

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director City Development

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**Reference No.:** 20/02048/MAW Minerals- Waste (County Matters)

**Proposal:** **Application for the installation of soil washing plant.**

**Location:** Grab And Deliver Limited Freezemoor Road New Herrington Industrial Estate Tyne & Wear Houghton Le Spring

**Ward:** Shiney Row

**Applicant:** Bramble Environmental Limited

**Date Valid:** 15 January 2021

**Target Date:** 16 April 2021

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### **PROPOSAL:**

The proposal is for the installation of additional installation of soil washing plant which will sit on an existing concrete base.

The proposed development is located within the existing industrial estate and is surrounding by predominately commercial activities.

There are residential located properties to the rear of the site.

The site operates under planning permission 09/02813/FUL for Change of use from scrapyard to waste transfer station to include relocation of crusher, screener and stockpile and erection of attenuation bund. Planning Permission was granted on the on the 4<sup>th</sup> December 2009.

### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

### **CONSULTEES:**

Shiney Row - Ward Councillors Consultation – Cllr Speding has objected to the proposal

Tyne And Wear Archaeology Officer – No comment on the application

Flood And Coastal Group Engineer – No comment on the application

Northumbrian Water - Having assessed the proposed development against the context outlined above I can advise that the proposed soil washing process plant may require a trade effluent application for the disposal of wastewater to the sewerage network. We recommend that the applicant contact Northumbrian Water to discuss this matter further. Additional information and contact details can be found at <https://www.nwl.co.uk/services/business/tradeeffluent/>

Environment Agency – We have no objections

Northumbria Police – No comments

Flood and Coastal Group Engineer – No comments considered acceptable in principle

Environmental Health – No comments considered acceptable in principle subject to compliance with Noise Assessment measure

Network Management - It must be ensured that any in-curtilage parking displaced due to the installation of the soil washing plant is retained within the curtilage of the site.

Final Date for Receipt of Representations: **16.03.2021**

## **REPRESENTATIONS:**

One letter of representation has been received from Councillor Speding

The site, over a number of years, has a well documented history of non conformance and has been subject to many complaints to both the Council and the Environment Agency. Any additional operations on this site will lead to: An increase in the production of hazardous materials and ground contamination. An increase in HGV movements on an already overloaded B class road. An increase in noise and disturbance. An increase in smells generated. The proposal is contrary to the recently adopted Local Plan. Furthermore noting that the application is to be dealt with by Committee I would wish the opportunity to speak in objection at the relevant time.

## **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies;

The site is situated on New Herrington Key Employment Area (KEA14), as designated through policy EG2 of the CSDP.

CSDP Policy EG2: Key Employment Areas safeguards employment land for employment uses (use class B1 (excluding B1a), B2 and B8).

## **COMMENTS:**

### **Key areas of consideration :**

- Assessment of the proposed development and Potential noise impacts
- Impact on residential amenity

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the

NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

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

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

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland). Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation

exercise, ended 12th February 2021). All CSDP, UDP, UDP Alteration No. 2 and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

## **Assessment of the proposed development and potential noise impacts**

The application is for the installation of soil washing plant within the existing site area. Members should be aware we are not considering the principle of a waste facility on this site just the introduction of additional more efficient plant and machinery to enhance the operation of the site. The machinery will be operated via electricity rather than diesel powered and reduce the amount of waste that needs to go to landfill.

Policy HS1 states "Quality of life and amenity

1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources: i. air quality; ii. noise; iii. dust; iv. vibration; v. odour; vi. emissions; vii. land contamination and instability; viii. illumination; ix. run-off to protected waters; or x. traffic;
2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and
3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development."

The Environment Agency regulate site waste operations under a standard rules permit which sets objectives aimed at preventing adverse environmental impacts including those resulting from noise and air emissions. This permit allows for only inert waste to be introduced to site, prohibiting household, food and hazardous waste. The maximum throughput of inert waste must be less than 75,000 tonnes per year. Reference: Permit AP3199VG/V003 and Waste Management Licence 100808.

The Local Authority regulate the operation of a mobile stone crusher and screen associated with this site; conditions are set out in an environmental permit under local air pollution control provisions, so as to minimise emissions of dust to air. Permit reference: LAPPC/1095/2016.  
Potential noise impacts.

A comprehensive noise assessment has been undertaken – ref GDL/WWP/NA/12/20 dated 14 Jan 2021. The assessment has examined levels and predicted noise exposures in accordance with BS 4142 and BS 8233, utilising known data and a computational noise model. The methodology is accepted. The modelled data illustrates the distribution of noise levels across the neighbouring sites and the residential receptors in Langley Street and Travers Street. Intervening commercial/industrial buildings and a distance of approx. 155m separate the proposed operation from housing in Langley Street, and housing in Travers Street is approx. 195m from the plant.

The assessment proposes for an 8m high retaining wall/barrier to the western boundary, intended to enclose product storage bays. It appears to be of concrete construction and therefore may offer some noise attenuation dependent upon its composition (density) and height relative to the noise source. Light corrugated cladding panels are insufficient for noise attenuation purposes. The assessment is based on original data collected at a Sheffield site and data provided by the manufacturer. Ambient measurements (ie due to existing noise sources in the wider area) recorded noise levels of 44dB(A) Travers St and 48 dB(A) in Langley Street. Background levels are lower at 41dB(A) and 45dB(A) respectively. Modelled data has been produced using original manufacturers information and adjusted in accordance with BS4142:2014. The conclusion

reached is that there should be no significant adverse impact, as resultant noise levels at housing are predicted to be below the existing daytime background. The consultant has additionally assessed predicted noise levels against the standards set by BS8233:2014 and concluded that they will fall within the guidelines set out in that document.

On face value the washing operation should not result in any additional dust generation and may effectively result in a reduction due to the nature of the proposed operation and removal of stages of the existing process that have greater potential for dust generation.

Following on from the above additional information has been submitted to clarify the operational elements of the machinery, the key area for clarification are listed below: The applicant has provided a written response to each of the areas.

The Environment Agency will fully regulate the site including the wash plant which has been accepted to be added to the site permit, regulation of the site includes noise and dust management.

The original pre planning application was for the wash plant to be installed in an existing building, the building was in of poor state and has subsequently been part demolished due to part of the roof section collapsing in high winds the roof structure has been fully removed. The press for the wash plant will be installed in this location as set out in the amended drawings of the application.

The plant layout is to be installed on an already existing concrete base as set out in the amended drawings on the planning application.

The steel panelling to the Eastern boundary will be replaced with a concrete sectional wall that is intended to reduce any sounds towards Langley Street.

The current processing of recycled aggregates involves the use of various plant and equipment which are all diesel powered, this involves loading a hopper from height through crushing and screening equipment which emits both dust and noise, the proposed wash plant is powered by electricity and through the introduction of adding water through the process the volume of dust is reduced along with noise which will reduce the environmental impact of the site by controlling production of fugitive emissions.

The process also decreases the handling of waste materials (soil and stone) as the materials loaded and processed into the wash plant will be processed in one activity compared to the current operation which takes up to X4 passes of materials through the current crushing and screening operation this will be achieved in X1 pass reducing the environmental impact of the current operation whilst also reducing noise and dust.

A concrete sectional wall will be installed down one side of the plant (outside) to 8.0m in height which is facing travers street this will be installed in an L shape around the perimeter of the operational area. This is already under construction.

The proposed scale, massing and layout of the proposed development is considered acceptable due to location within the industrial estate.

The additional information has been reviewed from Environmental Health and such is acceptable and is considered to comply with policy HS1 of the adopted Core Strategy and Development Plan.

## Impact on residential amenity

As stated above the noise assessment is considered comprehensive and has taken into the nearest residential properties from a noise assessment prospective on Langley Street and Travers Street. The proposal as stated above has been considered against policy HS1 of the adopted Core Strategy and Development Plan in terms of potential noise impacts on the adjacent residential properties. The proposed mitigation measures as set out in the report of the concrete wall, addition of modern machinery and the new refined process it is not considered that this will create any adverse impacts on the surrounding residential properties.

There is to be no additional increase in HGV movements as the proposal is solely for a new soil washing facilitate.

## Conclusion

Given the site is located in the New Herrington Key Employment Area (KEA14), as designated through policy EG2 of the CSDP, the proposed addition of the machinery is considered acceptable given it is located within a Key Employment Area.

Based on the information supplied the proposed development is to be implemented on a consented site, the proposed soil washing plant is considered to comply with policy HS1 of the adopted Core Strategy and Development Plan. The proposed new process is also considered to be more environmentally sustainable and will result in less waste material being sent to landfill.

The implementation of this machinery by Grab and Delivery is a substantial investment into business and the area.

**RECOMMENDATION:** Members are recommended to approve the application subject to the conditions listed below.

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - DRAWING REVC\_303\_TOP\_3840-2160
  - DRAWING REVC\_304\_ISO\_1\_3840-2160.
  - DRAWING REVC\_305\_ISO\_3\_3840-2160
  - DRAWING REVC\_306\_ISO\_4\_3840-2160
  - DRAWING REVC\_307\_ISO\_H\_1\_3840-2160
  - 5001/GAD/003
  - 5001/GAD/004
  - Drawing Number 6916-T2-L1

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

- 3 The proposed development must be carried in complete accordance with the submitted Noise Assessment recommendations dated 2016 in order to comply with policy HS1 of the adopted Core Strategy and Development Plan.



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**Reference No.:** 21/00059/FUL Full Application

**Proposal:** **Equestrian use of land, formation of horse track through partial re-levelling, fencing, and planting.**

**Location:** Land South Of High Lane (North/West Of A690) Stoneygate Newbottle  
Houghton-le-Spring DH4 4NH

**Ward:** Copt Hill  
**Applicant:** Ajay Brickworks  
**Date Valid:** 12 January 2021  
**Target Date:** 13 April 2021

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**PROPOSAL:**

Equestrian use of land, formation of horse track through partial re-levelling, fencing, and planting.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Copt Hill - Ward Councillor Consultation  
Natural England  
Network Management  
Flood And Coastal Group Engineer  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Northumbria Police  
Tyne And Wear Archaeology Officer  
Northumbrian Water  
Environmental Health  
Land Contamination  
Nexus  
The Highways England  
Land Contamination  
Network Management

Final Date for Receipt of Representations: **02.04.2021**

**REPRESENTATIONS:**

Copt Hill - Ward Councillor Consultation – No comments received

Natural England – No comment

Network Management –

Flood And Coastal Group Engineer – No objection and drainage scheme can be approved

Fire Prevention Officer– No response received

NE Ambulance Service NHS Trust - No response received

Northumbria Police – No response received

Tyne And Wear Archaeology Officer –

Thank you for the consultation email regarding planning application 21/00059/FUL for the equestrian use of land, formation of horse track through partial releveling, fencing, and planting at land south of High Lane (North/West of A690), Stoneygate Newbottle Houghton-le-Spring.

It is disappointing that this application has been submitted after some of the works have already been undertaken.

In 2020 Archaeological Services Durham University produced a desk-based assessment for a greenfield site located adjacent to Glencroft on Hall Lane. In the assessment it is identified that there are no indications of prehistoric, Roman or medieval settlements within the potential development area.

From LIDAR, potential medieval to post-medieval cultivation marks in the form of ridge and furrow were identified which is not visible on the ground in addition to field boundaries. In the report it is concluded that no further works are recommended for the proposed development. However, as the site has not been previously archaeologically investigated and there has been no development of the site, there is an unassessed potential that archaeological remains may survive within the boundary of the site.

The proposed ground levelling works had the potential to impact any earlier archaeological remains that may survive on this site. Further information would have been required including the depth of re-landscaping and potentially evaluative fieldwork as per NPPF 189.

A contamination report was submitted as part of this application. In the report, 5 small test pits were excavated. These showed that the site has no signs of made ground and that the natural strata is covered by only a thin layer of natural topsoil. Levelling works undertaken at this site therefore have the potential to truncate any surviving archaeological resources preserved on this site.

As the evaluation work was not carried out, we do not know whether the groundworks would have truncated any archaeological remains in the track area. If further work is to be undertaken at this site in the future, it is likely that archaeological evaluation will be required.

Northumbrian Water – No response received

Environmental Health - No objections to the proposal

Land Contamination – No objections to the proposal

Nexus – No Comments on the proposal

The Highways England -No objections to the proposal

Land Contamination - No objections to the proposal

Planning Policy - This response has been prepared with regard to both the adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP). It focuses predominately on the principle of development which centres upon the development of equestrian use of land, formation of a horse track through partial re-levelling and on land located in the Green Belt.

As the site is located in the Green Belt, CSDP Policy NE6: Green Belt is relevant. It indicates (inter alia) that development in the Green Belt will be permitted where proposals are consistent with the exception list in national planning policy, subject to all other criteria being acceptable.

In relation to the above, paragraph 146 of the National Planning Policy Framework (NPPF) (2019) makes clear that material changes in use of land (such as changes of use for outdoor sport or recreation or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of land included within it. In relation of the purposes of the Green Belt these are set out in NPPF paragraph 134.

Whilst the proposed use could be considered appropriate development within the Green Belt if it is for outdoor sport or recreation, this would only be considered appropriate if the proposals would preserve the openness of the Green Belt and not conflict with Green Belt purposes. Careful consideration should therefore be given to the impact of the proposals. If it is deemed that they would be harmful to the openness of the Green Belt or conflict with Green Belt purposes, then the proposals would be contrary to policy and should be resisted.

CSDP Policy NE9: Landscape Character seeks to ensure that proposals should (inter alia) demonstrate a high quality of landscape design as well as demonstrate how the Landscape Character Assessment is taken into account in relation to the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and enhance the landscape in the relevant locality.

The Character Assessment separates the city into two distinct areas; landscape enhancement areas and landscape protection areas. The site falls within a landscape protection area, these relate to those areas of higher landscape value. In addition, the Character Assessment also sets out specific recommendations for each sub area which should be considered by the decision maker.

