

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

Reference No.: 19/01319/OUT Outline Application

Proposal: **Outline planning application for up to 250 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access points from North Road. (All matters reserved except for means of access.)**

Location: Land West Of South Lodge Farm North Road Hetton-le-Hole Houghton-le-Spring

Ward: Hetton

Applicant: Gladman Developments Ltd

Date Valid: 23 October 2019

Target Date: 22 January 2020

PROPOSAL:

Outline planning permission is sought for the erection of 250 no. residential dwellings on land west of South Lodge Farm, North Road, Hetton-le-Hole, Sunderland.

The Proposed Development Site.

The site lies on the edge of Hetton-le-Hole, immediately west of North Road. It currently comprises 12.72 hectares of pasture land.

The Proposed Development

Up to 250 new homes of varying sizes are proposed. These will be of varying sizes, types and tenures (including a proportion of affordable housing).

Two new vehicular access points from North Road to serve the northern and southern parts of the site are proposed.

New, publicly accessible, attractive landscaped open spaces within the site, including the provision of new recreational routes, a children's and young person's play area in the form of a Neighbourhood Equipped Area for Play (NEAP) and large areas of open spaces.

Access

It is proposed to access the site via two vehicular access points off North Road. The northernmost access will be in the form of a 4th arm to the existing roundabout, and the southernmost access point will be served via a priority junction with a right-turn lane.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Hetton - Ward Councillor Consultation
Hetton Town Council
Flood And Coastal Group Engineer
Environmental Health
Network Management
Northumbrian Water
Northern Electric
North Gas Networks
NE Ambulance Service NHS Trust
Fire Prevention Officer
Director Of Childrens Services
Tyne And Wear Archaeology Officer
Nexus
Environment Agency
Natural England
Northumbria Police
The Highways England

Final Date for Receipt of Representations: **16.02.2021**

REPRESENTATIONS:

Public consultation – 1 letter of objection received on the basis of overdevelopment of the local area and pressure on local services.

CONSULTATION RESPONSES**Tyne and Wear Archaeology Officer**

The site of the proposed development is a greenfield site c.12.72 hectares, that has not previously undergone intrusive archaeological investigation. The geophysical survey provided an insight into the agricultural land use within the red line boundary; however, this intensive agricultural activity may have masked earlier features. The site is located within an area that is well known for prehistoric funerary sites and settlements. It is therefore necessary that excavation by trial trenching is conducted in order to ascertain whether earlier archaeological remains survive within the site boundary. This is particularly important due to the number of prehistoric sites identified within the vicinity of the site and the limited amount of archaeological intervention that has taken place in this area.

As per paragraph 189 of the NPPF, for a planning application to be determined, the applicant will need to describe the significance of any heritage assets affected by the proposed scheme. In order to ascertain if any heritage assets of archaeological interest are present, preliminary fieldwork is required.

This application should not be determined until an archaeological evaluation has been undertaken and an evaluation report has been submitted.

If archaeological features are found in the preliminary trenches, further archaeological excavation may be required to enable the remains to be fully recorded.

Northumbrian Water

No objections to the development.

Natural England

As submitted the application could have potential significant effects on Hetton Bogs Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Details of how the above-named designated site will be protected from the increase of population to the site adjacent to the SSSI. This information needs to include an assessment of any likely significant impacts and, if appropriate, any proposed mitigation to counter these impacts.

Without this information, Natural England may need to object to the proposal.

Council's Ecology Team

The proposal is unacceptable having regard to the policies contained in the adopted Core Strategy and Development Plan

The proposal would be a major incursion into the open countryside, a strategic Wildlife Corridor and land allocated as Settlement Break and for the establishment of the Great North Forest.

If the principal of development of this nature in this location were acceptable, further consideration would need to be given to the impact on wildlife both directly and indirectly, and alone and in combination with other similar developments coming forward in the area. The proposal will have a direct and indirect negative impact on protected and priority species and habitats, designated (wildlife) sites and other habitats of nature conservation and landscape significance on site and in the area.

The impact of increased numbers of people and domestic animals on designated sites and species of conservation concern requires further assessment and measures to address likely negative impacts, in particular with regard to recreational use of the site and surrounding area.

Mitigation and compensation should address the habitats and species lost as a result of the proposed development, for example farmland birds, brown hare and common toad.

The riparian mammal survey appears to lack detail such as drawings/maps and photographs, and information on other species (mink, water shrew and rat).

Water Vole surveys in 2017, carried out on behalf of Sunderland City Council recorded the presence of water vole upstream of the site (south-west) on Moorsley Burn and Hetton Bogs (Rainton Burn and Hetton Burn), but no evidence of water vole on the section of waterway (Moorsley Burn) along the western boundary of the site. The proposal should include opportunities to improve riparian habitats for water vole, and other species and address potential impacts from increased public access and domestic animals.

The site and surrounding area are of parish/district importance for breeding birds, which should be mirrored in the mitigation, compensation and enhancement associated with the development and management of the site. Impacts on wintering birds should also form part of the assessment and recommendations.

Development within the site impact directly and indirectly on species of conservation concern and reduce the buffering effect of the site in the wider landscape.

The primary function of public open space and SuDS should not for the most part be considered ecological mitigation, although they may result in secondary benefits to biodiversity.

Council's Environmental Health team

No objection.

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

Further information is required before approval is given and until this information is submitted the LLFA suggest refusal (of the application).

Council's Highways Team

The application submitted in connection with this proposed development was accompanied by a Transport Assessment and Highways Assessment which confirmed that Stage 1 Road Safety Audits for the proposed access arrangements would be submitted in support of the application (as requested by the Local Highway Authority). These Road Safety Audits have not been submitted.

Road safety audits are required to ensure that Transportation Development is able to assess the suitability of the vehicular access arrangements proposed.

Furthermore, Highways England has stated that given the level of traffic flow estimated to use the A19/A690 Doxford Park junction, merge/diverge assessments should be undertaken. The assessments should be conducted for an appropriate opening year and future year, taking into account background traffic growth and committed development.

Hetton Town Council

Hetton Town Council objects to the proposed development for the following reasons:

- Impact of the proposed development on the established settlement break between East Rainton and Hetton.
- Increase in traffic volumes and highway safety (development access being problematic and Four Lane Ends acknowledged as currently being over capacity).
- Increased pressure on existing infrastructure and services including school places and NHS facilities.
- Lack of provision of additional public transport.
- Doubts over the accuracy of the developer's revenue figures.
- Adverse effect of the wildlife corridor including protected species reported to be using the area.

COMMENTS:

CONSIDERATION OF APPLICATION

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.

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:

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14); and
- Conserve and enhance the natural environment (section 15).

The Council has recently adopted its Core Strategy and Development Plan (CSDP), which sets out the Council's long-term plan for development across the City until 2033. The CSDP is considered to represent an 'up-to-date' Plan for the purposes of paragraph 12 of the NPPF. The policies within the CSDP serve to replace the majority of policies within the Council's Unitary Development Plan (1998), although some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan. All CSDP and UDP policies referred to within this report are considered to be consistent with the NPPF.

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use considerations, the principle of development;
3. The impact of the development in respect of highway and pedestrian safety;
4. The impact of the development in respect of ecology and biodiversity;
5. The impact of the development in respect of flooding and drainage;
6. The impact of the development in respect of ground conditions;
7. The implications of the development in respect of archaeology;
8. Affordable housing considerations.

Members should note that additional information in respect of highway and pedestrian safety, ecology and biodiversity, flooding and drainage and archaeology was requested from the applicant. The applicant declined to provide any further information in support of the application and instead asked that the application be determined based upon the information submitted. Full consideration of the information submitted is set out below:

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

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

Council considers that it is able to demonstrate a 5-year supply of housing land and this forms the context for the consideration of this and other planning applications for housing development.

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

2. Land use considerations; the principle of development.

The proposed development site is located within an area of Settlement Break and is therefore subject to the requirements of Policy NE7 of the Council's adopted Core Strategy and Development Plan (CSDP). The Council's Planning Policy Team has been consulted regarding the proposed application and the comments of the Planning Policy team are reflected in the commentary set out below:

The Policy is divided into two parts.

Firstly, part one, sets out the purpose of Settlement Breaks, which are threefold, to:

- Prevent the merging of settlements;
- Assist in urban regeneration; and
- Maintain the green infrastructure network.

In relation to the site and considering the three purposes of the Settlement Break set out above:

Preventing the merging of settlements: The development proposed would expand the urban area of Hetton, thus, bringing the settlement of Hetton-le-Hole closer to East Rainton/Middle Rainton.

Assist in Urban Regeneration: It is not considered that the proposal will assist with regeneration of the urban area of the city by virtue of the site's location away from the established urban area.

Maintain the green infrastructure network: The site lies directly within a Green Infrastructure Corridor; it is not considered that the proposed physical development of the site will assist in maintaining the green infrastructure network.

Secondly, part two of the Policy, sets out exceptions regarding where planning permission could be granted on Settlement Breaks, where:

1. The proposed development is not contrary or detrimental to the purposes of the Settlement Break policy.
2. The proposed development is essential for the development to be located within the Settlement Break and the benefits of the development override the potential impact.

In relation to criteria one, the proposed development is contrary to the purpose of the Settlement Break. The Settlement Break review (2018), identifies that the land in question has been successful in maintaining separation between East Rainton and Hetton-le-Hole, with the break helping to retain East Rainton's distinctive character. The site also plays a key Green Infrastructure role, forming an important wildlife corridor with protected species evidently using the area and also forming an important part of the Rainton Lowlands landscape. In addition, the Sunderland Landscape Character Assessment, 2015, states that piecemeal development will further erode the distinction between the rural and urban landscape in this location and that

development should be resisted that encroaches on the area's open space and Green Infrastructure corridors.

With regard to criteria two, it is not considered that a housing development in this location would be considered essential and override the impact of the Settlement Break. It has not been demonstrated as part of the application that the proposal needs to be located within the Settlement Break.

In terms of the principle of development, it is considered that the proposal is contrary to the requirements of Policy NE7 of the adopted Core Strategy and Development Plan and is therefore unacceptable in principle.

3. Impact of the development on highway and pedestrian safety

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

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

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.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

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

The application submitted in connection with this proposed development was accompanied by a Transport Assessment and Highways Assessment which confirmed that Stage 1 Road Safety Audits for the proposed access arrangements would be submitted in support of the application

(as requested by the Local Highway Authority). These Road Safety Audits have not been submitted.

