, that there may be foraging opportunities for bats present in the local area, although this was tempered by the view that the majority of the site is considered to be of low quality foraging for bat species given the site is a managed arable field. It was concluded that the site was of low value to bat species. In view of the fact that the site is largely comprised of an arable field and in view of earlier surveys the PEA concludes that Great Crested Newts are most likely absent from the area.

Locally common species of farmland and urban fringe birds may forage and/ or nest in the trees and hedgerows. The PEA ultimately considered the site to be of local value to bird species. No field signs of badger were recorded and no evidence of badger setts were found. Given the lack of suitable habitats the PEA concluded that there are no other protected species likely to be present within the survey area of the site.

By way of mitigation the PEA has recommended retention of existing trees and hedgerows where possible, sensitive lighting in order to minimise any potential impacts on potential bat commuting routes, whilst small gaps in fencing will provide scope for movement of small mammals through the site. The PEA also recommends that the timing of works in terms of any vegetation clearance/ tree felling is outside the bird breeding season, unless a checking survey is undertaken. Working methods and best practice is also recommended within the mitigation strategy.

Following the submission of the amended proposals colleagues in the Council's Natural Heritage Team have considered the updated submission, including the revised PEA and Habitats Regulations Assessment. No objections to the development have been received; however, it is considered that the PEA report provides limited detail regarding mitigation and enhancement measures. Therefore, the Natural Heritage Team have recommended a series of conditions be included, should Members be minded to approve, in order that the method of construction and proposed mitigation and enhancement measures are agreed in respect of biodiversity and landscaping in respect of ecological considerations. The conditions

will include how the agreed biodiversity enhancements are to be maintained during the lifetime of the development.

Natural Heritage Colleagues also confirmed that a Section 106 contribution totalling £33,899.00 is required (i.e. £311.00 per dwelling) in order to mitigate the impact of the development on the surrounding biodiversity, particularly given the proximity of the Blakeney Woods LWS. Furthermore, to enable some of the mitigation measures to be in place prior to occupation of the dwellings £15,550.00 will be required at pre-commencement stage with a further contribution of £18,349.00 at occupation of the 100<sup>th</sup> dwelling. The applicant has accepted this planning obligation and is willing to enter into the required Section 106 Agreement.

- Habitat Regulations

The City has a number of European Designations within its boundary i.e. Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). These sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

The Habitat Regulations requires plans and projects to undertake, in the first instance, an assessment of whether proposals are likely to result in 'Likely Significant Effect' (LSE) on the relevant designations. If LSE is deemed unlikely, then no further assessment is necessary.

The relevance of these designations to the development proposal follows the work the Council has undertaken in advancing its Draft Local Plan, as well as evidence gathered by neighbouring authorities in their plan-making process, such as Durham County Council. What has become evident is the LSE of recreational activities (e.g. dog walking) via the in-combination effects of housing growth on the SPA and SAC at the coast.

The proposal has been subject to an Appropriate Assessment within the South Sunderland Growth Area HRA (URS, 2015) for 114 dwellings. This identifies strategic access, management and monitoring for the SSGA as a whole, as well the requirement for the development to provide and enable a connections to the identified Suitable Areas of Natural Greenspace (e.g. such as those located within Chapelgarth) as well as Green Infrastructure corridors linking Chapelgarth and Land North of Burdon Lane.

Natural Heritage colleagues have advised that the Council, as the Competent Authority, concurs with the findings within the applicant's HRA Screening Report that there would be no adverse effect on the integrity of the SPA or SAC from the site either in isolation or in-combination with the wider SSGA. This conclusion is based on the identified mitigation measures (Section E8 of the HRA Screening Report) being secured as part of any planning approval and through appropriate conditions.

A condition securing the continuous footpath/ green infrastructure link as part of this scheme that allows public access throughout the construction and occupation phases of the development will need to be submitted and approved by the LPA, as

well as details associated with location and information included within the interpretation panels.