The site is located within a wildlife corridor. Consequently, Policy NE2 is relevant. Criterion 6 indicates that development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor. Consideration should therefore be given to whether the impact upon the wildlife corridor would be considered significant and if so, appropriate mitigation provided.

In respect to the proposal, the decision maker should also consider the following policies:

- CSDP Policy BH1: Design Quality.
- CSDP Policy ST2: Local Road Network and CSDP Policy ST3: Development and Transport relating to transport, access and the impact on the local highway network; and
- CSDP Policy HS1: Quality of Life and Amenity provides criteria regarding amenity issues resulting from the proposed change of use.

The application relates to the development of an equestrian use and various alterations to the land as set out in the development description. The site is located in the Green Belt. Whilst Paragraph 146 the NPPF does identify outdoor sport and recreation uses as appropriate development within the Green Belt, this is subject to the proposals not having any adverse impact upon the openness of the Green Belt or the Green Belt purposes (set out in Paragraph 134 of the Framework). Careful consideration should therefore be given to the impact of the proposals on Green Belt openness and purpose. If the proposals would harm the openness of the Green Belt or any of its purposes, the proposals would be contrary to the NPPF and Policy NE6.

Careful consideration should also be given to the impact of the proposals on the landscape in accordance with CSDP Policy NE9. The site is located within a valued landscape which is identified within the Council's Landscape Character Assessment for landscape protection and therefore the landscape in this location is particularly sensitive to change.

In addition, the impact of the proposal on the value and integrity of the wildlife corridor should be considered, alongside, the impact on the design quality, landscape, highways and amenity.

### **Neighbour Representations: -**

Representation submitted by England and Lyle in respect of Over the Hill Farm residents and one additional objection to reviewed together as set out in the letter dated 15<sup>th</sup> February 2021 from the England and Lyle .

I am writing to you on behalf of the concerned residents of Over The Hill Farm Steadings to register their strong objections to the above proposal. As you are aware, this prominent greenfield site within the Sunderland Green Belt is subject to an ongoing enforcement investigation regarding a number of potentially unauthorised activities.

You will note that this submission is accompanied by a letter (and appendices) that the residents have prepared themselves, to highlight and evidence a number of their concerns to the Council. These two letters should be read in conjunction with one another. Most importantly, you will see from the resident's submission that they refute the applicant's assertion that the site has been used for equestrian purposes for a period greater than ten years and have provided written evidence to this effect. Furthermore, they have stated that they are willing to provide further witness statements, or signed affidavits to this effect, if you consider this necessary. Clearly, the matter of whether or not the land is lawful for equestrian purposes is an important one for you to consider from the outset.

As mentioned above, the site is located in the Green Belt and as such, it is acknowledged that CSDP Policy NE6: Green Belt is of relevance. This advises that development in the Green Belt will only be permitted where the proposals are consistent with the exception list set out in the National Planning Policy Framework (the Framework), subject to all other criteria being acceptable.

Criterion 4 of NE6 allows proposals in the Green Belt, when they create increased opportunities for access to the Open Countryside and provide opportunities for beneficial use, such as outdoor sport and recreation, which are appropriate to the Green Belt but only where it has been demonstrated that these will not harm the objectives of the Green Belt and also recognise its important role as a biodiversity resource.

The current iteration of The Framework reflects the cancelled PPG2 Green Belts. Paragraph 133 explains that the fundamental aim is to keep such land permanently open; the essential characteristics of Green Belts are their openness and permanence. Paragraph 144 goes on to advise that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that this harm is clearly outweighed by other considerations.

It is noted that at paragraphs 3.4 and 5.21 of their Planning, Design and Access Support Statement (PD+A) that the applicant considers their proposed use of the land for outdoor sport or recreation as not being inappropriate within the greenbelt. It is indeed accepted that certain types of such activities may be acceptable in such a location provided that sufficient care has been taken to protect the visual amenities of the green belt. However, as can be seen from the resident's submissions, there is a genuine concern that the proposal would bring harm to this sensitive location in a number of ways.

In particular, the application site is in a highly visible location, on the corner of the busy A690 and High Lane, both of which are elevated when compared to the site itself. As you will no doubt observe from your site visit, the extensive engineering operations that have occurred are clearly evident from a number of locations and will continue to be, even though some limited tree planting is proposed.

Further harm could also arise by the increased amount of activity that would be generated at the site. The applicant has based their case upon an apparent need for such a facility as there are no others within the City and have stated that they have to travel '*a long way*' to access similar. The proposal provides parking for 8 no. vehicles on the site and as stated at Paragraph 5.10 of the PD+A will create '*jobs for caring for and jockeying the horses.*' It therefore follows that a number of individuals will be accessing the site.

Moreover, if there is in fact a genuine need and demand for such a facility, then it follows that the track could be made available for others to use. Clearly, this would result in a far greater number of vehicles visiting the site than at present. Not only would this bring further visual harm, due to the incongruous nature of the parked vehicles but also harm from a safety perspective, as the unadopted roads and tracks used to access the site have not been designed to accommodate such movements.

To me, it is clear that substantial weight must be given to the harm described above. Other than the applicant stating that there are no similar facilities in the City, there appears to be little justification that effectively demonstrates that this need clearly outweighs any such harm. Indeed, if the demand is such as I have suggested above, then by its very existence, the facility would inevitably result in harm to this most sensitive of locations.

I trust you fully appreciate and understand the concerns I have raised on behalf of the residents of Over The Hill Farm steadings, of which you will find further details in their attached letter and appendices. Having assessed the application, I conclude that there are clear grounds on which you could recommend the refusal of planning permission and I would urge you to do so.

## Objection 2

The following comments have been prepared by Mr. A Crosby on behalf of the Residents of Over The Hill Farm Steadings.

### Proposed Use

The first point that I would like to highlight, is the actual use for which the Planning Application has been submitted. As can be seen from the Planning, Design & Access Support Statement (PD+A) that accompanies the application it is claimed that the proposal is for the following: *Equestrian use of land, formation of horse track through partial re-levelling, fencing, and planting at Land to south of High Lane, Newbottle, Houghton-le-Spring Sunderland City DH4 4NH.*

As can be seen by the unauthorised works undertaken to date, the type of track which has already been constructed, and just about completed, does not constitute a track merely for the purpose of training horses. Its construction, in my considered professional opinion, is for a proposed use not mentioned in the planning application, or the PD+A, which is for Harness Racing/training. The definition of Harness Racing is as follows:

*'Harness racing is a form of horse racing in which the horses race at a specific gait. They usually pull a two-wheeled cart called a sulky, or spider, by a driver.'*

This particular activity is not recognised in the legal definition of Equestrian Use, which is as follows:

- 1a: of, relating to, or featuring horseback riding *equestrian* Olympic events;
- 1b : riding on horseback : MOUNTED
- 1c: representing a person on horseback

It is the resident's opinion that the proposed use is in fact similar to that of the harness racing track highlighted within **Paragraph 4.19** of the PD+A, which is at Walker Newcastle. An aerial image of this is attached to this submission at APPENDIX A.

**Paragraph 4.2** of the PD+A adds further to the case that harness racing is proposed as, this states that the *'The applicant and his worker jockey are BHRC (British Horse Racing Club) members and have passed tests to ensure they can use the track appropriately and also care for the welfare of the horses'*. I would question, why do horses need a track on which to exercise when they could quite easily exercise in the field as it stood prior to any development occurring? Whilst the applicant states there is a "need" there is no clear demonstration in their submission why the track that has been formed is indeed necessary.

The abbreviation above "BHRC" is incorrect. It actually represents the British Harness Racing Club, to which the applicant is a member. Both the application, and his business partner are known for such Harness Racing through the North east of England. A photograph of the applicant and his business partner taken from Facebook accompanies this submission at APPENDIX B which shows the applicant undertaking this activity. Therefore, in its correct sense, the Planning Application, the PD+A, and associated documents do not state/represent the true proposed use of the land which is the subject of this planning application.

It should also be noted that **Paragraph 2.1** of the PD+A states that the site has been in *'recreational equestrian use for in excess of ten years'*. In addition, a letter dated 4th December 2020 accompanies the application wherein the writer states that their father purchased the land from a Mr Green in 2012. The writer then goes on to claim that Mr Green had used the land for the jumping of horses. As a result, the applicant is claiming that they consider the application site to have been in continuous use for recreational equestrian uses for more than 10 years and as such is lawful, due to the passage of time. These statements are in fact totally incorrect. As you will see from the attached letter from Mr Mark Green, dated 7th February 2020 (APPENDIX C), this does not appear to be the case. The Green family refute that the land that is the subject of this application was used for grazing or any other equestrian purposes and advise that it was only used for the growing of grass which was then cut for hay. As such, it does not appear that any equestrian use is lawful on this site.

Further evidence of the previous Agricultural use is confirmed within the applicants Phase 1 Land Contamination Report & Desk Top Study undertaken by Neil Henderson Consulting Engineers Ltd, dated December 2021. Within the Desktop Section, it states the following: *'Reference to Google Earth aerial maps for the site available for a number of years between 2001 and 2020 show that it was open land in 2001 and up to June 2012 with the map view for August 2012 showing the site uncultivated and grassed....'* Google photographs included within this section, dated 2005 & 2012, also confirm the same. There is no evidence of any former Equestrian use mentioned in the report. Similar statements are included with the Archaeology Report prepared by Durham University.

In addition to the above, it should be noted that the development of the residential properties at Over the Hill Farm Steadings, commenced circa 2008. Some residents have therefore lived on site since 2010. These residents are able to confirm that there has been no equestrian use on that site by either the previous owner, or any other persons. Witness Statements, or signed affidavits to this effect can and will be prepared and submitted, if the planning department consider this necessary.

From my own perspective, the plot on which my house is built was purchased on 10th February 2011 and I have then moved into the dwelling I constructed in January 2012. At no time since I purchased the plot have I seen the land subject of this planning application used for any equestrian purposes. In fact, horses have only been grazed on the land since it became under the ownership of applicant and his company. Prior to this, I have only seen the land used for the purpose of growing grass cropped as hay.

Further incorrect points are stated in the conclusion of the PD+A regarding use of what is assumed to be the adjacent fields. **Paragraph 7.6** states... *'Equestrian uses occur on lands all around this site already – and have for many years.'* The fields belonging to the owners of the Over The Hill Farm have no Equestrian rights. These fields have an Agriculture distinction, and therefore should not be used for any type of Equestrian use. Whilst at times, some fields do have horses present, the use is for grazing, which is considered to be an agricultural use.

**Design Paragraph 2.8** of the PD+A states *'The works, in essence, are some re-modelling of the levels of the land to assist with the creation of an exercise track....'* Further in this matter, **Paragraph 7.5** states *'The topographical surveys demonstrate just how modest the re-levelling was/is'* As shown on the applicant's topographical surveys, the changes in level to some parts of the track are in fact, in excess of 2000mm. In Civil Engineering terms, such changes in level cannot surely be classed as 'modest?', Surely these would fall under the heading/category of 'significant'.

**Access (PD+A Paragraphs 3.10 -3.13)**

There are 10 dwellings at Over the Hill Farm Steadings. The only access to these is via a private tarmacked road from High lane, and a narrow shared, permeable track. Both of these are privately owned, constructed and maintained at the resident's expense. I have attached photographs taken by myself on 31 January 2021, to show these arrangements (APPENDIX D). The land registry title that covers these stipulates that property/land owners are only allowed to use the roads for the purpose of access and are not to park or permit to be parked on any part of the Estate any vehicle, other than in a considerate manner and not to obstruct any access to or from the other sites or Common Roadway. A copy of this title can be provided, if required.

Whilst it is believed that the applicant does have a right to use these routes to access their site, there are no rights of way for commercial purposes, or for any others. If planning permission were to be granted, it seems clear that the site would become commercialised and frequented by other users, which would be contrary to the aforementioned title. **Paragraph 5.10** of the PD+A illustrates this point, as it refers to jobs being created, as jockeying will be required for the horses.

**Paragraph 7.4** also states that:

*"The Sunderland City Borough has no similar facility that the development team are aware of, thus this is a new outdoor sport and recreation facility which will add to the offer of the Borough, and will also reduce travel and transport to other facilities further outside of the local authority areas"*

Taking all the above together, to myself and fellow residents it seems clear that what is proposed would not be a horse exercise track for personal use, it would be a harness racing/training track open to the public on a commercial basis.

Clearly, such an arrangement would be detrimental to highway safety, as at only one-car in width, these routes are not capable of withstanding the additional volume of traffic. Any widening of these routes would involve the incorporation of additional land belonging to the adjoining owners and the prospect of that being achieved is very remote. Based on the topographical survey drawing and on-site observations, the area believed to be designated for car parking is in the region of 28m x 10m. The application proposes 8 no. car parking spaces. This is totally contradictory, to **paragraph 3.13** of the PD+A, which states '*There is a small area of permeable hardstanding just within the access to the site for car parking, turning and to allow vehicles to enter and exit the site in a forward gear*'. Myself and other residents can confirm that there was in fact no hardstanding on site prior to the unauthorised development that commencing on site on 02 November 2020. Again, Witness Statements, or signed affidavits to this effect can and will be prepared and submitted, if the planning department consider this necessary.

As the topographical survey drawings do not indicate clearly the extent of the car parking area/turning circle, the residents are of the opinion that the points highlighted in the Planning, Design & Access Support Statement are misleading, and do not clearly show the adverse effect on the 'Openness', or the potential harm to the Green Belt caused by this development.

## **Flood Risk**

With reference to the Flood Risk Assessment (FRA) dated January 2021, it is stated '*A check on the government's flood risk from surface water map shows that the site is not affected by any localised surface water run-off and is at very low risk which means that each year this area has a chance of flooding of less than 0.1%*'.