Road safety audits are required to ensure that Transportation Development is able to assess the suitability of the vehicular access arrangements proposed.

Furthermore, Highways England has stated that given the level of traffic flow estimated to use the A19/A690 Doxford Park junction, merge/diverge assessments should be undertaken. The assessments should be conducted for an appropriate opening year and future year, taking into account background traffic growth and committed development.

In the absence of the appropriate supporting information, it is not possible to properly assess all aspects of the highways arrangements proposed in connection with this development.

As such, in the absence of the information required to properly support the application, the proposals are not considered to satisfy the objectives of paragraphs 108, 109 and 110 of the NPPF, whilst the proposals also does not comply with the aims and objectives of policy ST2 of the CSDP.

4. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 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).

On a local level, policy NE2 of the 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.

The Council's Natural Heritage (Ecology) Team has been consulted regarding the proposed development and has confirmed that the proposal is unacceptable from an ecological perspective. The proposal would be a major incursion into the open countryside; a strategic Wildlife Corridor and land allocated as Settlement Break; and for the establishment of the Great North Forest.

In the absence of sufficient supporting information in respect of the direct and indirect impacts of the proposed development upon protected and priority species and habitats and designated wildlife sites and other habitats of nature conservation and landscape significance (as set out in full in the comments from the Council's Natural Heritage Team, above) and having regard to the policies contained in the adopted Core Strategy and Development Plan it is not possible to properly determine the impact that the proposed development would have upon ecological and nature conservation concerns in the locality. The proposed development therefore cannot be considered to comply with the requirements of Policy NE2 of the CSDP and is therefore unacceptable.

5. 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.

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:

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

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

The Lead Local Flood Authority (LLFA) has been consulted regarding the proposed development and has confirmed that the information provided to support the application is insufficient and does not provide enough information to assess if the proposals comply with the requirements of policies WWE2 and WWE3.

On this basis it is not considered that the application has satisfactorily demonstrated that the proposed development will not result in unacceptable flood risk and has not provided a satisfactory drainage solution to the satisfaction of the LLFA. The proposed development is therefore considered to be contrary to the requirements of both policies WWE2 and WWE3 of the CSDP.

6. Implications of development in respect of ground conditions/land contamination

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Phase I Land Contamination report was submitted with this application. The Council's Environmental Health (PPRS) team has been consulted regarding the proposed development and has raised no objection to it but has suggested that if the application is approved a condition requiring a Phase II Land Contamination would be appropriate.

Given the above, the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 178 of the NPPF.

7. Implications of development in relation to archaeology

With regard to archaeology, paragraph 199 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the CSDP, policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications

affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

As set out in the 'Representations' section of this report, the County Archaeologist considered that the application site could be of archaeological interest. However, in the absence of an archaeological evaluation of the site, which the applicant declined to provide, the Local Planning Authority can have no certainty that the proposed development will adversely affect archaeological remains. The proposed development is therefore considered to be contrary to the requirements of Policy BH9 of the CSDP and as such is unacceptable.

8. Affordable housing

Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 64 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

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

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

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable.

The application proposes 38 "intermediate" affordable homes which equates to 15% of the dwelling proposed in accordance with paragraph 64 of the NPPF and policy H2 of the Council's CSDP.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

Summary

The proposed development site is located in an area of Settlement Break, subject to the requirements of Policy NE7 of the CSDP.

It is considered that the proposed development of 250 dwellings in this location would:

- Undermine the settlement break between the settlements of Hetton-le-Hole and East Rainton/Middle Rainton contrary to the requirements of Policy NE7(1i)
- Not assist with regeneration of the urban area of the city by virtue of the site's location away from the established urban area, contrary to the requirements of Policy NE7(1ii); and
- Would undermine the green infrastructure network: The site lies directly within a Green Infrastructure Corridor. This is contrary to the requirements of Policy NE7(1iii).

Furthermore, the application is deficient in supporting information in respect of archaeology, highway arrangements and ecology and biodiversity matters which means that the Local Planning Authority can have no certainty that these issues could be satisfactorily addressed.

Members are therefore recommended to refuse this application for the draft reasons set out below.

RECOMMENDATION: Refuse, for the reasons set out below.

Reasons:

1. The proposed development site is located in an area defined as Settlement Break by the Council's adopted Core Strategy and Development Plan. It is considered that the proposed development of 250 dwellings in this location would:
 - Undermine the settlement break between the settlements of Hetton-le-Hole and East Rainton/Middle Rainton contrary to the requirements of Policy NE7(1i)
 - Not assist with regeneration of the urban area of the city by virtue of the site's location away from the established urban area, contrary to the requirements of Policy NE7(1ii); and
 - Would undermine the green infrastructure network: The site lies directly within a Green Infrastructure Corridor. This is contrary to the requirements of Policy NE7(1iii).

Furthermore, it is not considered that the location of the proposed development within the Settlement Break is essential, and the benefits of the proposed development do not override the potential impact on the Settlement Break. This is contrary to the requirements of Policy NE7 of the CSDP.

2. In the absence of sufficient supporting information, the Local Planning Authority cannot have any certainty that the proposal will not adversely affect highway and/or pedestrian safety. Nor can it have confidence that the access and car parking arrangements for the proposed dwellings will be acceptable in accordance with adopted Council policy. It is therefore considered that the proposal, as presented for consideration, cannot meet the requirements of Policy ST3 of the of the Council's adopted Core Strategy and Development Plan contrary to highway safety and satisfactory access and car parking arrangements for the development proposed.

3. The proposal would be a major incursion into the open countryside, a strategic Wildlife Corridor and land allocated as Settlement Break and for the establishment of the Great North Forest, contrary to the requirements of policies NE7 and NE2 of the CSDP. Furthermore, the information submitted is insufficient to properly support the application. The Local Planning Authority cannot therefore have any certainty that the proposal will not adversely affect ecological interests, including Hetton Bogs SSSI. It is therefore considered that the proposal, as presented for consideration, cannot meet the requirements of Policy NE2 of the adopted Council's Core Strategy and Development Plan to the detriment of nature conservation, biodiversity and ecological enhancement.

4. The application as submitted does not meet the criteria of Policy BH9 of the Council's Core Strategy and Development Plan. Criterion 2i of policy BH9 requires desk based assessments and evaluation reports where appropriate. These have not been provided. The Local Planning Authority cannot therefore have certainty that the proposal will not adversely affect archaeological interests as required by Policy BH9, this is to the detriment of the preservation of the historic environment.

5. In the absence of sufficient supporting information the Local Planning Authority cannot have certainty that the proposed development will not increase or exacerbate flood risk on site or elsewhere, contrary to the requirements of Policies WWE2 and WWE3 of the Council's adopted Core Strategy and Development Plan.

Reference No.: 20/01754/FUL Full Application

Proposal: **Residential development of 75 dwellings (Use Class C3) including 15% affordable housing, vehicle access from Mount Lane, landscaping, public open space, pedestrian footpath, children's play area, surface water flood attenuation, and associated ancillary works (amended plans and revised drainage strategy submitted).**

Location: Land To The North Of Mount Lane Springwell NE9 7UQ

Ward: Washington West

Applicant: Homes By Esh And Hellens Group

Date Valid: 23 September 2020

Target Date: 23 December 2020

PROPOSAL:

Planning permission is sought for the erection of 75 dwellings, including 15% affordable housing, vehicle access from Mount Lane, public open space, a pedestrian footpath, children's play area, surface water flood attenuation and other associated ancillary works on land to the north of Mount Lane, Springwell village.

The proposed housing development primarily affects approximately 3.78ha of grazing land on the south-west edge of Springwell village. The village sits in an elevated position within a tract of largely open countryside separating Washington to the east and south and Gateshead to the north and west. Much of this countryside is designated as part of the Tyne and Wear Green Belt, including the land to the west and south of the application site. The application site itself occupies elevated position within the landscape, with the land falling quite markedly away to the south.

The site of the proposed housing is bounded by the rear garden fences of existing dwellings to Wordsworth Crescent to the north and Beech Grove to the east. To the south is an area of grazing land which is subject to a planning permission for a new reservoir and a service road leading from Mount Lane further to the south (application ref. 19/01280/FU4, approved on 25th September 2020). The boundary with this adjacent land is currently defined by a gapped hedge.

To the west of the application site is agricultural and grazing land, with the range of buildings associated with the residential property of Fernhill abutting the south-west corner of the site. There is no defined boundary with the land to the west. Approximately 100m further to the north-west of the application boundary is the route of the Bowes Railway, an early colliery railway designated as a Scheduled Ancient Monument (SAM).

As well as the grazing land on which the housing would stand, the red line boundary for the planning application includes a strip of the land to the south (subject to the reservoir permission) in order to accommodate the route of a vehicular access to Mount Lane and sustainable drainage infrastructure. The red line also includes a strip of the agricultural land to the west and north of the housing site in order to accommodate landscaping and ecology mitigation areas,

further sustainable drainage infrastructure and the route of a new footpath connection to the north.

Whilst the plot of grazing land on which the housing would stand was removed from the Green Belt on adoption of the Council's Core Strategy and Development Plan (CSDP) in January 2020, the land immediately to the south and west of the plot within the red line for the planning application remains within the Green Belt.

The application proposes the erection of 75 no. two-storey dwellings on the plot of grazing land. The scheme has been amended in order to address issues identified during the consideration of the application, with the 'red line' of the planning application site also expanded in order to accommodate additional drainage infrastructure as required. As amended, the housing development would be reached via a new access road from the south, which would leave Mount Lane opposite the property of Mount Lodge and cross the adjacent plot of land on the alignment of the service road approved as part of the reservoir development. The access road then turns westward within the housing site, with a series of cul-de-sac spurs leading north and south away from it.

The amended layout now incorporates an enlarged area of open space along the eastern side of the site, which will also include an attenuation pond (as part of the sustainable drainage strategy for the development) and a children's play area. This has been achieved by removing a superfluous section of road within the eastern part of the site. Landscaped buffers will be delivered along the southern and western edges of the housing development. A 3 metres-wide footpath will be created, to lead from the north-west corner of the housing and connect with the existing public bridleway running east-west from Springwell village to Eighton Banks.