A section 106 devised to secure a total of £185,627.00, which equates to £1703.00 per dwelling also needs to be agreed. To enable some of the mitigation measures to be in place prior to occupation £51,090 is required at pre-commencement stage and then a further £51,090 on occupation of the 30th dwelling, followed by £83,447.00 on occupation of the 100th dwelling. The applicant has accepted this planning obligation and is willing to enter into the required Section 106 Agreement.

## **6. Water environment and Flood Risk considerations**

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that a development proposal would not likely impede 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.

In terms of demonstrating and understanding flood risk the planning process is primarily concerned with the location of receptors (e.g. homes), taking account of potential sources (e.g. river or sea) and pathways (e.g. overland flow) that might put those receptors at risk. Flood risk is a combination of the likelihood of flooding and the potential consequences arising. A core aim of flood risk management is to manage flood risk by using a suite of proactive measures which avoid placing receptors further at flood risk.

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. FRAs 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. This is why managing surface water discharge is recognised as being crucial in managing and reducing flood risk to new and existing development.

The applicant's amended proposal has been supported by a Flood Risk and Drainage Strategy (March 2017), which has considered both off-site and on-site flooding mechanisms and the management of surface water from the development. The Strategy confirms that the site is located within Flood Zone 1 (Low Probability) and is therefore suitable for all types of development. Groundwater flooding is not considered to be an issue given that site is located entirely within the clay plateau, where the underlying limestone escarpment has been obscured by later glacial deposit.

The applicant's Strategy will involve the disposal of surface water flows to the existing watercourse north-west of the site and also to the existing public sewer network to the north east. It is proposed to discharge surface water flows from the western extent of the site via gravity to the existing watercourse at a maximum restricted discharge rate of 5 l/sec across for all storm events. The central and eastern portions of the site, which cannot accommodate a gravity outfall to the watercourse, will discharge at a maximum restricted discharge rate of 32 l/sec, as agreed with NW, to the existing surface water sewer north of the site at manhole 5103.

All new adoptable standard surface water drainage is to be designed in accordance with 'Sewers for Adoption' and ensure that no flooding occurs during the critical 1 in 30-year storm event. The SUDS will also retain and restrict discharge rates into the existing highway drainage network in Burdon Road.

The topographic levels will facilitate a gravity drainage system and there are no constraints to the implementation of SUDS. Inspection of ground levels and housing layout indicates that the northern boundary of the site provides the most viable locations for the SUDS feature. Swales will be utilised throughout the site to assist with collection and mitigation of overland flows generated from the south of the site into the proposed development's attenuation features. In addition, to providing sustainable attenuation for the site, the introduction of a detention basin and swale system will also assist in improving, surface water drainage for the area, water quality and local biodiversity.

All SUDS at the site will be designed and constructed in accordance with the 'The SuDS Manual Ciria C753'. This will ensure that the proposed SUDS will meet relevant Health & Safety requirements. Regarding the basins themselves they have been designed to fill with water only during storm events and that over 24 hour period half the water will have made its way to the watercourse/ NW's sewerage system, where applicable, and then over a 48 hour period they will have emptied completely.

In accordance with NPPF, a 30% increase in rainfall due to climate change up to the year 2115 will be considered during the development of the detailed drainage design. However, climate change guidance was updated on 19 Feb 2016, and requires the development to consider allowances of both +20% and +40%. The SUDS detention basins have therefore been sized to accommodate flows up to the 100 year +40% climate change event.

In terms of the maintenance of the proposed SUDS this will be undertaken by a management company, with the costs borne by the developer/ future residents of the development.

In assessing the applicant's drainage strategy the Council, as the Lead Local Flood Authority (LLFA), have modelled the proposed SUDS system, including modelling the existing situation, in order to ascertain whether the scheme would successfully manage the surface water flows. Following this exercise the LLFA has confirmed that the proposed development is not only acceptable in relation to the proposed properties, it will also mitigate and remove flood risk currently experienced to the

existing properties to the north of the site. It is therefore considered that this is another significant benefit arising from the development proposal.

Furthermore, the maintenance of the proposed SUDS at the site will be undertaken by a management company, and the costs borne by the developer/ future residents of the site.