However, on page 4 of the FRA, the Environment Flood Agency map shows, that the only access track to this site, has a high risk of flooding. It is located on an overflow route of a water



course, and at a much lower level than the surrounding areas. The extent of the flooding to the track is evidenced in the very recent photographs included with submission at APPENDIX E. Currently, this section of track is un-useable due to the weakening nature of the ground, which is due to the extended period that it has been submerged. It is anticipated that remedial works will be necessary following a full assessment by a Civil Engineer. Based on the above, the residents are of the opinion that this access route is totally unsuitable for any increased vehicular access/proposed use to this site.

Furthermore, the FRA also states that the risk of flooding to the site is '*less than 0.1%*'. Based on the actual development works undertaken to date, again this isn't correct. The photographs at APPENDIX E clearly show the flooding of the site/track. This further contradicts the statements within the PD+A, that the track has been constructed using impervious materials. If this had been the case, then the flooding which is now evident would not have occurred. In my professional opinion, the track has been constructed using good agricultural clay obtained from elsewhere on the site, which is acting as a type of bund and holding the water.

### **Ecological Impact Assessment**

With regards, ecology & biodiversity survey consideration, **Paragraph 6.8** of the PD+A states: *"The ecology survey attached to this submission predictably concluded that the grassland site previously had next to zero ecological and biodiversity offer; and that the proposals and works would not impinge on nature and wildlife to any tangible or noticeable degree"*. Again, this report is believed to have been very limited and restricted in nature. The site actually provides feeding/habitat for a number of species, which have not been mentioned in this report. These are as follows: Kestrels, Swallows, Swifts, Owls, and protected species of Bats.

### **Archaeological Impact Assessment**

As mentioned in the County Archaeologists statement, the works undertaken to date may have impacted on any early archaeological remains that may have been present on the site. Prior to any such works, the site should have been assessed. This should have included a depth of re-landscaping and potentially evaluative fieldwork as per paragraph 189 of the NPPF. As such assessments do not appear to have been carried out, we may now have lost part of our cultural heritage forever.

To conclude, it is clear that there are several areas of concern regarding the proposal, which if approved would be harmful in this location. I therefore urge the planning department to take all of the above points into consideration when assessing the application.

### **Horse Use letter**

A letter supporting the use of the land was submitted to confirm the land had been used for show jumping horses and had been used personally and with family for horse riding.

These matters are covered in the relevant sections of the report.

### **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies;

NE6 – Green Belt  
NE9 - Landscape Character  
ST2 – Highways  
ST3 - Highways  
BH1 – Quality of Design  
M1 – Limestone Buffer  
NE1 - Wildlife Corridor  
HS1 - Quality of life and amenity  
WWE2 – Flood risk and coastal management  
NE9 Landscape Character

## **COMMENTS:**

The main issues to consider are :-

- The principle of the development and whether the proposal represents appropriate development
- The impact of the development upon the openness of the green belt,
- The impact on the landscape character
- The impact of the development upon the visual amenities of the area,
- The impact of the development upon residential amenity,
  
- The impact on Archaeological,
- The highway safety implications of the proposal,
- The impact of the development upon the trees on the site,
- The ecological impact of the development,
- Land contamination issues,
- Drainage Implications,
- Very Special Circumstances.

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

- and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

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

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

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland). Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP, UDP Alteration No. 2 and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

## **The principle of the development and whether the proposal represents appropriate development**

The first issue to address is the whether the proposed development within the green belt is

acceptable in principle.

The adopted Core Strategy and Development Plan (CSDP) as well as saved policies contained within the Unitary Development Plan (UDP). It focuses predominately on the principle of development which centres upon the development of a racetrack within the Green Belt. The development of the racetrack within the Green Belt has led to operational development and regrading of the land to form a race track. There has been erection of fencing and tree planting within the application site.

As the site is located in the Green Belt CSDP Policy NE6: Green Belt is relevant. It indicates that development in the Green Belt will be permitted where the proposals are consistent with the exception list in national planning policy subject to all other criteria being acceptable.

In relation to the above, paragraph 145 of the National Planning Policy Framework (NPPF) (2019) makes clear that the construction of new buildings within the Green Belt should be considered to be inappropriate development unless it would meet one of the exceptions list identified. This includes (at subpoint b) that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation (inter alia), as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of land included within it.

The regrading of the land constitutes operational development as such requires planning permission, the regrading of land has changed the existing levels as demonstrated through the submission of land levels to the extent the proposal has changed the landscape character and openness of the Green Belt as it has alter the naturally levels of the land. The cutting and filling of land has demonstrated that the changes of levels would require screening otherwise the development would be significant in the Green Belt. The regrading of the land has also changed the landscape character of the area as there is now a plateau constructed with the Green Belt.

However notwithstanding this it is considered that by virtue of its scale and massing that the proposed regrading and associated tree planting and fencing would likely harm the openness of the Green Belt and conflict with the purposes of including land within it in any event. Therefore, the proposals would constitute inappropriate development within the Green Belt.

Consequently, the proposal would only be considered acceptable where there are 'very special circumstances' present which would outweigh the harm to the Green Belt. As set out within Paragraph 144 of the NPPF, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposals is clearly outweighed by other considerations.

It is considered that the proposals would represent inappropriate development within the Green belt as they would not meet any of the exceptions list set out in the NPPF (at paragraph 145). As very special circumstances have not demonstrated which would outweigh the harm to the Green Belt, it is considered that the proposals would be contrary to the NPPF and Policy NE6 of the adopted CSDP.

Notwithstanding inappropriateness, any other harm to the green belt must be considered as part of the application.

### **The impact of the development upon the openness of the green belt,**

The essential characteristics of green belts are their openness and permanence. There is a

difference between openness and visual impact; in this context, openness is taken to be the absence of buildings or development. Any development constitutes an impairment of openness, at least to some degree, irrespective of its visibility or attractiveness.

Given that the development will introduce a dominant features with the racetrack and tree planting being within the Green Belt it is considered that the openness of this area of green belt will be affected to a significant degree. As para 133 of the NPPF states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open, the substantial harm that the development is likely to cause to the openness of the green belt must therefore be given significant weight.

### **The impact of the development upon the visual amenities of the area,**

As mentioned above, CSDP policy NE6 (Green Belt) states that care will be taken to ensure that the visual amenities of the green belt will not be injured by proposals for development within, or conspicuous from, the green belt.

NE6 Green Belt 1. The Green Belt (as designated on the Policies Map) in Sunderland will serve the following purposes:

- i. check the unrestricted sprawl of the built up areas of the city;
- ii. assist in safeguarding the city's countryside from further encroachment;
- iii. assist in the regeneration of the urban area of the city;
- iv. iv. preserve the setting and special character of Springwell Village and Newbottle Village; and
- v. prevent the merging of Sunderland with Tyneside, Washington, Houghton-leSpring and Seaham, and the merging of Shiney Row with Washington, Chester-leStreet and Bournmoor.

2. In assessing development proposals, development that is inappropriate in the Green Belt will not be approved except in very special circumstances.

3. Development in the Green Belt will be permitted where the proposals are consistent with the exception list in national policy subject to all other criteria being acceptable.

4. Proposals in the Green Belt for increased opportunities for access to the Open Countryside and which provide opportunities for beneficial use such as outdoor sport and recreation, appropriate to the Green Belt, will be encouraged where it will not harm the objectives of the Green Belt and recognise the important role of the Green Belt as a biodiversity resource.

The core principles of the NPPF and policy BH1 of the CSDP require new development proposals to demonstrate good design and maintain appropriate standards of visual amenity.

In terms of scale and design the race track has introduced materials not compatible with the current green open fields and has introduced physical development with the Green Belt.

Although it has the potential to appear overdominant in the landscape, the applicant has screened the development with a line of conifers around the development site, which has impeded on the openness of the Green Belt by introducing screening which would not have been required if the proposed development had not impacted on the openness of the Green Belt.

CSDP Policy NE9: Landscape Character seeks to ensure that proposals should (inter alia) demonstrate a high quality of landscape design as well as demonstrate

how the Landscape Character Assessment is taken into account in relation to the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and enhance the landscape in the relevant locality.

In respect of the landscape character the area is predominately open to view across the area. The introducing of 1,600 trees as stated in the information supporting the application, it is clear that the introduction of so many trees would adversely impact on the openness and the long view to and from the site. Adding this amount of screening is therefore considered to introduce a significant adverse impact on the openness of the Green Belt and as such is considered to be contrary to policy NE9 point 2 as the introduction of a race track and fencing to the development does not outweigh the impact the proposed development and associated tree plant would have on the landscapes character and distinctiveness of the area and such the proposed development cannot be support due to the significant adverse impact the development would have on the landscape character and the openness of the Green Belt.

Given the above, although the constructed race track is considered to have a prominent position in the Green Belt, it is considered that there will be significate harm to the visual amenities of the area by the operational regrading of the land , the constructed race track and the associated fencing and tree planting. The development is therefore considered to conflict with policies BH1 and NE6 of the Core Strategy and Development Plan.

### **The impact of the development upon residential amenity**

The nearest residential properties are Glen Croft and Over the Hill Farm.

The proposed development is set a significant distance from the properties; however, the residents of Over The Hill Farm do share the proposed access with the development.

In terms of impacts on the residential amenity is not considered that the proposed development would have any significant adverse impacts on these properties by way of noise and disturbance given the distance between the properties

It is disappointing that this application has been submitted after some of the works have already been undertaken.

### **The impacts on Archaeological**

In 2020 Archaeological Services Durham University produced a desk-based assessment for a greenfield site located adjacent to Glencroft on Hall Lane. In the assessment it is identified that there are no indications of prehistoric, Roman or medieval settlements within the potential development area.

From LIDAR, potential medieval to post-medieval cultivation marks in the form of ridge and furrow were identified which is not visible on the ground in addition to field boundaries. In the report it is concluded that no further works are recommended for the proposed development. However, as the site has not been previously archaeologically investigated and there has been no development of the site, there is an unassessed potential that archaeological remains may survive within the boundary of the site.

The proposed ground levelling works had the potential to impact any earlier archaeological

remains that may survive on this site. Further information would have been required including the depth of re-landscaping and potentially evaluative fieldwork as per NPPF 189.

A contamination report was submitted as part of this application. In the report, 5 small test pits were excavated. These showed that the site has no signs of made ground and that the natural strata are covered by only a thin layer of natural topsoil. Levelling works undertaken at this site therefore, have the potential to truncate any surviving archaeological resources preserved on this site.

As the evaluation work was not carried out, we do not know whether the groundworks would have truncated any archaeological remains in the track area. If further work is to be undertaken at this site in the future, it is likely that archaeological evaluation will be required.

It should be noted as permission has been applied for retrospectively that further information would have been required including the depth of re-landscaping and potentially evaluative fieldwork as per paragraph NPPF 189 to fully assess the scheme. However, this information was not available as such has not been assessed in accord with paragraph 189 of the NPPF.

Given no further works are proposed, no archaeological evaluation will be required. However, should Members be minded to grant consent, this would need to be considered and conditioned.

## **The highway safety implications of the proposal**

### **Policy ST2**

#### ST2 Local road network

1. The Local Road Network will be protected for safe and efficient movement in accordance with the following road hierarchy:

- i. Distributor Roads;
- ii. Category 1 Roads;
- iii. Category 2A Roads;
- and iv. Category 3 Roads.

2. To ensure that development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- i. where a new vehicular access is accepted in principle, the number of access points will be kept to a minimum and new access points will be designed and constructed in accordance with the current highway design standards;
- ii. they have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal;
- iii. where an existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;
- iv. they are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- v. they have safe and convenient access for sustainable transport modes relevant to its location; and
- vi. they will not create a severe impact on the safe operation of the highway network; resulting in potential risk to all highway users with specific consideration given to vulnerable road users.

Policy ST3 Development and transport Development should:

1. provide safe and convenient access for all road users, in a way which would not: i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or ii. exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users;
2. incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network
3. submit an appropriate Transport Assessment/Transport Statement and a Travel Plan. This must demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway;
4. include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards;
5. provide an appropriate level of electric vehicle parking and charging infrastructure for commercial and non-residential development to suit site specific requirements, and make provision for the installation of home charging apparatus on major residential schemes; and
6. safeguard the existing network of Definitive Public Rights of Way. If this cannot be accommodated, then a diversion and/or alternative route shall be provided.

The proposed development takes access from High Lane down the track road shared with the residents of Over The Hill Farm and then bears left into the site in allow a track road where the proposed layout are for horses and cars to park.

A response to this application was issued on the 3<sup>rd</sup> March 2021 which requested additional information in respect of parking and trip generation. Additional information has now been submitted by the applicant which has been reviewed and the following comments are now made. The initial information submitted in support of the application stated that 8 parking spaces are proposed within the site together with a turning area. However, the plan submitted in response to the initial TD comments only shows 4 car parking spaces and parking for a horse box. The plan does not show that the turning of horse boxes could be satisfactorily undertaken, and this is therefore requested.

It should also be noted that the initial TD comments stated that the submission did not include the likely usage of the facility and therefore no justification of the number of parking spaces had been provided and requested details as to the maximum number of persons using the facility at any one time to ensure the proposed parking provision is satisfactory to meet the likely demand. It is evident that the additional information submitted in support of the application does not include the details requested in the initial response. Taking the above into account objects to the planning application as insufficient information has been submitted to demonstrate that the proposed development would operate satisfactorily.

The engineers have objected to the scheme as submitted on insufficient information to support the application. Additional information was received in March 2021, the information has been reviewed and as such it has not addressed all the issues raised and the Local Highway Authority objects to the proposed development.

Additional information has been supplied on the 23<sup>rd</sup> May 2021 to address the outstanding issues raised in March 2021. The Council engineers have confirmed that they are satisfied with the additional information submitted and as such have removed the objection.

The letters of representation received refers to the road not being used for commercial uses, however, if this is a covenant on the land this is a civil matter between landowners. The Council must consider the application on in its individual merits and all relevant material considerations



in the determination of the application. The applicant has confirmed the land is not be used for commercial purpose.