In terms of the layout of the new housing, a row of dwellings will face southwards, out of the site and across the site of the approved reservoir, whilst the row of dwellings along the northern boundary of the site will abut the rear gardens of the existing dwellings to Wordsworth Crescent. The amended plans also show the dwellings to plots 68-75 within this northern row being brought forward by 1.5 metres in order to improve spacing to the rear elevations of 20-24 Wordsworth Crescent. The rear gardens of dwellings of Beech Grove to the east will be abutted by the aforementioned landscaping.

All dwellings are detached save for four pairs of semi-detached properties and a single block of three properties. Most dwellings will provide four bedrooms, with 10 no. providing three-bedroom homes and 7 no. providing two bedrooms, in order to provide for a range of needs. 15% of dwellings within the development (i.e. 11 properties) are proposed to be affordable, with those to plots 15-17 and 68-75 being identified as the affordable properties.

Properties will feature garages, either integral or detached, and all dwellings will also benefit from at least one in-curtilage parking space. All dwellings will feature front and rear gardens.

The development proposes a total of 13 no. different housing types with varying elevational treatments, although there will be a consistency of design features evident throughout, including stepped rooflines and eaves, chimneys, feature porches and bay windows. The exterior of the dwellings will be finished in 'brown' and 'weathered' stone, with artstone cills and heads, white uPVC window frames and black rainwater goods, doors and garage doors.

The application has been accompanied by a range of supporting plans and drawings as well as an extensive series of technical reports, assessments and statements, namely:

- Planning Statement;
- Design and Access Statement;

- Statement of Community Involvement;
- Affordable Housing Statement;
- Construction Management Plan;
- Preliminary Ecological Appraisal;
- Biodiversity Net Gain information;
- Bird Survey report;
- Bat Survey report;
- Preliminary Risk Assessment;
- Ground Investigation Report;
- Transport Statement;
- Transport Assessment;
- Framework Travel Plan;
- Flood Risk Assessment and Sustainable Drainage System (SuDS) details;
- Summary Archaeological Assessment;
- Archaeological Evaluation;
- Arboricultural Method Statement;
- Noise Assessment;
- Air Quality Screening report;

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Nexus

Nexus

Network Management

Northumbria Police

Northumbrian Water

Public Rights Of Way Officer

Historic England

Flood And Coastal Group Engineer

Flood And Coastal Group Engineer

Land Contamination

Environmental Health

Washington West - Ward Councillor Consultation

Network Management

Environmental Health

Director Of Childrens Services

Northumbria Police

SUSTRANS

Fire Prevention Officer

Flood And Coastal Group Engineer

Environment Agency

Northumbrian Water

North Gas Networks

Gateshead MBC

Tyne And Wear Archaeology Officer

City Arboricultural Officer

Public Rights Of Way Officer

Final Date for Receipt of Representations: **16.02.2021**

REPRESENTATIONS:

Environment Agency

No objections to the development. Advice to the applicant and Local Planning Authority is provided on the presence of former landfill activity in the vicinity of the application site.

Historic England

Notes that the Bowes Railway, designed by George Stephenson and built in 1826, is approximately 200m to the north-west of the development site. The route extends from the East Coast main railway line to the west to Leam Lane to the north east, across a landscape of semi-agricultural urban fringe character. The Bowes Railway is the last surviving, partly-preserved standard gauge with rope haulage and associated structures in England and part of it is a Scheduled Ancient Monument (SAM). The Bowes Railway is therefore of national heritage significance.

Historic England note that the development will extend the settlement boundary of Springwell village south-westwards. It is considered, however, that the development will not notably alter the prevailing semi-agricultural and urban fringe character of the Bowes Railway SAM's setting. Moreover, the development will not have a direct impact on the SAM, with the distance between the development and the SAM, the topography of the intervening and the presence of landscape features meaning that there will be a neutral impact on the setting and significance of the Bowes Railway SAM.

As a consequence, there are no objections to the proposals in relation to the setting or significance of the Bowes Railway SAM and the proposals are therefore considered to satisfy the objectives of paragraph 189 of the National Planning Policy Framework.

Nexus

Consultation comments note that Springwell village is well served by frequent buses running between Newcastle/Gateshead and either Sunderland or Houghton-le-Spring. Bus stops for these routes are, however, more than 400m from the application site and are reached via indirect routes. There are bus stops along Mount Lane within 400m of the site, but these are served by an hourly Monday-Saturday bus between Washington and Birtley. The site is therefore considered to be tolerably well-served by public transport.

Nexus recommends that in the event the planning application is approved, its subject to a requirement for the developer to make a financial contribution to meet the costs of two introductory public transport travel tickets per dwelling.

Northern Gas Networks

No objections to the development.

Northumbrian Water

No objections, provided that the development is undertaken in accordance with the submitted Flood Risk Assessment and Drainage Strategy. A condition requiring compliance with the FRA and Drainage Strategy and the handling of foul discharges is requested to be imposed in the event the planning application is approved.

It is also recommended that an informative note be added to guide the developer where NWL's infrastructure may be affected by the development.

Re-consultation on amended scheme – no further comments to make.

Tyne and Wear County Archaeologist

Notes that there is evidence of prehistoric activity within the wider landscape, whilst the Bowes Railway SAM lies to the north-west of the application site. The site itself is likely to have historically formed part of Usworth Common, whilst the 18th century Birtley Fell Waggonway is known to have crossed the site.

A Summary Archaeological Assessment has been submitted with the application, but given the abovementioned archaeological interest at the site, the County Archaeologist requested that a full evaluation report of geophysical surveys and trial trenching carried out in 2019 be prepared and submitted for review.

The requested report was subsequently submitted; it advises that no evidence of archaeological remains have been identified in areas to be impacted by the development. The County Archaeologist is satisfied that no further archaeological work is required.

Northumbria Police Designing Out Crime officer

No objections to the development, with the layout generally considered to be acceptable. Some observations have been made around fence heights and the position of planted trees, although it is recognised that full details may not yet be available. The applicant is encouraged to apply for a Secured By Design award for the development.

Comments following re-consultation: initial comments still stand, although it is encouraging that the developer is intending to use Virtuoso Doors products, a Secured By Design supplier.

Additional comments: the Designing Out Crime officer also advises that objectors to the development have raised concerns regarding the footpath link to the north of the site and have asked that the Designing Out Crime officer comment specifically on the desirability of this. Residents have advised that the village suffers from anti-social behaviour, particularly drinking and fires being lit around the disused Bowes Railway platform, that there are issues around misuse of motorbikes and trail bikes (with the new path being a potentially attractive route) and that the new footpath will create an easy access to the rear gardens of properties fronting Wordsworth Crescent.

In response, the Designing Out Crime officer has provided the following comments:

- Presumed that the path is designed to create a new connection to the village and is desirable from a planning perspective;
- It is likely that a desire line would still be created across the land if a formal path were not installed, given that it represents the most direct route to the village;
- Crime Prevention Through Environmental Design (CPTED) theory would suggest the provision of a new footpath could increase the risk of crime for the homes to Wordsworth Crescent, although it is difficult to establish the risk in comparison to the existing arrangement of the unfettered access to the gardens from the existing open fields;
- Issues around the misuse of footpath connections by motorbikes besets many modern estates and, on a general level, greater thought needs to be given as to how such routes can be designed to thwart misuse from motorcyclists whilst ensuring appropriate use is not discouraged;
- Actual levels of reported crime are not as high as residents' concerns would suggest, although it is accepted that under-reporting could be an issue and it is not suggested that community concerns are groundless and that a fear of crime does not exist.

Tyne and Wear Fire and Rescue Service

No objections to the development.

NHS Clinical Commissioning Group (CCG)

Suggest that the development will significantly overwhelm local primary care infrastructure and services and that local GP services will require investment in facilities to support new patients. A financial contribution of £56,700 is requested, using a formula based around the cost of constructing a primary healthcare facility in Sunderland and the number of likely occupiers of the development.

Gateshead Council (as neighbouring local authority)

No comments received.

Council's Planning Policy team

Note that the majority of the application site is allocated for approximately 60 residential dwellings by policy HGA1 of the Council's Core Strategy and Development Plan (CSDP). This figure is 'approximate' and greater number of dwellings may be considered acceptable if it can be demonstrated that such development meets other relevant policy considerations and, having regard to the guidance of policy H1 of the CSDP, is of an appropriate density for the site in terms of its context and the prevailing character of the area.

The site is also subject to policy SS2, which provides guidance on new housing development within the Washington Housing Growth Area and supports the delivery of a mix of housing types, with a focus on larger homes. The proposed housing mix, which includes 58 no. four-bedroom homes, would meet this objective.

The development will provide an acceptable number of affordable dwellings (the proposed 15% provision accords with the objectives of CSDP policy H2), although the proposal for these to all be available for affordable home ownership does not reflect the recommendation to provide a mix of affordable homes for ownership and rent set out by the Council's latest Strategic Housing Market Assessment (SHMA, July 2020). The tenure mix should therefore be amended or a justification for the proposed provision be supplied by the applicant.

The applicant's agent has, in response, submitted an Affordable Housing Statement, which essentially sets out that the experience of the applicant/developer (Hellens Ltd), a Registered Social Housing provider with stock in Springwell village, is that affordable homes for rent have not proved popular, in comparison to those available for ownership. It is suggested that this is due to Springwell's unique character as a self-contained village which is relatively remote from other settlements and areas of employment and is detached from other housing markets.

The Statement has been considered by the Council's Policy team, who consider that, in this particular instance, it provides sufficient justification to depart from the SHMA's recommendations and that the proposed affordable housing for the site can be said to comply with policy H2's objectives.

In addition to the above, the Policy team have advised that the development should create new landscaped buffers around the edges of the site, to accord with policy HGA1's requirements, whilst development affecting the Green Belt must address the requirements of policy NE6 of the CSDP.

It is also noted that the scheme will deliver the access to Mount Lane and pedestrian connection to the existing bridleway to the north as required by policy HGA1, although the development

must still also be assessed with regard to the sustainable transport and highway safety objectives of policy ST3 of the CSDP (development and transport).

In considering the detail of the proposed development, regard should also be given to CSDP policies BH7 and BH8 (development affecting heritage assets, i.e. the Bowes Railway SAM), policy NE11 (creation and protection of views), policy NE9 (landscape character), policy NE1 (green and blue infrastructure), policy NE2 (impact on ecology), policy NE4 (open space provision), policy BH1 (design quality), policy BH2 (sustainable development), policy HS1 (quality of life and amenity) and ID2 (planning obligations).