In conclusion, the development proposal's flood risk drainage strategy demonstrates that the scheme would not likely impede 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, and as such it is acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UDP policy EN12.

## **7. Land contamination, Noise and Vibration**

Paragraph 109 of the NPPF requires the planning system to prevent 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.

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Furthermore, policy EN9 considers potential implications of air pollution, dust etc. arising from development proposals, whilst policy EN14 requires that consideration be given to ground conditions and to ensure that contamination issues are taken into account.

### **- Land Contamination**

The applicant has submitted a Preliminary Geoenvironmental Assessment that considers that given the fact the site has remained in agricultural use since the earliest available Ordnance Survey records no significant contamination is anticipated on the site.

The EA has responded on land contamination matters and consider that the controlled waters at this site are of low environmental sensitivity and as such, do not feel it is necessary to provide any further site-specific advice or comments.

Nevertheless, given the sensitive end-use i.e. residential development, it is considered appropriate, should Members be minded to approve, to impose the standard land contamination conditions that requires the developer to undertake a phase 2 (site) investigation that will consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. This investigation will inform any subsequent remediation strategy, if one is deemed

necessary; while a verification condition will require the agreement of a validation report demonstrating that the development has been built in accordance with the agreed parameters of the strategy.

- Construction works

In view of the proximity of the proposed development to existing residential properties it is recommended that a construction methodology condition be included, should Members be minded to approve. The condition will require, amongst other aspects, the agreement of routes for construction traffic, loading and unloading of plant and materials, hours of working, wheel washing facilities and measures to control noise and vibration and the emission of dust and dirt during construction. Furthermore, given the varying topography within and adjacent to the site the condition will also require the agreement of measures to control any surface water runoff during the construction of the development.

Furthermore, in view of the close proximity of the proposed development to residential properties the Applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Community and Cultural Services Department, Environmental Services, Pollution Control Section. The application should be made prior to the commencement of any works and as such, should Members be minded to approve, a suitably worded informative can be placed on the decision notice informing the applicant of this requirement.

In conclusion, in light of the submitted assessments pertaining to land contamination, air quality and noise issues and subject to the imposition of conditions as detailed above the proposed development is on balance acceptable, in accordance with policies EN5, EN6, EN9 and EN14.

## **8. Planning Obligations: Section 106**

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 and kind to the development proposal.

Furthermore, Paragraph 203 requires 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 unacceptable impacts through a planning condition.

Further to the Section 106 requests already discussed in the report the development proposal also requires obligations in respect of Affordable Housing, Education and Recreation play space.

- Affordable Housing

In terms of Affordable Housing provision UDP policy H16 highlights that the Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing. The SHMA and accompanying Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on housing development sites.

However, as the scheme proposes large detached 4–5 bed dwellings and given the findings of the SHMA, which demonstrates a need for 2-3 bed properties within the area, an off-site financial contribution via a Section 106 agreement is considered acceptable in this instance. Following discussions with the applicant and on advice from Council Surveyors in Property Services a figure of £733,000 has been agreed. This financial contribution will be spent off-site in order that the development provides affordable housing within the City.

This requested sum is considered necessary to make the development acceptable in planning terms by ensuring that the development provides a mix of housing types to meet the needs of the City. It is also considered to be directly related to the development as the proposed affordable housing obligation off-sets the delivery of the proposed large 4-5 bed family homes; and is fairly and reasonably related in scale and kind given it is providing an equivalent of 10 units, which equates to 10%.

- Education

Based on the number of new houses proposed i.e. 109, the Council's Children's Services section has advised that in light of the adjacency of the site to SSGA, and as discussed in the SSGA Infrastructure Delivery Study and the draft SPD, a figure of £2,855 per dwelling is required, culminating in a total figure of £311,195. The monies made available by the development will be co-ordinated and allocated by colleagues in Children's Services.

This requested sum is considered necessary to make the development acceptable in planning terms in mitigating its impact on the existing schools in the local area by providing funding for additional school places, while its directly related to the development as it relates to the funding of education provision in the local area which serves the development site and it is considered fair and reasonable as it based on the Infrastructure Delivery Study work that supports the wider SSGA.