The development is therefore considered to accord with Policy ST2 and ST3 of the Core Strategy and Development Plan.

### **The ecological impact of the development and the impact of the development upon the trees on the site.**

#### **Policy NE1 Green and blue infrastructure**

1. To maintain and improve the Green Infrastructure Network through enhancing, creating and managing multifunctional greenspaces and bluespaces that are well connected to each other and the wider countryside, development should: i. incorporate existing and/or new green infrastructure features within their design and to improve accessibility to the surrounding area; ii. address corridor gaps and areas of corridor weakness where feasible; iii. support the management of existing wildlife corridors, including reconnecting vulnerable and priority habitats (see policy NE2); iv. apply climate change mitigation and adaptation measures, including flood risk and watercourse management; v. link walking and cycling routes to and through the corridors, where appropriate; vi. include and/or enhance formal and natural greenspace and bluespace provision; vii. protect and enhance landscape character; viii. have regard to the requirements of the Green Infrastructure Delivery Plan and make contributions proportionate to their scale towards the establishment, enhancement and on-going management; and ix. protect, enhance and restore watercourses, ponds, lakes and water dependent habitats. 2. Development that would sever or significantly reduce green infrastructure will not normally be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts and suitable mitigation and/or compensation is provided.

The proposed development has been accompanied by a phase 1 ecological report.

The report concludes as from the Preliminary Ecological Appraisal carried out by Falco Ecology Ltd (Ref: FE-082-002-400-R-01-V1) 1. The proposal will not impact on priority habitat and the site currently has no potential to support protected or priority species. Biodiversity Net Gain will be met through future to plant 800 Lleylandii and a possible 800 Silver birch.

However, from a planning perspective and to ensure all materials considerations are taken into account in the determination of the application the Local Planning Authority is satisfied from a priority species position that there will be no significant adverse implications. However, on a planning judgement balance the planting of such a significant amount of trees would be considered to introduce significant adverse impacts into the openness of the Green Belt to detriment of maintaining the Green Belt openness and ensuring the landscape character of the area is not detrimental changed.

The findings and mitigation measures proposed by the report are considered unacceptable from a tree planting perspective and as such are not considered to comply with the Core Strategy and Development Plan policies NE1 and NE6 to ensure the openness of the Green Belt is maintained.

#### **Land contamination issues.**

#### **Policy HS1**

HS1 Quality of life and amenity 1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

i. air quality; ii. noise; iii. dust; iv. vibration; v. odour; vi. emissions; vii. land contamination and instability; viii. illumination; ix. run-off to protected waters; or x. traffic; 2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and 3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

### **NPPF Paragraph 178 and 180**

178. Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The application was supported by a YALPG and a phase 1 Desktop Study. The review of the Report Ref. Neil Henderson Consulting Engineers Ltd. Phase 1 Land Contamination Report & Desk Top Study - Land Adjacent Glencroft Hall Lane, Newbottle, dated December 2020. The Key findings are summarised below.

A Desk Study has been prepared for the proposed development at Land Adjacent Glencroft Hall Lane, Newbottle DH4. The proposed development comprises the construction of a fence and horse exercise path to land adjacent Glencroft Hall Lane & south of High Lane, Newbottle. The size of the site is unknown, however, an indicative site layout is provided in Appendix 2.

The report has been produced based on data made available from publicly accessible internet sources and historical maps supplied by the data provider Landmark. The maps have been appended to the report.

An initial site walkover undertaken in 2020 confirmed the layout and general appearance of the site (open land - uncultivated and rough grassed) with no obvious signs of previous development and/or indicators of historical or existing (live) services, (i.e. manhole covers) observed.

The assessment included a review of historical maps and concludes that the site has remained the same since at least the 1850s with no record of any development past or present identified and no nearby (off-site) activities that may have led to contamination of the site were identified. Whilst the site itself has not appeared to be developed, we note that the historical maps indicate the presence of former quarries 200m to the east and 240m south, respectively (between the 1850 and 1930s). A garage was also indicated 100m east of the site from the 1960s (now a Land Rover garage).

Given the limited scope of the desk study review, no search for landfills/waste facilities has been undertaken. The report states that the majority of the site is underlain by either the Raisby Formation (dolostone) or the Ford Formation (dolostone) in the north eastern tip. A shallow (<0.7m bgl) ground investigation undertaken by Neil Henderson Consulting Engineers Ltd identified a *thin covering of natural topsoil over clay, with no signs of any made ground, the clays becoming sandier with depth.*

No reference to the sites hydrogeological setting has been provided.

A Coal Authority Mining Report is not included in the report and there is no mention of coal mining risk at the site.

As part of the assessment 5No. shallow trial pits were excavated to a maximum depth of 0.7m below ground level. The report states that no visual or olfactory evidence of contamination was encountered. Ground conditions generally comprised clayey topsoil becoming sandier with depth.

No details of nearby surface water features is included in the report.

No preliminary conceptual model has been developed for the site (i.e. with potential sources, pathway and receptors identified). The report concludes that from the evidence gathered as part of the desk top study exercise and the intrusive excavations the risk of physical contamination is low. No groundwater was encountered as part of the investigation.

A recommendation is provided to undertake WAC testing of the topsoil for off-site disposal if required as there will be no need/use for it to remain on site and therefore any potential risk to human health will be removed.

No consultations with the relevant departments of Sunderland City Council (SCC) & the Environment Agency have been undertaken in the preparation of the report.

The report does not reference the potential for Unexploded Ordnance (UXO) or invasive species to be present at the Site.

Reports Recommendations: Given the scope of the proposed development, it is considered that

a YALPAG screening assessment would be more appropriate than a full Phase 1 report. Whilst limited, the report submitted includes all the information required for a YALPAG screening assessment and it is requested that the Applicant provides a completed YALPAG form. No substantial structures are proposed; therefore, a Coal Authority Mining Report is not considered to be required for this site.

## **Summary Conclusion on Land Contamination**

Given the nature of the development it is not considered any additional work is required and as such the retrospective works are not considered to generate any significant risk as such is considered to comply with the relevant policy HS1 of the Core Strategy and Development Plan.

## **Flood Risk and Drainage**

Policy WWE2 Flood risk and coastal management states

To reduce flood risk and ensure appropriate coastal management, development:

i. should follow the sequential approach to determining the suitability of land for development, directing new development to areas at the lowest risk of flooding and where necessary applying the exception test, as outlined in national planning policy;

ii. will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment (FRA) that development will not increase flood risk on site or elsewhere, and if possible reduce the risk of flooding;

iii. will be required to include or contribute to flood mitigation, compensation and/or protection measures, where necessary, to manage flood risk associated with or caused by the development;

iv. should comply with the Water Framework Directive by contributing to the Northumbria River Basin Management Plan; v. will maintain linear coastal flood defences north from Hendon Sea Wall to Seaburn, and managed coastal retreat on the Heritage Coast and north of Seaburn; vi. which would adversely affect the quantity of surface or groundwater flow or ability to abstract water must demonstrate that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact; and vii. of additional river flood defences must demonstrate that the proposal represents the most sustainable response to a particular threat.

A high level flood risk assessment was submitted with the application, the report focussed on the following: The overall investigation comprised a desk study review of the Environment Agency's flood map for planning, the government's information service extent of flooding maps for surface water as well as reference to Ordnance Survey maps (Bing Maps) and historic land use referencing the Ordnance Survey historic maps from 1857-58, 1896, 1920, 1939, 1975-76 & 1981-89 in conjunction with field reconnaissance / site walkover.

The principal objectives of the investigation were to determine the existing flood risk characteristics of the site and whether the development would alter the existing flood characteristics, if present.

The site lies within Flood Risk Zone 1 and therefore is considered to be at low risk of Flooding, the report confirms from a check on the government's flood risk from surface water map shows that the site is not affected by any localised surface water run-off and is at very low risk which means that each year this area has a chance of flooding of less than 0.1%. The applicant's report concludes the following :-

The Environment Agency flood map for planning shows the site is in flood zone 1 and is therefore an area with a low probability of flooding.

The government's information service 'extent of flooding map for surface water' shows the site is at very low risk from surface water flooding.

Reviews of current and historic maps as well as satellite images as well as a site walkover has not identified any watercourses, ditches etc within or adjacent the site.

As the proposed development will only consist of fencing and the horse exercise tracked area which will be formed using permeable construction (recycled stone base) in lieu of topsoil over clay there will be no overall difference to the current flood characteristics of the site and therefore it is concluded that the site should remain characterised as being at a low risk of flooding and that the use of permeable construction will not increase the flood risk to adjacent land; it is noted that the A690 is generally elevated above the site along the eastern boundary, in particular adjacent the south east corner which is the lowest point of the site and therefore given the permeable nature of the track construction and boundary levels there should be no change to the risk to the highway from surface water run-off nor can there be any increase in surface water run-off when compared to the original site.

The information has been reviewed by the Local Lead Flood Authority and as such the drainage solution is considered to be compliant with policy WWE2 of the adopted Core Strategy and Development Plans and as such if approval were to be granted a compliance condition should be imposed to ensure the development complies with recommendations.

### **Very Special Circumstances**

The applicant has stated there are no other facilities within the area and such there is a need for the facilities. No specific very special circumstances have been proposed or are implicit. The applicant statement considers the outdoor recreation use of the land makes the development acceptable within the Green Belt.

Para 144 of the NPPF requires local planning authorities to give substantial weight to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, including factors unrelated to the green belt, is clearly outweighed by other considerations.

Case law has established that it is not enough for very special circumstances to merely balance out the harm caused to the openness of the Green Belt by permitting inappropriate development (and any other harm); what is required is that the very special circumstances must clearly outweigh the harm in order to justify planning permission being granted.

Given the above, it is therefore considered that the proposal results in substantial harm to the green belt by reason of inappropriateness and other harm, specifically, the detrimental impact of the development upon the openness of the green belt. Significant weight must be given to these matters and therefore, in accordance with the provisions of the NPPF, it is considered that the limited private benefits that may result from the development will not clearly outweigh the harm by reason of inappropriateness and any other harm to the green belt, and the proposal should not be approved.

For the reasons given above the proposal is considered unacceptable and is recommended that

Members refuse consent.

The proposal represents an inappropriate form of development within the Green Belt and in the absence of very special circumstances that would outweigh harm, would by its inappropriateness have a detrimental impact on the openness, character and appearance of the countryside. As such the proposed development is contrary to the advice provided in Chapter 13 of the National Planning Policy Framework (NPPF) and policies NE6 and BH1 of the CSDP.

## **Conclusion**

It is considered that the proposals would represent inappropriate development within the Green belt as they would not meet any of the exceptions list set out in the NPPF (at paragraph 145). As very special circumstances have not demonstrated which would outweigh the harm to the Green Belt, it is considered that the proposals would be contrary to the NPPF and Policy NE6 of the adopted CSDP and as such it is recommended that Members refuse the application for the reasons set out below.

**RECOMMENDATION:** Refuse

## **Reasons: Impacts on the Openness of the Green Belt**

1. The proposal represents an inappropriate form of development within the Green Belt and in the absence of very special circumstances that would outweigh harm, would by its inappropriateness have a detrimental impact on the openness, character and appearance of the countryside. As such the proposed development is contrary to the advice provided in Chapter 13 of the National Planning Policy Framework (NPPF) and policies NE6 and BH1 of the Core Strategy and Development Plan.

**Proposal:**                   **Demolition of primary school and erection of new school with multi games area including improved site access, associated carparking and landscaping.**

**Location:**                   Headteacher Hetton Primary School Moorsley Road Hetton-le-Hole  
Houghton-Le-Spring

**Ward:**                               Hetton

**Applicant:**                   Sunderland City Council People Directorate

**Date Valid:**                   4 February 2021

**Target Date:**                 6 May 2021

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## **PROPOSAL:**

Full planning permission is sought for the demolition of the existing primary school and the erection of new school with multi games area including improved site access, associated carparking and landscaping on land at Moorsley Road, Hetton-le-Hole, Houghton-le-Spring. The host site comprises a 1.8ha parcel of land which houses the existing Hetton Primary school. The topography of the site consists of two plateaus with the existing school building sitting towards the south eastern end at a lower level. A raised embankment is located on the southern edge of the site.

The site is located on the western edge of the residential area of Hetton-le-Hole and to the north of Low Moorsley. Hetton District Centre is situated approximately 500m to the west and Moorsley Road directly borders the south of the site, providing public transport connections to Durham and Seaham. To the north of the site lies Hetton School with residential areas and open countryside beyond, to the east and south is residential areas of Hetton-le-Hole and Low Moorsley and to the west is open countryside.

The supporting documentation provides a backdrop and rationale for the proposed demolition and rebuild of the school citing that Hetton Primary School is currently a one form entry school with capacity for up to 150 children aged between 4 and 11. The submission qualifies that there is currently no nursery provision at the school and that whilst this older school has been well maintained over the years, it is lacking in the specialist teaching provision which newer primary schools can offer. The current lack of nursery provision at the school is preventing the transition from early years to primary education within the same setting.

With regard to the above, the submission sets out that it is anticipated that over the next 5 years demand for education facilities within Hetton le Hole will increase due to new housing developments coming forward within the area. As such provision needs to be increased to accommodate the additional population in the local vicinity. Hetton primary School has been identified as the school to offer capacity over the coming years and the new school is designed to enable it to become a one and a half form entry incorporating early years provision and enabling the school to offer education for 2-year olds to 11-year olds.

Consequently, the new school building is to be developed with a range of facilities including; specialist teaching rooms, rooms for teaching smaller groups and appropriate staff facilities to broaden the existing curriculum. A new nursery is incorporated into the scheme to enable the school to offer early years education.

The proposed site layout has been developed to maximise the sites potential as an educational resource whilst seeking to retain existing landscape features of value wherever possible. The proposed school building has been located in the north west corner of the site on the existing grass playing areas to enable the existing school to remain operational during the construction period.