Overall, whilst it is recognised that the proposal for 75 no. dwellings exceeds the approximate site capacity of 60 no. dwellings set out by policy HGA1, provided that the other site requirements are satisfactorily addressed, and the development is acceptable in relation to other material considerations as identified above, there would be no objection to the scheme.

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

Initially raised an objection to the development, on the basis that the proposed sustainable drainage solution for the scheme would not limit the risk of off-site flooding to required levels. In particular, it was observed that flow control rates from the development needed to be further restricted, whilst additional information was requested in relation to risk to groundwater, the maintenance of SuDS features, permeable paving details, handling of run-off from highways and managing risks during construction works. It also had to be demonstrated that the proposed solution would be able to work in tandem with the drainage solution for the approved reservoir development on the land to the south of the application site.

The sustainable drainage solution for the development has been modified to address the issues raised by the LLFA and is now considered to be acceptable. The proposed solution will work in tandem with the reservoir development to ensure flow control rates meet required standards and that the two developments combined will not increase the risk of flooding elsewhere. The proposals for the development also incorporate and modify the flood defence scheme installed by the Council to protect properties of Beech Grove and Wordsworth Crescent from overland flow. The LLFA have confirmed that the proposed sustainable drainage solution for the development is acceptable and that there are no objections to it proceeding, subject to a condition requiring confirmation that the approved solution has been installed as per the submitted plans.

Council's Highways team

The following comments and observations were initially provided:

- The submission of a Transport Assessment ensures that a robust assessment of the proposal has been undertaken;
- The location and design of the access from Mount Lane is acceptable, whilst the access road will provide appropriate pedestrian footways to connect to the footway on Mount Lane;
- Clarification on any proposed footway westward along the north side of Mount Lane is requested;
- The width of the proposed footpath connection to the bridleway to the north-west should be increased to 3 metres to provide a shared pedestrian/cycle route;
- Swept path analyses for refuse vehicles is acceptable;
- Further information on the proposed number and distribution of visitor parking spaces within the development was requested, to determine whether this would be appropriate in light of the amount of in-curtilage parking being delivered;
- A Construction Environmental Management Plan (CEMP) should be agreed via a condition;

- The request from Nexus for a developer contribution towards the cost of travel tickets is supported;
- The analysis of trip generation undertaken for the application demonstrates that volume of traffic generated by the development will be low and that this can be safely accommodated by the proposed access point onto Mount Lane and the wider local road network, including at peak times;
- The submitted Transport Assessment demonstrates that there are no inherent road safety issues on the local road network;
- Recommended that the Travel Plan submitted with the application be amended to increase the extent of travel surveys and include the commitment to fund travel tickets;
- Advise that developer will be required to enter into agreements under s38 and s278 of the Highways Act in relation to the adoption of new highways and works to existing highways respectively;

Comments following re-consultation – updated Transport Assessment and Framework Travel Plan have addressed issues identified through initial consultation. A condition is requested to require the implementation of the measures set out in the Travel Plan. Further clarification on the routes to be taken by HGVs engaged in construction works was also required, however this has been addressed by the applicant, with a plan submitted to show routes avoiding the centre of Springwell village. Subject to a condition relating to the Travel Plan, there are no objections to the proposals in respect of highway and pedestrian safety or the sustainability of the development in terms of transport.

Council's Public Rights of Way officer

Initially advised that further detail was required in respect of a footpath proposed around the SuDS pond; this path has, however, been removed from the amended submission. The footpath connection to the north-west is welcome, but its width should be increased to 3 metres and the construction improved in order to accommodate its anticipated usage. A new footway westward along the north side of Mount Lane is also considered to be highly desirable in order to create pedestrian connections to neighbouring areas.

Council's Ecology team

Initially advised that the proposal is acceptable in principle, but further information is required before the application can be approved. Additional information in relation to potential impacts on great crested newt, the ability of the development to deliver biodiversity net gain, the ecological benefits of the landscaping for the site, potential impacts on existing hedgerows and potential impacts on nearby Local Wildlife Sites was requested.

In order to address potential recreational impacts from the development on the nearby Springwell Ponds LWS, a financial contribution of £17,160 has been requested. This has been agreed by the applicant and is considered to address the identified concern. The Council's Ecology team has also reviewed additional information submitted in relation to biodiversity net gain and welcomes this being achieved through the development. There are now no objections to the development proceeding, subject to conditions relating to working practices in relation to great crested newt and the implementation and management of the proposed landscaping and habitat creation plans.

Council's Landscape team

Initially advised that the proposed landscaping for the site should include a greater level of tree planting. Concern was also raised in relation to the location of the proposed play area, adjacent to a junction within the development. The shallow gradient of the SuDS basin means it is suitable for incorporation into open space provision for the development, but the treatment of its

environs should be improved. Further detail on proposed planting schedules, treatment of hard surfaces and boundary treatments was also recommended.

Comments following re-consultation – it is considered that the revised proposals are much clearer and provide further detail to address previous comments. The layout incorporates additional tree planting to that shown on the original proposals and detailed planting plans with planting schedules have been submitted. These are satisfactory.

It is also noted that the layout has been revised to omit a proposed road which has enabled more space to be designed as play area. It also appears as though the play area has been redesigned to better suit the space available and the change in level across this area. Further details of the play area can be conditioned. Although the general shape of the SuDS basin has not changed, it is considered that the omission of the proposed maintenance track to the rear of the basin and the planting proposals will help to create a much more natural area.

Information on proposed boundaries has been submitted and this is generally deemed acceptable although further clarification of some areas is requested. In addition, whilst further information on proposed hard surfacing is provided, additional details on the surfacing proposed for drives and shared drives is requested. The additional information in relation to boundary treatments and hard surfacing can be secured via condition.

Council's Environmental Health team

In relation to ground conditions/land contamination, it was initially requested that additional information be provided, in terms of an updated preliminary risk assessment which encompasses the entire site boundary.

The submitted reports have since been updated so that the area they cover now corresponds with the area of the planning application and they have been appraised on behalf of the Council's Environmental Health team. The updated reports now better address ground gas migration and the potential for deep coal seams and mine workings under the site. The Council's Environmental Health team consider that ground conditions and land contamination does not represent a constraint to the development of the site. Conditions are requested requiring site characterisation of the land crossed by the access road from Mount Lane and the footpath to the north (both of which are 'low risk' elements of the development), as well as conditions relating to the agreement of a remediation strategy and a subsequent verification report and a condition covering a scenario where unexpected contamination is encountered during development works.

In relation to air quality, the screening assessment submitted with the application has been reviewed and it is accepted that providing appropriate dust suppression measures are utilised, the construction of the development will not have a significant effect. It is not considered necessary to produce a detailed air quality assessment for the operational phase of the development on the basis that the proposed scheme does not meet the necessary criteria.

In relation to noise, the assessment submitted with the application considers prevailing noise environment and its potential impact on the amenity of residents of the proposed development. The nearby kennels have been considered but the Bowes Railway and Springwell Quarry were screened out from consideration given their distance from the site. The Council's Environmental Health team are satisfied with the assessment and concur with its conclusion that noise will not have a significant impact on the site and that no additional mitigation is required.

Council's Built Heritage officer

Notes that the development site is located south of the Bowes Railway SAM and to the west of the historic colliery village of Springwell. The site is within the wider setting of the SAM. The Heritage Statement submitted with the planning application concludes that there will be no significant impacts on the setting and significance of the Bowes Railway SAM and the Council's Built Heritage officer agrees with this. The siting of the development and provision of a landscaped buffer along the western edge means that it will not intrude into key views towards Blackham Hill's Hauler House and nor will the development unacceptably intrude into views out across the landscape from the SAM.

In terms of the effect of the proposed development of Springwell village, it is considered that whilst the proposal will, to a degree, dilute its essential character as a compact semi-rural settlement, the housing will not affect the village's historic core and will essentially continue the established 20th century expansion of the village towards the south-west. The development's impact on the historic character of the village will therefore be negligible.

In conclusion, it is advised that the development will have negligible impact on the setting and significance of the Bowes Railway SAM and the historic character of Springwell village.

Council's Urban Design officer

During the consideration of the application, the Council's Urban Design officer highlighted a number of relatively minor concerns in relation to the layout of the development and other design considerations. These have been addressed by the applicant via amendments to the initially submitted proposals.

The Council's Urban Design officer has provided detailed comments in relation to the amended proposals. The comments and consideration of the proposals have been informed by the policy objectives and guidance of policies SP3, SS2, HGA1, BH1, BH2, NE4 of the Council's CSDP, the NPPF, the National Design Guide 2019 and Building for a Healthier Life (2020).

It is noted that the site is allocated within the adopted CSDP as a Housing Growth Area under policy HGA1, which states that the site will deliver approx. 60 new homes. The policy was informed by detailed Development Frameworks for each growth area. The Frameworks were prepared to identify site constraints and the development potential for each site in line with their surrounding context and the type of housing required for the area. A detailed design analysis was also carried out and produced potential layouts and capacities taking all constraints into consideration.

In the proposed layout units 42-48 back directly onto the western edge of the site; amendments to the layout have been undertaken to provide detailed rear elevations over the land to the west and further information has been submitted which details a lowered boundary treatment height of 1350mm instead of traditional 1800mm and is considered appropriate for the location.

Plots 15 and 75 are located on the western edge of the development and will present side elevations onto areas of accessible landscaping. Amendments were sought to provide corner turning properties with ground floor activation in the side elevations for these plots and the amended Site Layout plan (SV-SLP-001 rev. T), indicates windows being inserted to the gable of plots 15 and 75 to overlook landscaped areas, thereby addressing previous comments.

Plot 1 will act as a gateway to the development and is located in a prominent position adjacent an area of public open space. National design guidance including Building for a Healthier Life (2020) establish the importance of creating attractive and active streets through the inclusion of dual aspect homes on street corners. The Urban Design officer therefore advised that a more

appropriate 'corner turning' property was required in this location, such as the Richmond House Type. The amended Site Layout Plan (SV-SLP-001 rev. T) has addressed Urban Design comments through the provision of the Richmond House Type on Plot 1.

The initial layout plan submitted provided a play area in a confined location with the SuDS to the east and primary access route to the west. The boundary treatment proposed around the SUD and the play area would have further reinforced the confined nature of the space and impact on the visual aesthetic of the area. Amendments to the layout have removed the vehicle access road to units 30, 58 and 59 and utilised the space to provide an increase in the quantum of public open space and a more appropriate setting for the play area.