- Recreation play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more a requirement of policy H21, supplemented by policy R3, is the provision of formal equipped play and recreational facilities. Given that there is no formal children's play space being provided on the site a financial contribution for off-site play/ recreation is appropriate, at the current rate of £701 for each two bed unit i.e. £76,409 (£701 X 109 units).

This requested sum is considered necessary to make the development acceptable in planning terms by meeting the rise in demand for additional formal recreation in addition to the amenity open space being provided on site, while it is directly related to the development given that it will bring new residents to the area and it is fair and reasonable as it is based on the Council's standard formula for the provision of play facilities.

- Other requests

Regarding those objections to the scheme in terms of the surrounding doctor surgeries being able to accommodate the new residents, it is not considered reasonable to pursue a financial contribution in light of the tests as detailed above.

Firstly, the work being undertaken in terms of understanding the infrastructure requirements for the emerging SSGA has highlighted that there is no need for additional surgery provision. The NHS has stated that the surgeries in Silksworth and Ryhope have sufficient capacity to accommodate the new SSGA community. Indeed, the wider area has recently benefitted from a PCT centre on the former Cherry Knowle Hospital site.

Furthermore, there is no specific adopted local planning policy that requires developers to provide financial contributions in terms of doctor's surgeries in the locality. Given the nature of a doctor surgery it is not unreasonable to suggest that these will expand as their customer base expands. It is therefore not considered reasonable to pursue this as a Section 106 request.

In conclusion, and as detailed throughout the report, the applicant has agreed to various financial contributions via entering into a Section 106 Agreement. For completeness the requests are as follows:-

- Affordable Housing (£733,000) – detailed above
- Education (£311,195) – detailed above
- Children's Play Space (£76,409) – detailed above
- On-site ecology issues (£33,899) – please see ecology section
- Habitat Regulations Assessment (£185,627) – please see ecology section
- Ryhope to Doxford Park Link Road (£201,323) – please highways section

Given that the applicant has agreed to meet above obligations it is considered that the development proposal appropriately and reasonably mitigates for its impact, thereby ensuring that it is acceptable in planning terms.

## **9. Summary**

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 particular, Paragraph 14 of the NPPF, which is an overarching, key paragraph, states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless “specific policies in this Framework indicate development should be restricted”.

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

The various consultation responses and objections have been considered and have helped shape the development proposal. Most notably through the provision of improved footpath links to Hall Farm Road and Doxford Park Way, SuDS, an increased buffer to Blakeney Woods Local Wildlife Site and the widening of Burdon Lane at its narrowest section. Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, which will assist in the development proposal having a neutral impact on the N2K sites and the adjacent Blakeney Woods Local Wildlife Site.

The development will have the following positive benefits:-

- Hydrology modelling of the swales (both existing and proposed) illustrate that they will significantly reduce flood risk to existing residents within the estates to the north of the site;
- Provision of large, detached 4-5 bed dwelling houses. A housing offer the SHMA has identified as lacking in the City and a key contributor to out-migration;
- Provision of a footway/ cycle path linking the site to Doxford Park Way and an east-west pedestrian link through the site;
- Widening of Burdon Road, adjacent to Tunstall Village Lodge and The Fold, will improve the two-way movement of traffic on the existing constrained road;
- The financial contribution towards the Ryhope to Doxford Park Link Road will assist in delivering a strategic connection with Trunk Road A19, thereby significantly enhancing access to this important north-south road corridor and connections to the wider region.

The development will have the following negative impacts:-

- Developing the site will lead to the loss of some of the BMV. However, the site is a relatively constrained, linear parcel of land that lies immediately to the south of the existing Thristley Woods Estate, which itself was built only relatively recently in the 1990s. Furthermore, there is a long-standing housing allocated site, Chapelgarth, immediately to the east, whilst large areas of farmed Green Belt land is situated to the south of the site, which is protected by strict local and national planning policy.
- The development is within the Settlement Break. However, the site is directly opposite a large and continuous swath of adopted Green Belt land, which is considered to provide for a distinct settlement boundary separating the urban area of Sunderland from the urban areas of Houghton and Seaham.
- The development affects the openness of the area given its urban fringe location. However, the relatively low density of the development (i.e. 10.3 dwellings per hectare) is sympathetic to its setting, whilst the increased buffer to Blakeney Woods LWS and set back from Burdon Lane enables a scheme

of landscaping to be introduced that will help graduate the development in terms of it being located opposite the Green Belt.