The new primary school building would be able to accommodate capacity for up to 245 children, increasing the pupil numbers by almost 100 pupils, reflecting the increase in local demand for school places. The new nursery to be created at the school will provide 16 places for 2 year olds and 39 places for 3-4 year olds within the new building. Whilst the nursery is integral to the overall design of the school, it can operate independently with its own front door, secure outdoor and indoor play facilities, toilet and changing areas and more.

The application has been accompanied by a range of supporting information and technical surveys and reports, including the following:

- Planning Statement;
- Design and Access Statement (including a Sustainability Statement);
- Statement of Community Involvement;
- Transport Statement;
- Preliminary Ecological Appraisal and Bat Survey;
- Arboricultural Impact Assessment;
- Preliminary Site Investigation (Phase 1) report;
- Geoenvironmental Appraisal (Phase 2) report;
- Flood Risk Assessment and Drainage Strategy;

Members should note that the application has been submitted by the City Council's Capital Projects team and that the application site is owned by the Council.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Land Contamination  
Network Management  
Hetton - Ward Councillor Consultation  
Northumbria Police  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Environmental Health  
Sport England  
Northumbrian Water  
Flood And Coastal Group Engineer  
Land Contamination  
Nexus  
Hetton Town Council



Final Date for Receipt of Representations: **09.03.2201**

## **REPRESENTATIONS:**

Public consultation - the application has been publicised via letters sent to nearby residential properties, the posting of site notices in the area and the publishing of a press notice in the Sunderland Echo newspaper.

As a result of the publicity carried out, a total of 2 representations have been received.

- One of the objections has been received by an occupier of Lyons Terrace whilst the other takes the form of a series of concerns raised by Hetton Town Council. It is noted that the objections expressed within the individual objection have been effectively bullet pointed by Hetton Town Council. The concerns set out in both representations are;
- There is no requirement for a 55-place provision nursery in the area;
- Highway and pedestrian safety on Moorsely Road will be severely compromised;
- Health and safety of nursery and primary children and staff on site being compromised due to movement between demountable and reconfigured classrooms over a number of years whilst an asbestos ridden building is being demolished and a new building constructed;
- Being non-Covid compliant;
- Unsuitable toilet provision years 3-7.

The Statement of Community Involvement - The (SCI) submitted with the application advises due to the seriousness of the current pandemic and the resulting Government restrictions, it was agreed that a Public Consultation, which would normally convene at the school or local community venue, could not be held.

In light of the above the agreed best way for the consultation process was via Sunderland City Council's Consultation Portal, which is part of the Council's website. When accessing the portal there was a concise description of the proposals; a full list of the supporting documents consisting of the presentation boards that had been produced and a comprehensive document detailing the proposal and a link to start the survey.

An article in the local press described the proposed development and informed of the link to the survey. Additionally, there has been a local letter drop to residents describing the proposals, including visuals, informing of the link to the portal. Local Councillors were also consulted about the project and the proposed location.

The survey asked questions about the principle of increasing the capacity of Hetton Primary, the proposal to lower the age range of at Hetton Primary and questions regarding the design and layout of the new school.

SCI advises that 60 surveys were completed, with 49.33% in favour of increasing capacity and 30.67% against. (20% gave no response). With regard to lowering the age range a total of 73 responses were received with 53.33% in favour and 44% against. (2.67% gave no response).

Hetton Town Council - As set out above

Northumbrian Water - As the proposal represents a replacement facility no observations are offered.

Tyne and Wear Fire and Rescue Service - no objections to the proposed development.

Northumbria Police (Designing out crime Officer) - Overall no significant issues were raised although it was noted that the proposal exhibits certain doors that are either partially concealed, and don't benefit from natural surveillance or rely solely on CCTV, which may be a deterrent to crime but doesn't stop determined attack. It is not clear from the planning statement what considerations have been given to windows and door sets. Further to minor revisions made to plans no objection or further observations were offered by the Designing out crime Officer.

Nexus - The proposal relates to a replacement facility on an existing site which is well served by local buses. No objections offered

Sport England - This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

of equivalent or better quality, and  
of equivalent or greater quantity, and  
in a suitable location, and  
subject to equivalent or better accessibility and management arrangements.'

Sport England have assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

Aerial photos taken across a number of years show the quantity and quality of playing field at the application site has varied. The playing field's boundary was primarily formed by the built footprint of Hetton Primary and Hetton Secondary School. The latter was demolished and rebuilt further to the north, and the application site's playing field boundary has subsequently been defined by a perimeter fence. The existing playing field has an area of just under 1.2Ha but is of an irregular shape and topography and includes areas of trees and shrubs. As such it has limited options for the setting out of playing pitches. The proposed playing field is marginally smaller in area but is more regularly shaped and thus capable of accommodating football pitch sized for 11 year olds. The plans also show that a multi-use games area will be provided. As such there are considered to be qualitative gains, and for a proposal of this scale that is sufficient for playing field policy exception 4 to be met.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy. The absence of an objection is subject to conditions being attached to the decision notice should the local planning authority be minded to approve the application.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - considers that the application can be approved, subject to a verification condition to ensure the sustainable drainage scheme is constructed as approved.

Council's Environmental Health team - considers that the development is acceptable in principle, subject to conditions relating to the submission of a Construction Environmental Management Plan, a scheme for ventilation extraction and odour with regard to the new kitchen facility and details of the new lighting scheme to ensure there is no overspill to nearby residential properties and adjacent roads.

Ground contamination - It is considered that land contamination does not represent an impediment to granting planning permission for the development of the site; however, it has been requested that if the application is approved, conditions be imposed requiring the submission of updates to the Phase 1 and 2 studies, a suitable remediation strategy for the site and verification statement.

Council's Ecology team - Initially sought further clarification over updated bat surveys to cover the demolition of the caretakers house and confirmation from the developer that the development will result in a sustainable net gain in biodiversity with and confirmation provided as to the means of achieving this through for example an adopted ecological mitigation and enhancement plan.

In response to updated information received, no objections have been offered to the proposal, subject to conditions requiring:

- The Preliminary Ecological Appraisal and Bat Survey Update Report Hetton Primary School June 2020 by Durham Wildlife Services provides an appropriate assessment of the site and recommendations for ecological mitigation and enhancement measures. The recommendations should be adopted and delivered in full, with potential disturbance factors such as lighting considered in the siting and design of habitat features, including nest and roost boxes.
- That the Ecological Mitigation and Enhancement Plan (EMEP) should be adopted and integrated into the design, construction and maintenance of the development and site with the applicant confirming the mechanism to ensure this and the sustained viability of the ecological features in perpetuity.
- Council's Highways team - Noted the submission of a Transport Statement (TS) with the application and offered the following comments;
- It is confirmed that the proposal is to be built on the existing Hetton primary school site, with a larger associated car park and multi games areas. A new and improved site access would be provided.
- The site will be accessed through the existing access to the primary school; however, this will be widened to allow for the flowing movement of traffic with suitable passing places for cars when dropping off students outside of Hetton Primary School. As existing, there is an access road however no room for passing therefore cars are being parked on Moorsley Road. Therefore, this is considered acceptable.
- The proposed site layout is set out with a one-way system into the school, which would allow for the flowing movement of traffic without congesting the roads. The proposed car park provides 41 parking spaces as well as 7 drop off/ pick up bays and 4 disabled parking bays. It is understood that these bays may be utilised by private taxis and minibuses and daytime visitors where necessary. This is intended to ensure drop offs are managed within the curtilage of the school premises rather than Moorsley Road. Pedestrian routes have also been provided to allow the safe movement across and throughout the school. Taking into consideration the above, this is considered acceptable.

- Considering the proposed school is to replace an existing school on the site, with a larger number of pupils and staff (156 - 265 pupils and 23-35 staff) which is considerably low compared to other schools, the traffic demands are relocated rather than increased. The traffic will also be considerably less as the school are proposing a larger car park for the school, as well as drop off-pickup bays and are providing a one-way system to allow for the safe movement of traffic across and throughout the school. As a result of this, the likely traffic impact of the proposed development is not significant and is acceptable.
- The submitted TS states that for planning purposes a Travel Plan Framework will be provided which will outline commuting arrangements prior to the site being occupied. This has since been provided and is considered to be acceptable.

## COMMENTS:

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

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

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

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland). Some UDP and UDP Alteration No. 2 policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP, UDP Alteration No. 2 and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

The CSDP policies are relevance to the consideration of this proposal are SP1, HS1, HS2, HS3, BH1, BH2, VC5, NE2, NE3, NE9, WWE2, WWE3, WWE4, WWE5, ST1, ST2 and ST3.

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

1. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity and design considerations;
4. The impact of the development on highway and pedestrian safety;
5. The impact of the development in respect of ecology, biodiversity and trees;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions and land contamination;

#### 1. Land use considerations

The school is considered a 'community facility' in planning terms. Consequently, CSDP Policy VC5: Protection and Delivery of Community Facilities and Local Services is relevant. It sets out community facilities will be protected and enhanced by (inter alia) supporting development of new and extended community facilities. Development for new community facilities should be located in accessible neighbourhood and centre locations. Although the site is not located in a central

location, the site is occupied by an established school and therefore its location is considered to be acceptable.

It is acknowledged that the siting of the new school building would be within an area of allocated school field whilst some of the new school building and proposed car park would be located on land currently classified in the Greenspace Audit (2020) as School Playing Fields and Grounds.

In this regard, saved UDP Policy L7 states that land allocated for open space will be retained in its existing use, with alternative uses only acceptable if certain circumstances apply. To this end, policy NE4 of the CSDP makes it clear that the Council will refuse development on greenspaces (including school playing fields) which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that:

- i. The application demonstrates that the provision is clearly surplus to requirements;
- ii. An acceptable replacement facility is provided;
- iii. Where replacement by the developer is not practicable, securing a financial contribution to enable the Council to deliver new greenspace or sports provision or improvements to existing provision at an appropriate off-site location.

Policy NE4's requirements essentially mirror those of paragraph 97 of the NPPF, which also seeks to protect existing open space and playing fields from development unless circumstances similar to those set out by policy NE4 are applicable.

As has been referenced within the representations section of this report, as the development would impact on an existing playing field, consultation has been carried out with Sport England. In response Sport England have set out that the proposal, when assessed against criteria 4 of their playing fields policy, would be acceptable. In reaching this conclusion, the comments note that whilst the proposed playing field is marginally smaller in area than the existing, it is more regularly shaped and thus capable of accommodating football pitch sized for 11-year olds. Sport England's comments also note that the plans show that a new multi-use games area will be provided. On this basis, the comments advise that there would be qualitative gains, and that for a proposal of this scale, this is sufficient for playing field policy exception 4 to be met.

With regard to the above it is considered that the proposal would introduce an improved community facility which would have no undue adverse impact upon greenspace whilst providing a qualitative benefit in terms of the replacement playing field and the new multi user games area on an established school site.

It is noted that observations offered individually within a single representation and more broadly as part of Hetton Town Council's response, have questioned the requirement for a 55-place provision nursery in the area. This view has been posed directly to the Council's 'Retained Education Function Lead Officer' for comment who has advised as below;

'The current school offers 20 places per year groups but is currently operating in excess of that number in 5 from 7-year groups. The existing school roll is also subject to year on year increases and has been for at least the previous three academic years. (statistical table running alongside these comments has been uploaded to the file).

The table demonstrates that the 2019/20 reception class had increased in size by 20% by October 2020. The 2016 reception class increased in size by 23% between 2018 and 2020. This demonstrates a clear increase in demand for places at the school and as new homes in the area continue to be released this demand will increase further.

The Nursery provision is proportionate to the 1938m<sup>2</sup> footprint of the building. As required under School Organisation regulations the Council has consulted on the development of a nursery class at the new school with 55% of respondents in favour of the proposal. Those in favour noted the ability to reduce the current requirement on parents to perform multiple drop offs for children of different age ranges. Currently parents with a nursery aged child AND a primary aged child are not able to access provision for both children at Hetton Primary School. The nearest nursery settings to Hetton Primary School are 0.6 and 0.7 miles away respectively. Therefore, any parent living within the vicinity of the school is expected to travel to multiple settings, increasing journey distances by at least 1.4 miles if including school to nursery travel as a round trip. This is required twice a day (for both pick up and drop off). In addition to this acting as deterrent to parents accessing school provision through low carbon means (such as walking and cycling) the development of a nursery provision also ensures that parents who wish their children to transition through one single primary setting have the opportunity to do so.

The school is also the nearest education setting to the new development at North Road Hetton (with 300 new homes approved as part of that development). The proximity to that development provides residents who will move to those new homes with access to nursery, primary and (given the primary school is adjacent to Hetton Secondary School) secondary provision at a single site within 0.5 miles of that site. That site is estimated to require over 100 new primary, secondary and nursery places over its build out. For illustration if those parents were required to make multiple drop offs it would result in a 2.5 mile round trip to access both primary AND nursery settings as opposed to a 1.4 mile round trip to the single provision at Hetton Primary School.

Finally, as noted by the Headteacher of Hetton Primary School in the recent School Organisation Committee of Cabinet, the school has increasingly received a number of children in its reception classes in recent years who are underprepared for life within a primary school setting. This proposal, through the incorporation of a modern, bespoke nursery class at the school, seeks to remedy that and will in doing so contribute to higher standards and levels of attainment for pupils at the school. This was recognised by the Council's School Organisation of Cabinet which approved the proposal to lower the age of admission at the school from 4 years of age to 2 years of age in February 2021.

The Council, as noted at the recent School Organisation Committee of Cabinet, does not see this provision as an alternative to any existing provision but as a complementary local provision that will contribute to driving up educational standards, as well as the access to safe and healthy buildings for children in the Hetton Ward. Any decisions that may be made on any other provisions in the area are entirely independent of this proposal'.