All Urban Design comments on the application have now been addressed and the application is considered appropriate.

Council's Education officer

Initially requested that the applicant makes a financial contribution of £435,489.19 towards the provision of primary and secondary education facilities in the area. The Education officer has subsequently revised this figure and confirmed that a contribution of £418,000 would be acceptable to address the pressure on local education provision generated by the development.

Public consultation

Consultation with the public has taken the form of letters to neighbouring properties, site notices and a notice in the Sunderland Echo newspaper. Additional consultation, in the form of letters to those who had submitted representations in response to the initial consultation exercise, was undertaken on receipt of the amended proposals.

A total of 540 no. representations have been submitted in response to the two public consultation exercises, with the vast majority expressing objection to the proposed development. The following issues/comments have been made:

Ward Cllr Bernard Scaplehorn initially confirmed that all three Washington West Ward Councillors strongly object to the application and support the views of the Springwell Village Residents Association and other residents.

A second representation from the three Washington West Ward Members sets out the following concerns:

- This application represents a 'test' of the recently adopted Core Strategy and Development Plan, which took years to develop, was thoroughly considered and consulted upon and should be respected and enforced;
- The development proposes too many houses at too high a density, does not protect views to the south, will result in levels of traffic which are intolerable for Springwell village, is badly designed and will encroach into the Green Belt;
- Amendments do not take into account the concerns of almost 500 objectors;
- Mount Lane is not capable of accommodating the traffic generated by the development;
- The village road network is incapable of accommodating more traffic due to the narrowness of its roads;
- Affordable housing provision is inappropriate as it is not spread around the site and does not provide the required amount of affordable rented accommodation;
- Concerned that sustainable drainage arrangements will not be effective;

440 no. representations have taken the form of a signed statement setting out the following concerns –

1. The Council's Core Strategy and Development Plan allocates the site for 60 dwellings, a 25% increase on the figure which was arrived at following lengthy consideration of impacts on local infrastructure, services, access, flood risk etc. The development puts profit above the needs of the community and is undermining the Development Plan at an early stage in its adoption;
2. The development provides 219 parking spaces; this amount of traffic will exacerbate existing safety issues on Springwell village's roads;
3. The proposed flood risk measures do not appear adequate and may affect the flood defence measures recently installed to protect properties on Beech Grove;
4. The proposed play area is not in an appropriate location within the development;
5. There are no features within the development to mitigate environmental impacts or achieve sustainability;
6. The development is 'urban' in nature, being dense, with limited landscaping and not in-keeping with its edge of Green Belt location;

Officer response – detailed consideration of the appropriateness of the proposed number of dwellings will be provided in the following section of this report, alongside consideration of matters relating to parking provision, flood risk and drainage, the suitability of the proposed play equipment, impact on the local environment, sustainability and design quality.

Detailed letter from Springwell Village Residents Association (SVRA):

- Development disregards the Council's Core Strategy and Development Plan (CSDP) by proposing 75 dwellings and not providing sufficient environmental mitigation;
- The development concentrates housing in the centre of the site, with outdoor space, landscaping, play areas etc. confined to the perimeter of the development;
- Footpaths around the SuDS pond would pose a safety risk to users and a potential security risk to properties fronting Beech Grove given the path's proximity to their rear gardens;
- The siting of the play area is unsafe;
- The proposals do not address the requirements of policy HGA1 in terms of housing numbers, the creation of a defensible boundary to the Green Belt, the setting of Bowes Railway, wildlife and green infrastructure, retention of views, the quality of the footpath connection to the north (particularly lighting) and its impact on the local road network;
- Unclear as to how affordable housing will be delivered;
- Proposals do not properly address traffic generation concerns in Springwell village, with particular regard to the village's historic and narrow road infrastructure;
- Development does not meet the design quality requirements of policy BH1 of the CSDP, particularly in terms of landscaping quality;
- The development does not demonstrate its sustainability credentials;
- The development does not properly account for flooding issues in the area, which has led to flood defence works being undertaken by the Council;
- The site is not well served by public transport so will generate significant numbers of car journeys;
- Archaeology at the site needs to be properly considered before the application can be approved;
- Need to ensure that construction works will not affect the natural environment and wildlife sites;
- Community consultation by the applicant was inadequate and did not give sufficient time for residents to respond;

- Residents will be affected during construction works, with some residents also being affected by construction of the reservoir;
- Residents' Association fully supports all other objections submitted which cite concerns around impact on local infrastructure;
- If the application is approved, the developer should be requested to provide enhanced security features for rear gardens adjacent to new footpaths;

Officer response – the following section of this report will give full consideration of the appropriateness of the proposed number of dwellings. The report will also consider matters relating to design quality, the layout of the development, the proposed play provision, affordable housing, pedestrian routes and access to public transport, traffic generation and highway safety, archaeology, impact on local infrastructure and amenity of existing residents.

With regard to the comments made relating to the applicant's pre-application public consultation, it must be noted that this is an exercise which is encouraged rather than being a statutory requirement subject to set procedures. Any such exercise essentially serves to supplement the statutory consultation on then planning application undertaken by the Council as Local Planning Authority.

In terms of construction works, whilst it is recognised that local residents may experience some disruption, this is an inevitable by-product of any built development scheme and cannot constitute a reason to withhold planning permission. The Local Planning Authority can, however, impose conditions to manage working practices during the construction phase if this is considered reasonable and necessary to limit impacts on the amenity of the area.

A second representation from the SVRA contends that contrary to the views of the Council's Built Heritage officer, the development will have a negative effect on the historic setting and significance of the Bowes Railway and Springwell village, particularly as the comments do not take into account the effects of additional traffic through the village. The letter reiterates the concerns regarding the application site including Green Belt land and contends that the landscaping for the development is insufficient and will not provide the defensible boundary required by the CSDP or the required ecological mitigation.

The SVRA's second representation also contends that the Transport Assessment submitted with the application is wrong to suggest that employment opportunities in Washington and Team Valley are easily accessible on foot and by cycle given the condition of routes to them and the topography of the area.

Officer response – the impacts of the development on the setting of Bowes Railway SAM and Springwell village itself are given further consideration in the next section of this report, although it should be noted that Historic England and the Council's Built Heritage officer have not raised any concerns in relation to these matters. The implications of the proposals in relation to the Green Belt, landscaping and ecology are addressed later in this report.

A third representation from the SVRA (submitted in response to the aforementioned re-consultation exercise) contends that the amendments to the scheme have done nothing to address the concerns previously raised with regard to:

- the number of dwellings being proposed;
- encroachment into the Green Belt;
- the location and design of the footpath connection to the north-west of the site, which presents a security and privacy risk to properties fronting Wordsworth Crescent;
- the suitability of Mount Lane to accommodate the additional vehicular and pedestrian traffic generated by the development;

- the lack of a footway westward along Mount Lane;
- the location and design of the proposed play area, which is contended to be dangerously positioned and of a poor quality;
- the poor connections to public transport and the reliance of future occupiers of the development on private cars;
- the impact of the development on local services, including health provision and schools;
- applicant appears to be trying to avoid making a proper contribution to affordable housing;
- the development appears to pay little regard to environmental and ecological considerations;

The SVRA's third representation also provides a table summary of relevant policies and text excerpts from the Council's CSDP and accompanying commentary identifying perceived conflict with these policies.

Officer response – the matters raised by the SVRA in their third objection letter will be considered in the following section of this report, which will also provide an appraisal of the scheme in relation to the relevant policies of the Council's CSDP.

From Bowes Railway Company Ltd:

- Concerns raised regarding potential impact of development, in terms of surrounding historic infrastructure and views towards the Scheduled Ancient Monument;
- Company would be interested in receiving s106 contributions to compensate for impacts;
- Wants reassurance that future residents will be aware of noisy activity at Bowes Railway;

Officer response – the implications of the development in relation to the setting of the Bowes Railway SAM are considered further in the next section of this report, however at this stage it is noted that Historic England and the Council's Built Heritage officer have raised no concerns in respect of this matter. Given that there are not considered to be any direct or indirect impacts on the heritage significance or operation of the Bowes Railway, there is not considered to be any reason or justification to require the developer to make a financial contribution towards the Bowes Railway. With regard to noise, the prevailing noise environment has been assessed and activity at the Bowes Railway is considered unlikely to affect the amenity of the development given its distance to the development site.

From Springwell Village Community Venue:

- Is a registered charity which provides a community café and space for various community groups and activities, for some of which there are waiting lists;
- The proposed development will increase pressure on the venue to provide additional services and increase group sizes, which it cannot currently accommodate due to staff and volunteer availability;
- Recent development at Bowes Gardens has placed increased pressure on the venue, with increased footfall and running costs and wear and tear on the building and equipment;
- The trustees of the venue have therefore requested a s106 contribution of £80,000 to fund additional staff, a reconfiguration of the centre or an extension to the centre.

Officer response – the presence of the development may lead to an increase in demand for the use of the venue, but it may also bring about opportunities for additional staff and volunteer recruitment and direct and indirect contributions to the running of the venue. In planning terms, it is considered that a contribution towards the running of the venue is not essential to make the

development acceptable in planning terms and would not satisfy the tests for justifying planning obligations set out in the Community Infrastructure Levy (CiL) Regulations and the National Planning Policy Framework. This matter is, however, considered further in the next section of this report.

The remaining objections have been submitted by local residents and other interested parties. Objections have been made for the following reasons:

Land use concerns

- Number of dwellings significantly exceeds the number set out in the Core Strategy and has not been reduced by the amendments to the scheme;
- Applicant is solely interested in profit and not creating a good development;
- Applicant has responded to some Council concerns which are easy to address but has not engaged with the concerns of the local community;
- Development affects Green Belt and will be destroying nature;
- Revised proposals include further Green Belt land;
- Development will close the gap between Springwell village and Gateshead;
- Loss of Green Belt undermines Springwell's character as an isolated rural settlement;
- Size/style of houses not appropriate for site;
- Land is greenfield and should be left alone;
- The application site includes areas which are not identified for housing by policy HGA1 of the Council's Core Strategy;
- Application should be rejected if it affects Green Belt land;
- Development site should not include Green Belt land and would doing so open up this land for more housing in the future?
- Housing of this nature should be directed towards brownfield sites;
- Development will destroy green space which has been shown to be vitally important during Covid-19 pandemic;
- The development is not a natural extension to the village and will cause merger with Eighton Bank;

Officer response – the merits of the development against the objectives of policy HGA1 will be considered further in the next section of this report, as will the implications of the development in relation to Green Belt policy and the design quality of the scheme. It should be noted at this stage, however, that the majority of the application site has been allocated for housing through the examination and adoption of the CSDP and its availability is required to meet the Council's obligations in relation to providing an adequate supply of housing land. In these circumstances, it is not necessary or appropriate to direct the development to a brownfield site. In addition, any approval of the current planning application would not 'open up' neighbouring Green Belt land – this would remain part of the Green Belt and would be subject to the strict national and local planning policies which govern development in the Green Belt.