In conclusion, given that the City's Settlement Breaks are only afforded protection via the policies in the Council's out-of-date UDP, greater weight is being given to the housing and development management policies of the Framework. Of particular significance is Paragraph 49 which states that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore clear that the NPPF is directing decision takers to approach housing proposals in a positive and pro-active manner and that they should only be refused if any adverse impacts of doing so would significantly outweigh the benefits of the scheme, when assessed against the policies of the NPPF as a whole.

Accordingly, it is recommended that planning permission be granted as the adverse impacts referred to above are not considered significant to outweigh the strong positive benefits of the development proposal, as set out above.

**RECOMMENDATION:** Members delegate to the Executive Director Economy and Place to Approve the application subject to the following draft conditions and subject to the completion of a Section 106 Agreement (as detailed above) and the draft conditions outline below.

### **1. Three Years**

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

### **2. Plans**

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

Reason:

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

### **3. Landscaping/ boundary enclosures**

Notwithstanding the approved plans, no development shall be carried out (excluding archaeological investigation and any land remediation) until full details of both hard and soft landscape works, including the means of enclosure/ boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The detail shall include the retaining walls and soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other

operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.

#### **4. Landscaping – 5 years**

The planting proposal hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is brought into use or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years thereafter and any trees or plants which are removed, dying, or become severely damaged or becoming seriously diseased within 5 years of planting shall be replaced in the next available planting season with others of similar size and species to those originally required to be planted.

Reason:

To ensure that the appearance of the development is satisfactory and in the interests of nature conservation and to comply with policies B2, T14, CN18 and CN22 of the saved Unitary Development Plan.

#### **5. Land contamination**

No development other than that required to be carried out as part of an approved scheme of remediation shall 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.

Reason:

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

#### **6. Land contamination – Phase 2**

No development shall commence until a Phase 2 investigation and 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, 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, groundwaters 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.'

Reason:

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

## **7. Land contamination – Remediation Scheme**

No development shall 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.

Reason:

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.

## **8. Land contamination - Verification**

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 (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

## **9. Land contamination – unexpected contamination**

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.

Reason:

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

## **10. Construction Management Plan**

No development shall take place until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

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

- Measures to manage and control surface water during the construction of the development.

In order to ensure a satisfactory form of development and safeguard the adjacent railway infrastructure and to comply with policies EN1, B2, EN12, T14 and T16 of the saved Unitary Development Plan.

### **11. Sustainable Urban Drainage – Swales**

No development shall take place (excluding archaeological investigation and any land remediation) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. A timetable for its implementation
- ii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To prevent the increased risk of flooding from any sources in accordance with National Planning Policy Framework paragraph 103 and UDP policy EN12.

### **12. Surface Water Drainage - onsite**

The development hereby approved shall be implemented in accordance with Section 9.4 (Surface Water Management) and Section 9.6 (Foul Drainage), Flood Risk Assessment and Drainage Strategy (March 2017), Queensberry Design Limited.

Reason:

To prevent the increased risk of flooding from any sources in accordance with National Planning Policy Framework paragraph 103 and UDP policy EN12.

### **13. Highway works – Burdon Road**

No development shall commence (excluding archaeological investigation and any land remediation) until details of the widening to Burdon Road, including widening of the existing carriageway and creation of the footpath/ cycleway link with Hall Farm Road; speed limit reduction; signing and entry treatment; along with a timetable for their completion, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

These works are necessary to ensure that development is acceptable in respect to highway engineering and safety considerations, in accordance with UDP policy T14.