In summary, the existing Hetton Primary School is considered to be no longer fit for purpose and requires redevelopment, this proposal seeks to improve the educational facilities through providing an efficient and effective modern education facility designed to enable it to become a one and a half form entry incorporating early years provision and enabling the school to offer education for 2-year olds to 11-year olds. This aspiration accords with the principles of CSDP Policy VC5 and paragraph 94 of the NPPF and great weight should be given to the community benefits of delivering a new educational establishment at the site. Although existing playing field and some open space would be lost, the proposal would compensate for this through the provision of qualitative gains in playing field provision.

Notwithstanding this conclusion, in order to determine the acceptability of the proposed development, consideration must be given to all other relevant material considerations; this exercise is undertaken below.

## 2. Residential amenity considerations

Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Meanwhile, policy BH1 of the Council's Core Strategy and Development Plan seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

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

In terms of assessing impact on the amenity of existing residential properties, it is evident that the development would have no demonstrable effect. Indeed, the largely single storey structure will be repositioned towards the north west of the site thereby pushing the massing further way from the nearest residential properties on Moorsley Road. The new build would therefore be sufficiently remote from residential occupiers to ensure that they would not experience any unacceptable loss of outlook, privacy or overshadowing.

A new outdoor multiuser pitch would be installed on the site of the existing build. This facility is noted to be offset from the Moorsley Road perimeter of the site with the pitch to be set below ground level at Moorsley Road which would also serve to minimise noise impacts further.

It is noted that linked representations have passed comment on the health and safety of the nursery/primary children and staff being compromised due to movement between demountable and reconfigured classrooms over a number of years whilst an 'asbestos ridden' building is being demolished and the new building is being constructed.

Based on discussions with the Council's Projects Team it is understood that the nursery children will not be housed in the demountable classrooms, as these will be used for KS2 children only. Further, it has been qualified that the demountable classrooms will only be used from September 2021 to July 2022 while the new school is being built.

It is understood that the existing Hetton Primary School building does have Asbestos containing materials as part of the structure, which for that design model of school was acceptable at the time of construction. Asbestos containing materials are safe as long they are left intact and are not disturbed during any alteration of maintenance works. When the materials have to be exposed, e.g. for a repair, securing an item in situ, or demolition; there is a methodology that must be followed by both non-licensed and licensed contractors, depending on the scope of the works. Working safely with asbestos is covered by the 'Control of Asbestos Regulations 2021' which is a legislation compliance requirement of all developers and Contractors.

In addressing the point raised over the toilet designs, these have been reconfigured to designated girls' toilets and designated boys' toilets so there will be no shared facilities. More broadly, school designs are influenced by the 'Education Funding Agency' Building bulletins, which are essentially guidelines promoting safeguarding and suitability within the educational environment.



In order to mitigate impacts arising during the construction phase, a condition requiring the submission of a Construction Environmental Management Plan will need to be imposed on any approval granted.

Planning conditions relating to a scheme for ventilation/extraction and odour with regard to the new kitchen facility and in respect of details for the new lighting scheme to ensure there is no overspill to nearby residential properties and adjacent roads, will also be required.

Given the above and subject to the conditions set out, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, whilst the school will also provide future pupils with a high-quality learning environment, in accordance with the requirements of policy BH1 and HS1 of the CSDP and paragraph 127 of the NPPF.

### 3. Design and visual amenity implications

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The footprint of the building has been positioned on the existing grassed playing areas of the site, as it is the most appropriate location to build whilst keeping the existing school operational during the construction period. The majority of the building containing nursery and KS1 teaching spaces will be single storey in nature with only the KS2 teaching spaces contained within the two-storey building element. The main hall/dining room, whilst single storey, will provide additional ceiling height to cater for indoor sport use. From a scale and massing perspective the building would be in keeping with the surrounding built form which is predominately no higher than two storeys.

With regard to materials, the roofs are either flat with a single ply membrane finish, coloured grey, which is hidden behind a parapet wall or metal standing seam, natural finish; a buff multi stock brick and beige mortar; a mix of brick and through coloured render to the school hall and two storey teaching wing, powder coated aluminium windows colour to be dark grey; Blue vertical cladding to the main entrance, nursery entrance and the double height transitional space serving the two-storey wing. Dark grey fascia and soffits to match the windows and black rainwater goods.

The proposed design has a 'public' face to Eastern facade which will overlook the car park/drop off, sustainable drainage, wetland areas and new sports pitch. This will project the varied scaling across the elevation with the use of blue cladding identifying the main entrance to the school and the bookend transition from KS1 to KS2. The main/visitor's entrance to the school, facing Moorsely Road, has been designed to express the different spaces and key areas throughout the school, with the schools corporate blue utilised in the cladding sections and brick and render mixed to break up the larger wall sections.

The main classroom teaching spaces are orientated to the rear of the site with direct access to the external yard and playing areas provided from all of the ground floor teaching spaces. Full

specifications of all proposed features are contained within the accompanying Design and Access Statement but it is worth noting, with regard to the comments offered within the representations section of this report, that the Design and Access Statement does qualify that the school has been designed to offer maximum flexibility in teaching space and in doing so makes specific reference to the current Covid-19 pandemic in respect of ability to teach smaller year groups, segregate year groups and more easily control movement around the school.

The design for the school grounds has been influenced by a comprehensive consultation programme with the School and the Local Authority's Education, Planning, Ecology, Highways and Health and Safety Departments. The proposed site layout has been developed to maximise the sites potential as an educational resource whilst seeking to retain existing landscape features of value wherever possible.

To the north and east of the new car park a series of wetlands and ponds are proposed. The wetlands are part of the drainage strategy for the site but will also serve to maximise ecological diversity with their shallow banks and native wetland planting. To the south of the car park a new junior football pitch is proposed which has been designed to Sport England standards. Early years and KS1 playgrounds are proposed which offer a range of features including hard surfaced areas, equipped play areas, an allotment garden and greenhouse and raised planters. The KS2 playground would exhibit a larger hard surfaced games court and both playgrounds will be connected to a forest class room to the rear of the site.

In terms of sustainability, paragraph 150 of the NPPF states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design. Allied to this, policy BH2 of the CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The 'Sustainability' section of the submitted Design and Access Statement sets out that the following measures have been incorporated into the design of the new school to maximise its sustainability:

- Maximisation of insulation within the external envelope by increasing thermal mass and aiming for a very high air tightness rating to reduce heat loss;
- Designing the building so that additional renewable technologies/measures can easily be incorporated in the future;
- Minimising emissions from pollutants by fitting boilers with low nitrogen oxide-emitting burners, using efficient lighting, using CFC- and HCFC-free materials and avoiding the use of polluting paints, solvents, particle boards and aerosols;
- Using recycled materials and incorporating good water economy and energy management systems;
- Sustainable treatment of surface water through redistribution into a number of basins that form the wetlands area along the Northern and Easterly boundaries.

It is considered that the Design and Access Statement submitted with the application demonstrates that the development has been informed by a sustainable approach to construction practices, building design and the use of materials and internal fixtures and fittings.

Given the above, it is considered that the design of the new school and its grounds is acceptable and that the development will have a positive effect on the visual amenity of the locality and that

the school has been developed in accordance with sound sustainability principles. The proposals therefore accord with the requirements of the NPPF and the Council's adopted CSDP in respect of these matters.

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

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

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

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

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

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

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

As is set out in the submission, the existing school does not currently have any provision for parent or visitor car parking within the site and this is understood to cause associated parking issues and congestion during the peak drop off and pick up periods of the day. In total, the existing site provides around 10 spaces.

The proposed scheme would see provision for 41 regular spaces and 4 accessible spaces for staff and visitors in line with Council standards. 4 of the bays will be available to electric vehicles to assist in promoting sustainable means of travel. Alongside the above, a further 7no bays will be provided as part of a drop off zone to utilised by private drop off's, nursery parents and services and deliveries.

Cycle-friendly facilities will be incorporated as part of the development including shelters to store bikes safely to encourage the use of sustainable commuting. A travel plan has been included as part of the submission and this will be conditioned accordingly.

With regard to accessibility Access within the school grounds has been designed to be step free, provide Equality Act compliant routes to all the main facilities, and meet the requirements of the Building Regulations and BS8300. Accessible toilet facilities are provided throughout the school. All rooms, circulation and accesses are appropriate for wheelchair usage.

Whilst highway and pedestrian safety have been raised as concerns within the two representations received, it should be noted, as set out within the 'Representations' section of this report, that the Council's Highways team have offered no objections to the proposal, noting appropriate access, egress and internal circulation arrangements, acceptable parking/drop off provision.

In noting that student numbers are increasing, the highway engineers consider that the proposed increase in onsite parking provision, coupled with the proposed onsite drop off/pick up area and the improved access arrangements, will satisfactorily mitigate the impact of increased vehicular trips to the site.

On the basis of the above, it is considered that the implications of the proposed development in respect of access, parking, highway and pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

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

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site. Policy NE3, meanwhile, supports the retention and protection of valuable trees within development proposals and NE9 states that proposals should incorporate high quality landscape design, implementation and management.

It has been qualified that the development proposals will require the removal of 7no trees and 1no mixed group, these are laid out within the accompanying tree report as comprising T1 and T2 (Cherry Trees), T3, T4 and T5 (Poplars), T22 (Cypress), T23 (Cherry) and G1 (A mixed group of various specimens). Three of the specimens are classified as category 'C' trees (Trees of low quality) whilst the remaining specimens are classified as category 'B' trees (Trees of moderate quality).

Trees T1, T2 and T23 will need to be removed as they lie within the footprint of the playing field, whilst T3 to T5 are also required to be removed due to the impact of the construction works and their proximity to the playing field. T22 would conflict with the position of the new parent drop off

bays, whilst G1 would conflict with the position of the new school's footprint. All other trees are to be retained and a plan for their means of protection during the construction phase has been submitted which will be conditioned as part of any approval given.

The loss of the street fronting trees T3, T4 and T5 are regrettable as they currently serve to provide a good level of amenity to the street scene although it should be noted that the submitted landscaping scheme illustrates that the removed trees will be replaced by three new trees (Hornbeams/Carpinus Betulus) which are considered suitable in respect of the constraints of the site whilst offering appropriate visual mitigation when mature. The comprehensive landscaping scheme also illustrates that a significant level of new tree and hedge planting will take place with notable new hedge coverage to be provided along all boundaries to present a softer edge and prominent new tree planting sited to the southern boundary adjacent to the Multi User Games Area/KS2 play area and within the newly created Forest School to the west of the site. Further areas of individual tree, wildflower and ornamental planting will take place across the wider site.

Towards the north and east of the site a series of shallow wetlands are also proposed. The wetlands are part of the drainage strategy for the site, providing water attenuation and helping to slow run off rates. They have been designed to maximise their ecological benefits with shallow banks and native wetland planting proposed.

As set out in the 'Representations' section of this report, the Council's Ecology team have no objections to the development, subject to conditions requiring:

- o The adoption and delivery of the recommendations, ecological mitigations and enhancements as set out in the Preliminary Ecological Appraisal and Bat Survey Update.
- o That the Ecological Mitigation and Enhancement Plan (EMEP) should be adopted and integrated into the design, construction and maintenance of the development and site with the applicant confirming the mechanism to ensure this and the sustained viability of the ecological features in perpetuity.

Overall, whilst a number of trees are to be lost as a result of the development proposals, the submission sets out that the level of new planting will acceptably mitigate any negative impact that would otherwise be caused, whilst ecological enhancements will result in biodiversity net gain and increase the sites wildlife value post development.

Provided conditions relating to ecology and tree protection are imposed, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and retained trees at the site and that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policies NE2, NE3 and NE9 of the CSDP.

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

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of

flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site.

The development includes the construction of a new surface water drainage system and the strategy proposes appropriate and sustainable attenuation measures on site with the use of 3No. basins and soft landscaping within the site, which will bring multiple benefits in terms of wetland habitat creation, educational interest and an attractive landscaped setting for the school, as well as satisfactorily addressing the practicalities of minimising flood risk.

There are no objections to the development from the Lead Local Flood Authority subject to condition that ensures that the submitted drainage strategy is implemented as planned and is effective is imposed. Northumbrian Water have also requested that details of the disposal of surface and foul water be provided by way of condition.

Subject to such conditions, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## 7. Implications of development in respect of land contamination

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 of the NPPF then states that planning decisions must ensure that development sites are suitable for

the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Contaminated Land Risk Assessment which have been reviewed by the Council's Environmental Health team. There are no objections to the proposals and whilst it is recognised that risks to human health from the site soils are low, the movement and potential import of materials to facilitate the development requires monitoring and control to confirm the materials re-used / imported are suitable for use, particularly in light of the sensitive end-users. For this reason, a condition relating to a Remediation Statement is required along with a condition to deal with unforeseen contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

## Conclusion

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed educational establishment will utilise a former school site and will result in a scheme which will deliver a good standard of development which will have an acceptable impact on the amenity of the locality.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team and subject to the recommended condition, it is considered that the proposals are acceptable relative to highway and pedestrian safety. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage, trees and ground conditions/land contamination and archaeology.