Housing types

- The development does not provide the required 5-bedroom houses and does not include bungalows, which are desperately needed;
- Type of housing does not account for the ageing population of Sunderland;
- Scheme does not provide the required amount of social housing;
- House types are 'urban' in style and not appropriate for Springwell village;
- Affordable housing is clearly distinguishable from market housing;

Officer response – consideration of the housing types and proposed affordable housing provision is set out in the next section of this report, however housing policies relating to the site do seek a high proportion of larger detached homes.

Highways/rights of way

- The development must not interfere with the public's use of Washington footpath 61;
- Concerns that the development will increase the amount of traffic through Springwell village;
- Development will generate 219 new vehicles if this is the number of parking spaces being provided;
- Access from Mount Lane is insufficient;
- Local roads cannot accommodate traffic generated by the development and it will lead to traffic jams on roads in Springwell;
- Roads through Springwell are already used as a 'rat run' by drivers avoiding the A1;
- Roads in Springwell village are unsafe and cannot accommodate additional traffic. The area around the school is particularly unsafe and gets congested;
- Mount Lane too narrow, in a poor condition and is unsafe to accommodate additional traffic;
- Mount Lane is already dangerous for pedestrians, cyclists and horse riders to use;
- The planning submission makes assumptions about the numbers of journeys which will be made on foot or by cycle; it is likely that more car journeys will be made than the planning submission suggests;
- The site is not well served by public transport and so the number of car journeys will be high;
- The new footpath to the north will be unsafe;
- Proposals do not appear to account for potential increase in traffic towards Eighton Banks;
- Access to and through Springwell village is poor, especially in winter;
- The Council has spent little money on the road infrastructure in Springwell and it will be unable to cope;
- Residents of the development will inevitably drive to Springwell village as pedestrian connections are poor;
- Development should include a perimeter footpath for the public to use without needing to walk through the new housing;
- Development should in fact be accessed via a route to/from Rockcliffe Way in Eighton Banks, which would negate the need to use Mount Lane (which is purported to be in a poor state of repair) and the Northumbrian Water reservoir site.

Officer response – the application has been supported by a Transport Statement and Transport Assessment and these documents, together with the details of the proposed development, have been considered by the Council's Highways team. The following section of this report provides an appraisal of considerations relating to vehicular access, parking, footpath and cycle connections, access to public transport and impact on the existing local road network.

The suggested access route to Rockcliffe Way is circuitous, would affect a significant amount of Green Belt land and would also conflict with the Bowes Railway, which it would have to cross. The access to Mount Lane has been agreed as the most suitable route in terms of the capacity and safety of the road and the connections it provides to the existing local road network.

Flood risk/drainage

- Development will affect flood defences which have recently been installed by Sunderland Council;
- Development will increase risk of flooding off the site;

- Do the proposals take into account the risk of flooding generated by the new reservoir development?
- Who will be responsible for maintaining new flood defences and sustainable drainage infrastructure?

Officer response – the application has been supported by a flood risk assessment and sustainable drainage strategy, which have been assessed by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, and Northumbrian Water. Further consideration of the implications of the development in respect of flood risk and sustainable drainage are provided in the next section of this report.

Ecology

- Development should include further measures to address impacts on environment and ecology;
- The site is a wildlife habitat and various birds, amphibians and mammals can be viewed from neighbouring properties;
- Application site is more ecologically diverse than the applicant's ecological surveys suggest;

Officer response – the application has been supported by ecological assessments and surveys and the implications of the development in relation to biodiversity and ecology is considered in detail in the next section of this report.

Heritage

- Development does not respect historic nature of Springwell village or its unique character and location;
- Development is badly designed and does not fit with the setting of the Bowes Railway or the wider landscape;
- Further archaeological investigations need to take place;
- Ancient waggonways crossing the site will be lost;

Officer response – the application has been supported by the necessary heritage statement and archaeological reports and these have been reviewed by Historic England, the Tyne and Wear County Archaeology officer and the Council's Built Heritage officer. The implications of the development in relation to heritage and archaeology are considered further in the next section of this report, although it should be noted at this point that none of the consultees listed above have raised any concerns relative to the proposed development.

Amenity and visual impact

- Development will destroy outlook for residents across rural land;
- Residents of the village enjoy living in the existing environment and their views should be respected;
- Site is one of the highest points in the City and should not be subject to 'urban sprawl';
- Proposed landscaped buffers are poor;
- Increased litter;
- New housing will overdevelop Springwell village;
- Springwell will be badly affected by forthcoming approved development and the proposals will only add to this;
- Housing is too dense for the site;
- Development does not protect views across the countryside;
- Position of garages could give access to existing properties;
- Location of proposed play facility is unsuitable due to its position next to a road and SuDS pond;

- Play area will create noise and disturbance for residents of properties to Beech Grove;
- Development encroaches too closely to properties fronting Wordsworth Crescent;
- Provision of new footpath to north will enable access to rear gardens of properties fronting Wordsworth Crescent and will be a magnet for anti-social behaviour;
- Proposed substation will appear unsightly from properties to Beech Grove;

Officer response – the appropriateness of the allocated site for residential development was considered through the examination and adoption of the CSDP and as part of this process, it was determined that a housing development would not have an unacceptable detrimental impact on the existing landscape around Springwell village. Consideration of the quality of the detailed proposals is, however, undertaken in the next section of this report. Issues relating to the risk of crime have been commented upon by the Northumbria Policy Designing Out Crime officer and are considered further in the next section of this report.

It should be noted at this point that the planning system is unable to protect individual views, although the effect of the development on the amenity of existing dwellings is considered further below.

Effect on environment

- Development is contributing to environmental destruction;
- Environmental impact of additional traffic needs to be considered;
- Development does not include sustainability measures or new technology to make it fit for the future, such as electric vehicle charging points;
- Negative impact on air quality;
- Fumes from vehicles are dangerous and are proven to contribute to premature deaths;
- Springwell has already suffered from previous housing developments and loss of open space;
- Local residents should not have to put up with the significant disruption from the construction of the new housing and the reservoir – this application should therefore be deferred until the reservoir is complete;
- More residents are working from home due to the Covid-19 pandemic and will experience noise and disruption;
- Noise from building work will disturb horses in nearby fields and stables;
- Development of this nature goes against the Council's declaration of a Climate Change Emergency;

Officer response – the implications of the development in relation to the environment and sustainability are considered further in the next section of this report, although site has been considered appropriate for development through the adoption of the CSDP and the availability of the site is necessary to allow the Council to meet its objectives in relation to housing land supply. Concerns regarding effect on amenity during construction work cannot sustain a reason for the refusal of planning permission, although conditions to manage working practices can be imposed if reasonable and justified in order to minimise potential impacts.

Infrastructure

- Development will place strain on local infrastructure, e.g. schools and roads;
- The school in Springwell cannot accommodate more children;
- Development is for too many houses and local infrastructure will not cope;
- Any s106 contributions will likely be spent elsewhere;

Officer response – the impact of the development on local infrastructure and the need for planning obligations (i.e. s106 contributions) is considered in the next section of this report.

Other

- Public consultation undertaken by applicant was limited and the results set out within the planning application are therefore unlikely to be a true reflection of local opinion;
- Applicant's consultation took place during Covid-19 pandemic and school holidays and consultees were not given enough time to respond;
- Consultation on the application should be extended because of the Covid-19 pandemic, with a suggestion that it should be extended until all residents are vaccinated;
- Consultation should have been undertaken through all possible media channels;
- Council's housing strategy should be re-appraised in light of Covid-19 pandemic and other issues which may have a bearing on projected population patterns;
- The Covid-19 pandemic is a significant 'change in circumstances' which means the Council should re-appraise its decision to release Green Belt land;
- Owner of Fernhill (to the south-west corner of the site) has approval for plans to develop a cattery and kennels;

Officer response – with regard to the comments made relating to the applicant's pre-application public consultation, it must be noted that this is an exercise which is encouraged rather than being a statutory requirement subject to set procedures. Any such exercise essentially serves to supplement the statutory consultation on then planning application undertaken by the Council as Local Planning Authority.

There have been no directions from the Government for Local Planning Authorities to reappraise allocations for housing in their Development Plans in light of the Covid-19 pandemic. Consultation on the planning application by the Council as Local Planning Authority has been undertaken in line with statutory requirements and officers have been as accommodating as possible in light of issues surrounding Covid-19 restrictions.

The presence of the kennels at Fernhill has been considered by the applicant's noise assessment and is not considered to represent a constraint to the development of the site.

The public consultation exercise has also attracted 5 no. representations expressing support for the proposed development, for the following reasons:

- Development will support the diversification of Springwell and help the village to become a more inclusive, thriving community;
- Development will help to support facilities in the village, such as pubs and shops;
- The development will provide environmentally friendly new properties;
- It will create additional homes for first-time buyers who wish to remain in the area;
- Development will allow for existing residents of Springwell to 'upscale';
- The proposed new homes look good in comparison to others built nearby;
- Materials proposed to be used are appropriate for the development's setting on the edge of the village;
- The developer is a reputable house builder and has worked hard to address issues raised by the Council;
- Traffic from the development is likely to be lower than modelled due to changes in working arrangements post-Covid 19;
- The development is likely to be occupied by local residents who will already be registered with a local GP, so impact on provision will be limited;

Officer response – the benefits of the development in terms of housing delivery and choice, supporting Springwell village, design quality, traffic and the impact of the development on local services is considered in more detail in the next section of this report. The identity of the applicant/house builder is not a material consideration in the determination of the application

and Members should note that a planning permission rests with the application site and not the applicant.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies; HGA1, SS2, SP1, SP7, SP8, HS1, HS2, HS3, H1, H2, BH1, BH2, BH3, BH7, BH8, BH9, NE1, NE2, NE3, NE4, NE6, NE9, NE11, WWE2, WWE3, WWE4, WWE5, ST2, ST3, ID1, ID2.