## **15. Footpath link – west to Blakeney Woods**

Before the dwellings hereby permitted are occupied, details of the western footpath link through to Blakeney Woods, including the associated scheme of landscaping and a timetable for the completion of the package of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

These works are necessary to ensure the development is acceptable in respect of highway engineering, public safety and ecology considerations, in accordance with UDP policies, T14, B19 and CN19.

## **16. Travel Plan**

No development, other archaeological investigation and any land remediation, shall commence until a detailed Travel Plan supported by travel surveys and sustainable travel incentives has been submitted to and approved, in writing, by the Local Planning Authority, which shall be implemented in accordance with its terms thereafter.

Reason:

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

## **17. Finished Floor levels**

No development shall take place (excluding archaeological investigation and any land remediation) until a survey of the existing and proposed ground levels; and details of the finished floor levels of each property, hereby approved, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

## **18. Archaeological Excavation and Recording**

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.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with UDP policies B13 and B14.

## **19. Archaeological Post Excavation Report**

The buildings shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance with condition 18 has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with UDP policies B13 and B14.

## **20. Archaeological Publication Report**

The buildings shall not be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason:

The site is located within an area identified in the UDP plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the National Planning Policy Framework.

## **21. Ecological CEMP**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local authority. The Ecological CEMP to include the following:

1. Risk Assessment of potentially damaging construction activities
2. Identification of biodiversity protection zones
3. Set up method statements to avoid or reduce impacts during construction
4. The location and timing of sensitive works to avoid harm to biodiversity features
5. The times during construction when a specialist ecologists need to be present to oversee works
6. Responsible persons and lines of communication
7. The role and responsibilities on site of an ecological clerk of works (EcOW)
8. Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the details.

## **22. Ecological Design Strategy**

No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement measures has been submitted and approved by the local planning authority. The EDS should be cross referenced with the Landscape and ecological management plan with will include the following:

1. Purpose and conservation objectives for the proposed works
2. Review of site potential and constraints
3. Detailed designs and/or working methods to achieve stated objectives
4. Extent and location of proposed works on appropriate scale and maps
5. Type and source of materials to be used
6. Timetable for implementation
7. Persons responsible for implementing the works
8. Details of initial aftercare and long term maintenance
9. Details of monitoring and remedial measures
10. Details for disposal of any wastes arising from the works

The EDS will be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

In the interests of nature conservation and to accord with UDP policy CN18.

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

A landscape and ecological management plan (LEMP) shall be submitted and be approved in writing by the LPA prior to the completion of the 50th house. The plan should include details of legal funding mechanism by which long term implementation of the plan will be secured by the developer, it should also include agreed contingency measures should the biodiversity aims and objectives not be met to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be delivered in accordance with the approved details.

Reason:

In the interests of nature conservation and to accord with UDP policy CN18.

## **24. Biodiversity Monitoring Strategy**

No development shall take place (including demolition, ground works, vegetation clearance) until a biodiversity monitoring strategy has been submitted to and approved in writing by the Local Planning Authority. The purpose of strategy is to understand the effectiveness of the ecological mitigation areas.

Reason:

In the interests of nature conservation and to accord with UDP policy CN18.

## **25. Breeding Birds**

No removal of hedgerows, trees or shrubs that might be used by breeding birds shall take place between March and August inclusive, unless a competent ecologist has undertaken a careful detailed check of vegetation for active bird nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Reason:

In the interests of nature conservation and to accord with UDP policy CN18.

## **26. Lighting Design Strategy**

Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved by the LPA. The strategy shall identify areas and features on site that are particularly sensitive for species and are likely to cause disturbance. It should also include appropriate lighting contour plans and technical specification so that it can clearly demonstrate areas to be lit will not disturb/impact on LWS's as well as features used by protected species.

Reason:

In the interests of nature conservation and to accord with UDP policy CN18.

## **27. Roads completed to base level**

No dwelling shall be occupied on site until the accesses roads within the development, or the access roads within that phase of development, have been completed to at least base level and off street parking has been made available for the parking of vehicles within the development, or that phase of the development.

Reason:

In the interests of highway safety and the free passage of traffic and to comply with the requirements of UDP policy T14.