The proposals are consequently considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 94 of the NPPF, great weight should be given to the overriding positive benefits of delivering a new educational establishment at this sustainable location.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP. It is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

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

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
  
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - The location plan received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0105 Rev P01.01);
  - The existing site layout received 26.01.2021 (Plan ref: 0518022/Arch/110 Rev P1);
  - The proposed site layout received 26.01.2021 (Plan ref: 0518022/Arch/112 Rev P1);
  - The proposed ground floor plan as amended received 07.04.2021 (Plan ref: 0518022/Arch/200 Rev P2);
  - The proposed first floor plan as amended received 07.04.2021 (Plan ref: 0518022/Arch/201 Rev P2);
  - The proposed roof plan as amended received 07.04.2021 (Plan ref: 0518022/Arch/202 Rev P2);
  - The proposed elevations as amended received 07.04.2021 (Plan ref: 0518022/Arch/301 Rev P1);
  - The proposed boundary treatment plan received 26.02.2021 (Plan ref: LS000154\_002 Rev A);
  - The landscaping master plan received 13.04.2021 (Plan ref:LS000154\_001 Rev G);
  - The landscaping and planting plan sheets 1 and 2 received 20.05.2021 (Plan ref's LS000154/003 and 004);
  - Basin sections and standard details plan received 08.04.2021 (Plan ref: NF081\_001\_002 Rev 0);
  - The site phasing plan received 26.01.2021 (Plan ref: 0518022/Arch/111 Rev P1);
  - The proposed general arrangement plan received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0100 Rev P01.01);
  - The typical cross section plan received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0101 Rev P01.01);
  - The construction details drawing received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0102 Rev P01.01);
  - The plan and longsection drawing received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0103 Rev P01.01);
  - The vehicle tracking plan received 26.01.2021 (Plan ref: HPS-SCC-HGN-00-DR-CH-0103 Rev P01.01);

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



- 3 The external materials to be used in the development hereby approved shall be those specified by the submitted plans and supporting documents (including the materials listed in respect of Q7 of the submitted planning application form and the specification set out in email dated 17 May 2021), unless the Local Planning Authority first agreed any variation in writing.

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

- 4 The new school building shall not be occupied until details of the odour control and extraction system to be installed in the proposed school kitchen have been submitted to and approved in writing by the Local Planning Authority. The system shall then be installed in accordance with the approved details and maintained as such thereafter.

In the interests of ensuring the amenity of the locality is not adversely affected by odour and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

- 5 The new school building shall not be occupied until details of a suitable lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details and maintained as such thereafter.

In the interests of ensuring the amenity of the locality is not adversely affected by overspill from the lighting and to comply with the objectives of the NPPF and Policy HS1 of the Core Strategy Development Plan.

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

1. provision and location of facilities for the parking of vehicles of site operatives and visitors;
  2. provision and location of facilities for the loading, unloading and storage of plant and materials;
  3. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
  4. full details of any lighting required during the construction phase;
5. a method statement for the demolition and scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: In order to protect the amenity of the area during the construction phase and to accord with policies BH1, HS1 and ST3 of the Core Strategy Development Plan.

- 7 The landscaping scheme shall be carried out in full accordance with the soft landscaping specification and species mix, with reference to Sheets 1 and 2 (Plan ref's LS000154/003 and 004) and shall be completed no later than the end of the first planting season following the first occupation of the development. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with policies NE2 and NE9 of the adopted Core Strategy Development Plan.

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

Reason: in the interests of visual amenity and to comply with Policy NE3 of the Core Strategy Development Plan.

- 9 Prior to the commencement of development, the tree protection measures set out in the submitted Arboricultural Impact Assessment (Dendra, November 2020) shall be put in place at the locations recommended in the Tree Protection Plan (appendix 1a of the Assessment) and shall be maintained for the duration of all construction works, in order to ensure retained trees at the site are properly protected during construction works.

Reason: To comply with the objectives of the NPPF and Policy NE3 of the Core Strategy Development Plan.

- 10 The development hereby approved shall be carried out in accordance with the recommendations for Ecological Mitigation and Enhancement Measures and for biodiversity net gain as outlined in Section 5 of the Ecological Mitigation and Enhancement Plan 2020 report and Section 3 of the Biodiversity Metrics 2020 report prepared by DWS Ecology, with all recommended measures adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

- 11 Prior to commencement of development, details of a sustainable long-term maintenance and monitoring programme for ecological mitigation and enhancement measures, including details of ownership organisation should be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

- 12 Within 3 months of the complete demolition of the vacated former school building the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or no later than two years following the commencement of use of the new school building]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the objectives of the NPPF and Policy NE4 of the Core Strategy Development Plan

- 13 The playing field and pitch shall be constructed and laid out in accordance with drawing no 0518022/ARCH/112 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use within 2 years of the occupation of the new school building.

Reason: To ensure the quality of pitches is satisfactory and provided in a timely manner to accord with the objectives of the NPPF and Policy NE4 of the Core Strategy Development Plan.

- 14 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing pitch and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy NE4 of the Core Strategy Development Plan.

- 15 The measures identified within the School Travel Plan (2020/2021) received 31 March 2021, shall be implemented and updated in accordance with Section 6 (Action Planning Objectives and Targets and Section 7 (Monitoring) of the plan in consultation with the Council's Sustainable Travel Officer and in accordance with the timetables set out within.

Reason: To accord with the objectives of the NPPF and Policies ST2 and ST3 of the Core Strategy Development Plan.

- 16 Prior to the occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDs and in accordance with Core Strategy Development Plan Policy WWE3.

- 17 Development shall not commence until the Phase 1 and 2 reports have been updated to consider the potential for unexploded ordnance (UXO) risk or the potential for invasive species to be present and a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and policy HS3 of the Core Strategy Development Plan.

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**Reference No.:** 21/00259/MAV Minerals Waste VAR (County Matters)

**Proposal:** **Variation of conditions 3 (hours) and 4 (operating hours) relating to 19/01583/MAW - To allow site to operate on a weekend (7 days per week).**

**Location:** J & B Recycling 1 Monument Park Washington NE38 8QU

**Ward:** Washington East

**Applicant:** Mrs V Jackson-Smith

**Date Valid:** 4 February 2021

**Target Date:** 1 April 2021

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## **PROPOSAL:**

The proposal relates to the variation of conditions 3 (operating hours) and 4 (delivery hours) of planning approval 19/01583/MAV to allow site to operate on a weekend (i.e. 7 days per week) at J&B Recycling, 1 Monument Park, Washington, NE38 8QU.

The proposal affects an established waste handling facility situated within the industrial estate of Monument Park in Washington. The estate is located to the south-west of Pattinson Road, from which it is accessed, and it features a range of commercial and industrial uses, including manufacturing units, office buildings and waste transfer stations. The wider area to the north of Monument Park is predominantly used for commercial/industrial activity (the Pattinson North employment area), but to the west and south, such land uses have ended and new residential estates have been developed.

The application site itself is roughly rectangular in shape and covers approximately 5,800 sq. metres. It is bounded by the estate access road to the south-west, the public right of way of Barmston Lane to its north-west and the confines of a neighbouring industrial unit to the south-east. The grounds of the Washington Wildfowl and Wetlands Trust Centre border the site to the north-east; this also forms the boundary with the Tyne and Wear Green Belt (the Wetlands Trust site being within the Green Belt).

The facility comprises a concrete hardstanding, on which stands a large recycling building, 3 no. 'Portakabin' offices, a pit-mounted weighbridge, material storage bays and parking. The site is enclosed by a 5 metres-high fence.

The application site has been subject to several planning applications in recent years. The details of these can be summarised as follows:

App. ref. 10/03228/FUL - erection of a materials recycling facility for the processing of wood, plastics, cardboard, metal and rubble, an associated service yard, storage building, portacabin and weighbridge, parking and landscaping. This application was approved by the Council on 10th February 2011.

This planning permission was then subject to an application to vary condition 13 of the approval, to allow for temporary storage of inert materials in the yard area, rather than inside the recycling building (planning app. ref. 11/03262/VAR). This application was approved by the Council on 28th December 2011, after which the facility was operated by Elm Skip Hire Ltd.

App. ref. 12/02218/FUL - change of use of the site to a metal recycling facility, together with the erection of two portacabins, new boundary treatment to a height of 5 metres and other associated works. This application was approved by the Council on 4th December 2012 and the facility was operated by Van Dalen Metal Recycling and Trading Ltd, followed by Mettalis Recycling Ltd.

Planning permission ref. 12/02218/FUL has then been subject to three applications to vary conditions of the approval. The approval of app. ref. 13/02411/MAW on 8th October 2013 allowed for revisions to the approved site-layout, the provision of an additional welfare cabin and the relocation of the areas in which materials can be stored at the site. The approval of app. ref. 13/03158/MAW on 3rd January 2014 then allowed for revisions to the planting scheme to the south-west of the site.

Members may then recall approving app. ref. 19/01583/MAV, which sought permission to operate the site and take and despatch deliveries on bank holidays. This application was approved by the Council's Development Control (Houghton, Hetton and Washington) Area Committee on 4th February 2020.

Planning permission has also been granted for new floodlights and CCTV cameras at the site (app. ref. 13/01146/MAW), whilst amendments to the height of the boundary fence (app. ref. 13/01021/AM1) and the materials used in the push walls at the site (app. ref. 13/00202/AM1) has also been approved.

Planning permission was granted to change the use of the site to a materials recycling for Europa Waste Management Ltd. (app. ref. 15/01048/MAW). This allowed for a wider range of materials to be handled at the facility, such as metal, wood, paper, glass, plastic and rubble. This permission was, however, never implemented and it expired in October 2018.

The current authorised use of the site is therefore that permitted by the approval of planning application ref. 12/02218/FUL (as amended by the approved variations to the permission, i.e. app. refs. 13/02411/MAW, 13/03158/MAW and 19/01583/MAV).

Members should note at this point that although the description of the 2012 permission refers to 'metal recycling', this does not set an absolute limit on the type of material that can be recycled at the site. Planning case law (e.g. *I'm Your Man Ltd. v SoS* [1998]) is clear that such detail in an application description is merely a descriptive aid and that it will not prevent different activities being undertaken, provided that any new activity does not amount to a material change of use of the site. Any specific restrictions on the scope of a planning permission must instead be imposed by planning condition(s).

This principle was applied in an appeal case at North Tyneside in 2005, where a Planning Inspector determined that as the original planning permission for the development of a waste transfer station did not include any conditions serving to restrict the type of waste that could be recycled, the use of the site for the processing and recycling of any materials was permitted provided that the use continued to operate within the general industrial use class.

Given the above, it is considered that in the case of the facility at 1 Monument Park, materials other than metals can be handled at the site without amounting to a material change of use, provided that the primary use remains as a recycling facility.

The application has been operated by the applicant, J&B Recycling, since June 2019. J&B Recycling run a recycling facility in accordance with an amended Environment Agency permit, handling waste from Local Authority recycling schemes; the majority of this is from Sunderland

Council but some is from South Tyneside Council. The trucks deliver mixed loads of recycling and after passing over the weighbridge, vehicles deposit their loads at the waste reception bay within the main building. Material is then transferred onto a 'hopper' and conveyor system, which enables material to be sorted into component streams. Food waste and non-recyclable waste is not accepted at the site and if any is delivered to the facility, it is separated from other waste before being removed.

Condition 3 of the extant planning permission for the site (i.e. ref. 19/01583/MAV) states the following:

3. The premises shall not be operated for the purposes hereby approved outside the following hours:
  - Monday to Friday (except Bank Holidays) 07:00 to 18.00;
  - Saturday 07:00 to 13.00;
  - Bank Holidays 07:00 to 17:00
  - and at no time on Sundays.

In order to protect the amenities of the area in accordance with policies EN5, M12, M14, M18 and B2 of the UDP.

Condition 4, meanwhile, enforces the following restrictions:

4. No deliveries shall be taken at, or despatched from, the site outside the hours of:
  - Monday to Friday (except Bank Holidays) 07:00 to 18.00;
  - Saturday 07:00 to 13.00;
  - Bank Holidays 07:00 to 17:00
  - and at no time on Sundays.

In order to protect the amenities of the area in accordance with policies EN5, M12, M14, M18 and B2 of the UDP.

The current application seeks to vary conditions 3 and 4 to allow recycling operations and the taking and despatching of deliveries to take place throughout the weekend. Hours of operation and delivery on Saturdays and Sundays would be 07:00 to 17:00, the same as on Bank Holidays.

The Planning Statement submitted with the application advises that this amendment would enable J&B Recycling to accommodate the occasional Local Authority collections which take place on weekends, particularly 'catch-up collections' around holiday periods such as Easter and Christmas. It would also mean that weekend waiting times for sorting would be reduced, thus improving efficiency with regard to processing and storing materials on site. The processing and sorting of waste usually takes place within 72 hours of arrival, although delays can currently occur over weekends.

The Planning Statement also advises that extending the permitted working periods will more easily facilitate the social distancing measures required during the Covid-19 pandemic, as it will mean staff are able to work across a greater number of days.

As well as the aforementioned Planning Statement, the application has been accompanied by a Noise Impact Assessment.



## **TYPE OF PUBLICITY:**

Press Notice Advertised

Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
Environment Agency  
Network Management  
Washington East - Ward Councillor Consultation  
Environmental Health

Final Date for Receipt of Representations: **30.03.2021**

## **REPRESENTATIONS:**

Public consultation - no representations received.

Environment Agency - no objections to the proposals; it is requested that an informative note be added to any planning approval to provide advice on environmental permitting arrangements.

Council's Environmental Health team - no objections to the extended operating hours. The proposal has been considered on the basis that the weekend hours of operation would be the same as during the working week. The Environmental Health team screened the 2019 proposal for bank holiday working, and it is noted that the same noise assessment accompanies the current application. The assessment's conclusion that the rated noise level (using BS 4142:2014) at the nearest residential property within Lydcott (approximately 273 metres away) will fall substantially below background levels is considered to remain valid.

Additionally, the Council's Environmental Health team note that there have been no recent complaints from members of the public in relation to the operation of this facility.

Council's Highways team - no observations.

Council's Flood and Coastal team (Lead Local Flood Authority) - no objections given nature of proposal.

## **COMMENTS:**

### **CONSIDERATION OF APPLICATION**

In considering the proposed variation of conditions, regard must be given to the National Planning Policy Framework (NPPF), which provides the Government's current planning policy guidance. Development plans must be produced, and planning applications determined, with reference to the NPPF and its over-arching aim of delivering sustainable development.

The NPPF does not contain policies specific to waste management and so also relevant in this case is the National Planning Policy for Waste (NPPW), which highlights the pivotal role positive planning has in delivering the country's waste ambitions and delivering the Government's ambition (as set out in the Waste Management Plan for England) to work towards a more sustainable and

efficient approach to resource use and management. The policies of the NPPW are informed by the Waste Management Plan for England (2013), which analysed the waste management situation in the country and recorded progress made since the publication of the Waste Strategy for England in 2007. The 2013 Plan states that the Government wants to transform the current 'throwaway' society into a 'zero waste economy', in which material resources are re-used and recycled wherever possible and thrown away as a last resort.