COMMENTS:

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

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

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

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

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

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

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

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

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

The site of the housing subject to this application was one of a number of sites removed from the existing Green Belt on the adoption of the CSDP, in order to provide the supply of housing land required to meet the City's agreed housing need. These sites have been referred to as 'Housing Growth Areas' (HGAs). The main policy relevant to the development of the site is policy HGA1, which guides the development of the 'South-West Springwell' HGA. It states that:

HGA1 – South West Springwell should:

- i. Deliver approximately 60 new homes;
- ii. Create a new defensible Green Belt boundary to the west and south of the site;
- iii. Ensure that the open aspect to the Bowes Railway Scheduled Ancient Monument is retained;
- iv. Maintain wildlife and green infrastructure corridors and limit any impact on the area's landscape character by providing a greenspace buffer along the western edge of the site;
- v. Retain long-distance views to the southern edge of the development through good design;
- vi. Provide pedestrian/cycleway connections from the western edge of the site and connect to the existing public right of way to the north;
- vii. Include vehicular access from the south to connect to Mount Lane and improve other junctions as necessary.

Also relevant to the Green Belt release sites in the Washington area is policy SS2, which states that:

SS2 – Washington Housing Growth Areas should:

1. Provide a mix of housing types with a focus on larger detached dwellings;
2. Address impacts and make provision or contributions towards education provision and healthcare where justified and necessary;
3. Enhance access to local facilities and services, where appropriate.

In addition to the above, the following CSDP policies are also relevant to the consideration of the application:

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

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

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

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

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

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

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

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

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

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

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

BH7 – the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

BH8 – development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

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

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

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

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

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

NE6 – development affecting the Green Belt will be considered against national policy and development which is classed as inappropriate in the Green Belt will not be approved except in very special circumstances.

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

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

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

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

WWE4 – requires new development to maintain water quality.

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

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

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

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

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

With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map shows the western part of the site forming part of a wider wildlife network as designated by policy NE14. The supporting text to the policy advises that sites affected by this designation must have regard to the objectives of aforementioned policy NE2 of the CSDP in respect of development affecting wildlife corridors.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Protecting Green Belt land (section 13);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

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

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly

boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Sites for housing have also been allocated through the adoption of the CSDP, including the Housing Growth Areas, and further sites are to be allocated for new housing as part of the draft A&D Plan.

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

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

Members must note, however, that the Council being able to demonstrate a 5-year housing land supply does not entitle it to automatically refuse planning applications for housing on sites which are not allocated for housing through the CSDP or the draft A&D Plan and which have not been identified by the SHLAA. Nor should planning permission automatically be refused where a planning application proposes a greater number of dwellings than is identified as a potential site capacity by the relevant CSDP or draft A&D Plan policy. Both the NPPF, at paragraph 60, and policies SP1 and SP8 of the CSDP make it clear that housing land supply and delivery targets are minimum figures (with policy SP8 setting out an aspiration to exceed the minimum target of 745 dwellings per year) and the Council as Local Planning Authority is obliged to consider the merits of any such application in respect of all relevant material planning considerations,

including the benefits that may be derived in terms of housing availability from developing an unallocated site or delivering a greater number of dwellings than a site allocation policy recommends.

2. Land use and housing policy considerations

The plot of land subject to the housing development itself is allocated for housing by policy HGA1 of the Council's adopted Core Strategy and Development Plan. The land was previously part of the Tyne and Wear Green Belt but was deleted from the Green Belt on adoption of the CSDP and is referred to as the South-West Springwell Housing Growth Area (HGA). The land is one of a number of HGA sites which were removed from the Green Belt through the adoption of the CSDP, in order to provide the City with enough land to meet its agreed housing need over the Plan period (up to 2033).

The full text of policy HGA1 has been provided in the previous section of this report, but to clarify, it identifies the site as being able to accommodate approximately 60 dwellings and sets out any development of the site should:

- Create a new defensible Green Belt boundary to the west and south;
- Maintain an open aspect to the Bowes Railway SAM;
- Maintain wildlife corridors and limit impact on the existing landscape character by creating a greenspace buffer along the western edge of the site;
- Retain long-distance views to the southern edge of the development;
- Provide pedestrian connections from the western edge of the site to the existing public right of way to the north;
- Include a vehicular access from Mount Lane and improve other junctions as necessary;

The site capacity and key requirements of any forthcoming development proposal set out by policy HGA1 are based upon work undertaken for the Sunderland Development Framework (June 2018), which formed a submission document for the Examination in Public of the CSDP. The Framework for the South West Springwell site provides an analysis of matters such as site constraints, local character, heritage, ecology, the prevailing landscape, highway capacity, pedestrian accessibility and local infrastructure and sets out a series of development principles and parameters which culminate in a recommended site capacity of 60 dwellings.

Through the Framework, it was established that the development of the site would have moderate impact on Green Belt purposes, that site constraints can be minimised and suitably mitigated for and that the site is sustainable and deliverable and represents a logical 'rounding off' of the village, with the ability to provide a new, durable Green Belt boundary.

The Framework does not form part of the statutory Development Plan, although it is a material consideration in determining any planning application for the site.

Many objectors to the planning application have observed that the proposed development of 75 no. dwellings exceeds the recommended site capacity of approximately 60 no. dwellings identified by policy HGA1 of the CSDP and as recommended by the Framework.

It is evident, however, that the inclusion of the word 'approximately' in the policy means that a degree of flexibility is envisaged in applying the policy to any formal planning application. Policy HGA1 does not, however, provide an exact or precise meaning of the term 'approximately' for the purposes of applying the policy and in the absence of this, to assist with interpretation it is considered reasonable to refer to the dictionary definition of the word. To this end, the Collins online dictionary defines 'approximately' as meaning 'close to' or 'around'.

The current application proposes 25% more dwellings than the policy sets out and it is accepted that 75 dwellings cannot reasonably be considered as being 'close to', 'around' or 'approximately' 60 dwellings. Rather, it is considered that 75 dwellings is, in fact, substantially more than 60 dwellings. The proposal for 75 dwellings on the site allocated by policy HGA1 would therefore be contrary to the element of the policy which sets out the envisaged site capacity.

As stated earlier in this report, however, section 38(6) of the 2004 Act states that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. In undertaking this exercise, the development plan must be considered as a whole, a point reinforced by the recent *Cornwall Council v Corbett* Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In light of this, whilst the conflict with the recommended site capacity set out within policy HGA1 is acknowledged, the determination of the planning application must be informed by an appraisal of all relevant material considerations and all relevant plan policies. It follows that conflict with this element of policy HGA1 would not, in isolation, represent a sound reason to resist the proposed development of 75 dwellings. Rather, it would have to be established, following an appraisal of all relevant material considerations and plan policies, that tangible harm will be caused by the number of dwellings proposed by the development which would justify the refusal of planning permission.

One such material consideration is the role the site is able to play in terms of housing supply and delivery – as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 59 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 117 and 118 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs (15% of dwellings should be affordable as per the requirements of policy H2 of the CSDP) and provide a variety of property types, tenures and sizes. Policy SS2 does, however, set out an aspiration for the Housing Growth Area sites in Washington to provide a mix of house types, with a focus on larger

Also relevant is aforementioned policy SP8 of the CSDP which sets out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum. The site's allocation as a Housing Growth Area means that it is envisaged as contributing to the delivery of housing within the City over the Plan period.

It is evident that the proposed development will make a significant contribution to the delivery of new housing in the City and will utilise a site which is identified as being appropriate and available for new housing through the adoption of the CSDP. The applicant has also committed to making 15% of the dwellings affordable, in line with policy H2's broad objectives, although further consideration of the specific nature of the affordable housing offer is undertaken later in this report.

Furthermore, weight should be given to the type of housing to be provided by the development, with a predominance of 4-bedroom dwellings, in accordance with policy SS2's objectives, but also a number of 2- and 3-bedroom house types within the development too, in order to provide housing choice for a broader demographic. It is noted that objectors to the application suggest the types of housing being provided are not appropriate for the site, but as stated, it is considered that the proposed mix addresses the objectives of policy SS2 in relation to this specific site and the Council's Planning Policy team have raised no objections to this aspect of the proposed scheme.

With regard to the above comments, it is considered that the development of the housing on the site identified by policy HGA1 of the CSDP is acceptable in principle given its deletion from the Green Belt and allocation for housing through the adoption of the plan. The approval of planning permission for the development of housing will enable the Council to meet its objectives in terms of housing delivery and the proposed development will provide a mix of housing which addresses the aspirations of policy SS2 of the CSDP.

It is recognised, however, that the number of dwellings being proposed on the site exceeds the site capacity of approximately 60 dwellings identified by policy HGA1 of the CSDP, as informed by the Site Development Framework prepared in respect of the plan adoption process. Nevertheless, for the reasons stated earlier in this section of the report, it is considered that conflict with this element of policy HGA1 alone does not render the proposed development unacceptable, particularly in light of local and national planning policies which set out an aspiration to actually exceed stated housing delivery needs. The determination of the planning application must be made in accordance with the plan as a whole; consequently, the proposals must be assessed in light of all relevant material planning considerations and policies of the plan to establish whether the number of dwellings proposed by the application gives rise to harm which means the proposed development should not be approved.

3. Green Belt policy considerations

It is observed that the 'red line' of the planning application site (both as submitted initially and as amended) includes land which is beyond the boundary of the HGA site identified by policy HGA1 of the CSDP. The areas in question are a strip of land across the plot to the south (subject to the reservoir planning permission) in order to create the vehicular access to the site and deliver drainage infrastructure, a strip alongside the western boundary of the allocated site to provide a landscaped buffer, planting and a landscaped bund to protect the development from overland flows, and a further strip to the north west corner to provide the footpath connection to the north and additional drainage infrastructure, including a depression to intercept overland flows.

The housing development itself, including all gardens, fences, driveways etc. is, however, contained within the land covered by policy HGA1 and does not intrude into the Green Belt.

There are also certain elements of what is being proposed in the Green Belt which do not constitute development for planning purposes and so do not require planning permission from the Council as Local Planning Authority. For example, the planting of trees, plants, shrubs and grass to create soft landscaping does not constitute development.