In terms of local policy, the relevant policies are those of the Council's adopted Core Strategy and Development Plan (CSDP), which provides the Council's Development Plan for the period up to 2033. In this case, policies SP1, HS1, HS2, EG1, BH1, WWE6, WWE7, WWE8, WWE9, ST3 and NE6 of the CSDP are pertinent to the consideration of the application.

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

1. The principle of the proposed variation of conditions;
2. The impact of the proposals on the amenity of the locality;
3. Other considerations

#### 1. Principle of the proposal

Strategic policy SP1 outlines the development strategy of the CSDP, this being to support sustainable economic growth through the delivery and development of new homes, jobs, employment land, retail development and physical, social and environmental infrastructure.

The CSDP identifies the application site as an area to be used for employment purposes, with policy EG1 advising that Monument Park forms part of the Pattinson North Primary Employment Area (PEA). Policy EG1 seeks to safeguard PEAs for business, general industrial and storage and distribution uses; other uses will only be permitted if certain circumstances apply.

Also relevant given the site's proximity to the Green Belt is policy NE6 of the CSDP, which sets out that development proposals affecting the Green Belt will be determined in accordance with national policy requirements (currently section 13 of the NPPF, which sets out that new development in the Green Belt is inappropriate unless certain circumstances apply).

In this case, the proposals affect an established recycling facility and do not seek to introduce a new land use to the site. Additionally, the proposals do not seek to add any new built development to the site or expand the area in which operations take place. Rather, the application only seeks to amend the days of operation and delivery/despatch permitted by the extant planning permission for the facility.

In terms of waste planning policy, given that the proposals only seek permission to amend the authorised working times at an established waste handling facility, there is not considered to be any conflict with the strategic waste policies set out by the National Planning Policy for Waste and nor is there considered to be any conflict with policies WWE6 and WWE7 of the CSDP, which are primarily concerned with the strategic location of new waste recycling facilities in the City.

It is observed, however, that policy WWE8 of the CSDP states that the Council will safeguard all existing waste management sites within Sunderland from inappropriate development, in order to maintain existing levels of waste management capacity.

With regard to the above national and local policy framework, it is considered that the proposals do not give rise to any land use concerns and do not cause conflict with the CSDP policies which

seek to safeguard Monument Park and Pattinson North and protect the Green Belt. Additionally, as the proposals affect an established waste recycling site, they do not give rise to any issues relative to national and local waste management strategies, and do not conflict with the CSDP policy which seeks to safeguard existing waste management sites in the City.

Given the above, it is considered that the principle of the proposed variation of conditions is acceptable, subject to all other relevant material considerations being satisfactorily addressed.

## 2. Impact of the proposals on amenity

Policy HS1 of the CSDP requires development proposals to demonstrate that they will not result in unacceptable adverse impacts arising from sources of pollution, whilst policy HS2 states that development which will generate noise should be accompanied by a noise assessment to assist in quantifying the impact on the existing noise environment.

These CSDP policies essentially reinforce the advice of paragraph 180 of the NPPF.

Also relevant is policy BH1 of the CSDP, which requires new development to respect existing levels of amenity.

On a national level, paragraph 7 of the NPPW states that when determining waste planning applications, waste planning authorities should, amongst other objectives, consider the likely impact on the local environment and on amenity, taking into account the criteria set out in Appendix B of the NPPW. The Appendix includes criteria such as: air and dust emissions; odours; vermin and birds; noise; light and vibration; and litter.

With regard to the amenity of the locality, it is observed that the application site is located approximately 275 metres to the east of the nearest residential properties (dwellings on Lydcott in the Teal Farm estate). There are, however, other workplaces closer to the site, whilst the adjacent Wildfowl and Wetlands Centre is a popular outdoor visitor attraction.

The Planning Statement submitted with the application contends that allowing the operation of the facility on weekend days will enable a reduction in the amount of time any materials are stored at the site, thus improving the efficiency of processing operations on the site and reducing the likelihood of any odours being generated or, for example, pests being attracted to the facility.

In terms of noise, the impact assessment submitted with the application explains that background noise levels were measured at a location close to the entrance to Teal Farm estate. Also measured was noise generated by activity within the facility, including from HGV loading and unloading; although weekend working activity is likely to be lighter, the recording at the site took place on a weekday, so as to provide a 'worst case scenario' on which to base an assessment. The report of the assessment advises that the proposed weekend working will result in a rating noise level of 11dB below the statistically most-repeated background noise level at the most affected noise sensitive receptor. This enables the assessment to conclude that the proposal will have a 'negligible' impact on the amenity of the surrounding noise sensitive receptors, which would be classed as a 'No Observed Effect Level' when measured against the criteria in the Noise Policy Statement for England (NPSE).

As set out in the 'Representations' section of this report, the Council's Environmental Health team have raised no objections in respect of the proposals, being of the view that the submitted noise impact assessment provides robust evidence to demonstrate that the nearest noise sensitive receptors will not experience any material harm to their amenity as a result of the proposed Bank

Holiday operations. It is also noted that the Environmental Health team have received no recent complaints from the public in respect of the operation of the facility. Additionally, there are no objections to the proposals from the Environment Agency.

To summarise, it is considered that the proposed additional working on Saturdays and Sundays between the hours of 07:00 and 17:00 will not give rise to any substantive harm to the amenity of the area, in accordance with the relevant policy requirements of the NPPF, NPPW and CSDP as outlined above.

### 3. Other considerations

Policy ST3 of the CSDP seeks to ensure that development proposals do not give rise to issues in respect of highway safety. As set out in the 'Representations' section of this report, the Council's Highways team have no objections in respect of this matter, given that all access and parking arrangements remain as existing and as the proposed arrangements are not anticipated to materially increase the overall number of trips to and from the site.

Additionally, and in accordance with the objectives of policy NE2 of the CSDP, the proposals raise no concerns in relation to ecology and biodiversity.

## CONCLUSION

In determining the application, it should also be taken into account that the proposal will utilise an established recycling facility in an existing commercial/industrial area. Furthermore, the proposed variation of conditions would improve the efficiency of the processing of materials on the site to accommodate Local Authority collection dates and reduce the time that materials are stored at site without being processed. The extension of working times will also allow the site operator to more easily facilitate social distancing requirements during the Covid-19 pandemic.

For the reasons set out above, it is considered that the proposed weekend working arrangements are acceptable in principle, whilst it is considered that the proposed operations will not cause any material harm to the amenity of the locality. Additionally, the proposal raises no concerns in respect of highway safety or ecology.

It is therefore considered that the proposal is acceptable and that it accords with the policy requirements of the NPPF, NPPW and CSDP as outlined above. The application is accordingly recommended for approval, subject to conditions 3 and 4 being amended to reflect the approved change in days of operation and all other relevant conditions attached to the original planning permission.

**RECOMMENDATION:** Approve Subject to conditions listed below

### Conditions:

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

- Drawing No. 1267-01-01, received 06.11.2013, Statutory Plan
- Drawing No. 1267-01-02, received 26.07.2012, Existing Site Plan
- Drawing No. 1267-01-03, received 02.08.2013, Rev D. Proposed Site Plan
- Drawing No. 1267-01-04, received 26.07.2012, Existing and Proposed Recycling Building Elevations, Floor and roof plan
- Drawing No. 1267-01-05, received 26.07.2012, Existing and Proposed Finished Floor Level
- Drawing No. 1267-01-06, received 15.04.2013, Rev B. Fencing and Gating Plan
- Drawing No. 1267-01-07, received 15.04.2013, Rev B. Fencing and Gating Elevations
- Drawing No. 1267-01-08, received 18.10.2012, Rev A. Proposed Office/ Welfare Cabins - Elevations
- Drawing No. 1267-01-09, received 06.11.2013, Rev B. Landscape Proposals
- Drawing No. 1267-01-10, received 02.08.2013, Second office elevations
- Drawing No. 1267-01-11, received 02.08.2013, Central bay elevations
- Detail No. JKK7747-200, received 11.02.2013, Rev A. Section and plan of push walls

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

2 All car parking in connection with the development hereby approved shall be laid out in accordance with the approved plans (Drawing No. 1267-01-03, Rev D, received 02.08.2013) and kept clear and available for the purposes of car parking at all times unless otherwise first agreed in writing with the Local Planning Authority. In the interest of achieving a satisfactory form of development on site and to comply with the requirements of policy T22 of the adopted Unitary Development Plan.

3 The premises shall not be operated for the purposes hereby approved outside the following hours:

- Monday to Friday (except Bank Holidays) 07:00 to 18.00;
- Saturdays and Sundays 07:00 to 17.00;
- Bank Holidays 07:00 to 17:00
- and at no time on Sundays.

In order to protect the amenities of the area in accordance with policies BH1 and HS2 of the CSDP.

4 No deliveries shall be taken at, or despatched from, the site outside the hours of :

- Monday to Friday (except Bank Holidays) 07:00 to 18.00;
- Saturdays and Sundays 07:00 to 17:00;
- Bank Holidays 07:00 to 17:00
- and at no time on Sundays.

In order to protect the amenities of the area in accordance with policies BH1 and HS2 of the CSDP.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. 1267-01-09, Rev B, received 06.11.2013) shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policies CN16, CN18 and B2 of the UDP.
- 6 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 7 No End of Life Vehicles (ELVs) shall be stored outside the buildings except in areas defined on the approved plan (Drawing No. 1267-01-03, received 02.08.2013, Rev D) in the interests of visual amenity and to comply with policies B2 and CN5 of the UDP.
- 8 No material shall be burnt on site at anytime unless first agreed in writing with the Local Planning Authority in the interest of residential amenity and to comply with the requirements of policy B2 of the adopted UDP.
- 9 Material shall not be stacked or deposited to a height exceeding the boundary treatment as detailed on the fencing and gating plan (Drawing No. 1267-01-06, received 15.04.2013, Rev B) in the interests of visual amenity and to comply with policy EC12 of the UDP.
- 10 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 11 The noise mitigation measures indicated within the Noise Impact Assessment report, Sections 7.1 and 7.4, dated 19 April 2012, with the exception of the stated boundary heights which shall be implemented as detailed on the Fencing and Gating Plan (Drawing No. 1267-01-06, received 15.04.2013, Rev B) , shall be fully implemented in connection with the development hereby approved and retained as such thereafter for the lifetime of the development in the interest of residential amenity and to comply with the requirements of policies B2, EN1 and EN5 of the adopted UDP.

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**Reference No.:** 21/00953/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of steel artwork to the front of plots 2 and 3 granted under planning application 17/00865/LP3**

**Location:** Land West Of Former Washington Old School Albert Place Columbia Washington

**Ward:** Washington Central  
**Applicant:** Sunderland City Council  
**Date Valid:** 5 May 2021  
**Target Date:** 30 June 2021

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### **PROPOSAL:**

The application site comprises the front garden of a new build property fronting Albert Place in Washington. The property forms one of four bungalows which were originally granted planning consent in 2018 under planning ref: 17/00865/LP3.

The area surrounding the application site is in mixed use with commercial premises located to the north in Brady Square and Washington Church of Christ located opposite the site, to the west. To the west and south west of the site are residential dwellinghouses with further residential dwellinghouses located on Oak Street to the north west of the site.

The application proposes the erection of a new piece of artwork within the front garden of one of the bungalows. The artwork depicts a life size sculpture of a young pupil of the school (which lies opposite the development) from the 1900's holding an umbrella waiting for the school bell to ring with a replica of an original railway sign from the area. The proposal, which has been chosen in collaboration with the Local Ward Councillors, is intended to provide a high-quality piece of artwork to enhance the aesthetics of the new development.

As the land upon which the artwork would sit is owned by Sunderland City Council and the submission has been made by the City Council's Neighbourhood Directorate, the application is required to be determined by members of the Sunderland West Committee.

### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Washington Central - Ward Councillor Consultation

Network Management

Final Date for Receipt of Representations: **01.06.2021**

## **REPRESENTATIONS:**

Public representation -

The application has been advertised by way of neighbour consultation letters and the posting of a site notice. No representations have been received at the time of writing this report although it should be noted that the latest date for public consultation responses is the 1st June.

Consultees -

Network Management - No observations have been offered

## **COMMENTS:**

Planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the 'saved' Policies contained within the Unitary Development Plan (UDP) and the Policies contained within the adopted Core Strategy and Development Plan (CSDP).

The National Planning Policy Framework (NPPF) was revised in February 2019 and is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

With regard to local policy, the proposed development site is not allocated for a specific use by saved UDP policy EN10. This policy requires new development proposals to respect prevailing patterns of land use and to this end, it is considered that a development of this nature would sit comfortably within the context of the surroundings.

In terms of design and layout Core Strategy Development Plan (CSDP) Policy BH1 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the wider locality.

This broadly corresponds with paragraph 127 of the National Planning Policy Framework (NPPF) which advises that planning decisions should ensure that any development functions well and adds to the overall quality of the area, is visually attractive and sympathetic to local character and history of an area.

In respect of the above it is considered that the scale and massing of the statue would be proportionate to its locality, sitting comfortably within the plot without appearing overbearing or serving to impede pedestrian flows. Further the sentiment behind the installation would clearly serve to pay respect to the immediate heritage of the area.



As is noted within the consultation section of this report, at the time of writing the public consultation period has yet to expire. Although it is not anticipated that any objections will be received in the intervening period, should any be received they shall be reported at the committee.

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below and the expiry of the consultation period.

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

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - The artwork location plan received 21.04.2021 (Plan ref: 01)
  - The proposed site plan received 05.05.2021 (Plan ref: 02)
  - The elevation plan received 05.05.2021 (Plan ref: AP002)

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