Development in the Green Belt must be considered against the requirements of policy NE6 of the CSDP. The policy firstly sets out that the Green Belt around Sunderland will serve the following purposes:

- i) To check the unrestricted sprawl of built-up areas of the City;

- ii) To assist in safeguarding the City's countryside from further encroachment;
- iii) To assist in the regeneration of urban areas of the City;
- iv) To preserve the setting and special character of Springwell village and Newbottle; and
- v) To prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham and the merging of Shiney Row with Washington, Chester-le-Street and Bournmoor;

Policy NE6 then advises that development which is inappropriate in the Green Belt will not be approved except in very special circumstances and that proposals in the Green Belt will be permitted where they are consistent with the exception list in national policy, subject to all other criteria being acceptable. Proposals in the Green Belt for increased opportunity for access to the open countryside and which provide opportunity for beneficial use, such as outdoor sport and recreation, will be supported where there is no conflict with Green Belt policy.

The national policies referred to by CSDP policy NE6 are contained within section 13 of the NPPF, which is concerned with protecting Green Belt land. Paragraph 133 of the NPPF makes clear that the Government places great importance to Green Belts and that the fundamental aims of Green Belt policy is prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 states that the Green Belt serves five purposes, which policy NE6 of the CSDP has applied to the local circumstances of Sunderland as set out above.

In terms of considering proposals for development within the Green Belt, paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 requires Local Planning Authorities to give substantial weight to any harm to the Green Belt and that '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 proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF explains that Local Planning Authorities should consider the construction of new buildings in the Green Belt as inappropriate, unless one of a series of exceptions is applicable. The development within the Green Belt proposed by the current planning application does not, however, involve any new buildings and so it is necessary to turn to paragraph 146 of the NPPF. This states that:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order

The proposed development within the Green Belt, i.e. the drainage infrastructure, new footpath to the north and the access road to Mount Lane, are considered to represent 'engineering operations' and so in line with paragraph 146 of the NPPF, are not inappropriate in the Green Belt providing the development preserves its openness and does not conflict with the purposes of including land in it.

Much of the drainage infrastructure will be below ground, including the underground 'Carlow' tank adjacent to the junction between the access road and Mount Lane. The landscaped bunds, meanwhile, are no more than 0.5 metres in height, whilst there is also a depression to collect overland flow adjacent to the north-west corner of the development. It is considered that none of these works could reasonably be considered to have an impact on the openness of the Green Belt.

The footpath to the north is surfaced and 3 metres wide in order to accommodate anticipated levels and types of use. It is considered that its design and extent is such that it will not have an impact on the openness of the Green Belt.

The new access road from Mount Lane, meanwhile, is simply of the dimensions and standards required to accommodate the traffic to be generated by the development and provide appropriate footway provisions to allow pedestrians to reach Mount Lane. It follows the route recommended by policy HGA1 of the CSDP, which was accepted as being appropriate through the examination and adoption of the plan, and it also utilises the route agreed for the access road to serve the reservoir approved on the adjoining land. It is considered that the design and route of the road is such that this element of the development will not affect the openness of the Green Belt.

Given the above, it is considered that the elements of the proposed development which are located within the Green Belt will preserve its openness. The works to the western edge of the site will provide a soft landscaped buffer to the development, whilst the drainage works, installation of the northern footpath link and creation of the access road are either below ground or are of such an extent and design that they will not affect the Green Belt's openness.

It is also considered that the development affecting the Green Belt will not conflict with the purposes served by the Green Belt set out within policy NE6 of the CSDP. It has been found that the development proposed will preserve the Green Belt's openness and it is considered that it will not contribute to sprawl, cause any unacceptable encroachment into the countryside, be harmful to the setting and character of Springwell village or contribute to the merger of the village with surrounding settlements and conurbations.

It is therefore concluded that the elements of the proposed development within the Green Belt satisfy the requirements of policy NE6 of the CSDP and section 13 of the NPPF, with particular regard to the types of development which are listed as not inappropriate in the Green Belt by paragraph 146 of the NPPF.

It is noted that objectors to the development have questioned the appropriateness of using Green Belt land to provide landscaping and other infrastructure works and suggest that the development of the housing should be wholly limited to the land covered by the allocation under policy HGA1 of the CSDP. It has been found, however, that the development proposed in the Green Belt is compliant with local and national policies which govern development in the Green Belt and consequently, there is not considered to be reason to conclude the proposals are inappropriate in the context of Green Belt policy.

In addition, and in response to concerns raised by objectors, the areas of land subject to proposed development which are within the Green Belt would still remain within the Green Belt following the development and so would still be subject to the same restrictive local and national policies which govern development in the Green Belt. The development of these areas in the manner proposed would not mean that a wider range of development within the land would then be permissible and nor would it give any support to the development of land further to the west (given that all land to the west, north and south would remain within the Green Belt and so would remain governed by restrictive Green Belt policies).

To conclude in relation to Green Belt policy considerations, it is evident that the elements of the proposed development within the Green Belt do not conflict with the purposes of including the land within the Green Belt and, in the context of paragraph 146 of the NPPF, are not inappropriate development within the Green Belt. The proposed development is therefore not considered to give rise to conflict with the policies which govern development in the Green Belt.

4. Implications of development in respect of residential amenity, including fear of crime

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. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

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

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development broadly comprises large dwellings which will generally occupy spacious plots with substantial front and/or rear gardens. The spacing between the new dwellings largely accords with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations); there are some situations where spacing between dwellings is a little below these recommended distances, but overall it is considered that the proposed layout provides an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with a middle- to long-distance outlook. Dwellings along the southern and western edges of the site benefitting from longer-distance views across adjacent land and wider countryside to the south and west.

With regard to noise, policy HS2 of the CSDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The noise assessment submitted with the planning application has not considered noise from activity at Bowes Railway or Springwell Quarry as both are considered to be far enough from the site so as not to represent a noise concern. This approach has been accepted by the Council's Environmental Health officers. The assessment does, however, consider potential noise from kennels and a cattery at Fernhill, immediately to the south-west of the development site, which although not operational at the time of survey, have the benefit of planning permission (ref. 15/00264/FUL). A noise assessment submitted

with that application has been used to predict potential noise from the prospective kennels and cattery.

The assessment has concluded that the prevailing noise environment will not impend upon the amenity of occupiers of the proposed dwellings and that no internal or external mitigation is required. Additionally, the operation of the cattery and kennels is considered unlikely to have a significant effect on the amenity of the proposed dwellings. The conclusions of the report are accepted by the Council's Environmental Health team, who accept that noise does not represent an amenity issue and that no mitigation measures are required to be incorporated into the design of the proposed dwellings.

In terms of the impact of the development on the amenity of existing dwellings, it is evident that the application site is flanked by existing dwellings along its northern and eastern boundaries, whilst the property of Fernhill is to the south-west corner. The eastern area of the development site will contain public open space and sustainable drainage infrastructure, which will abut the rear boundary fences of properties fronting Beech Grove. As such, there is a significant distance (at least 45 metres) between these dwellings and those within the new development, minimising opportunities for effects on outlook, privacy and the amount of light reaching the properties. Whilst there will be public open space containing play equipment adjacent to the rear gardens of properties fronting Beech Grove, it is considered that this would not give rise to an unacceptable intrusion in terms of noise and disturbance given that use of this land would be on an informal basis, primarily by residents of the new development, and would most likely occur during daytime hours, rather than into more intrusive periods of the day.

In terms of the dwellings to the north, following the amendments to the site layout, the rear elevations of the proposed properties are nearly all set at least 21 metres from the rear elevations of the existing dwellings fronting Wordsworth Crescent, an arrangement which satisfies the spacing recommendations set by the 'Residential Design Guide' SPD and will serve to ensure that the existing dwellings retain acceptable levels of outlook and privacy and are not unacceptably overshadowed by the development.

The spacing between 24 Wordsworth Crescent and the dwellings to plots 72 and 73 within the development is, at 19.1 metres, marginally below the recommendation of the SPD, and results from the dwelling of no. 24 being deeper than others within its block. It is considered that this minor shortfall in the SPD's recommended spacing will not result in unacceptable harm being caused to no. 24's amenity, especially as this property occupies a particularly spacious plot at the western end of the row. As such, the property's rear garden also benefits from a westerly/south-westerly aspect, an arrangement which would mean the proposed development will not appear as unduly overbearing from within no. 24's plot and which will provide no. 24 with an unaffected source of sunlight/daylight in the afternoon.

Objectors to the development have cited concerns over a loss of their view over the existing landscape to the south and west of the application site. Whilst the development will undoubtedly change the view from the rear windows of dwellings fronting Wordsworth Crescent and Beech Grove, Members must note that the planning system is not able to protect or maintain views enjoyed over neighbouring land. Rather, the consideration must be whether the living conditions of any existing dwellings will be detrimentally affected by a development proposal and for the reasons set out above, it is considered that the proposals will not cause any unacceptable harm to the living conditions of the existing properties neighbouring the development site.

Objectors have also cited concerns regarding noise and disturbance during construction works, including in combination with works for the approved reservoir development. Members should note that planning permission cannot reasonably be refused on ground relating to disturbance

from construction and this is an inevitable by-product of a built development. The Council as Local Planning Authority can, however, impose conditions requiring the development to be carried out in line with certain working practices in order to try and limit amenity impacts during construction to acceptable levels.

Objectors have also raised concerns regarding the potential for the development to give rise to additional crime and anti-social behaviour, with the main focus being the footpath link being created to the north-west of the development which, it is contended, will be used by motorbike racers and will allow ease of access to the rear gardens of properties to Wordsworth Crescent. The Northumbria Police Designing Out Crime officer has reviewed the concerns raised by objectors and has offered the following comments and observations:

- Recognised that the path is designed to provide connectivity to the village centre and is important in terms of sustainability and assimilating the development into the community;
- Considered likely that if a formal path was not provided, a desire line would form in due course;
- Difficult to establish the degree by which the new path would increase the risk of crime to properties fronting Wordsworth Crescent in comparison to existing, unfettered access from open fields;
- Anti-social behaviour from motorbike use besets modern estate development and it is perhaps inevitable that some will abuse paths created to allow connections between new and existing communities. On a general level, the issue requires further review to try and design routes which better deter anti-social use whilst not discouraging general use;
- Actual levels of recorded crime in the area are not as high as residents' concerns would seem to suggest, although it is acknowledged that under-reporting could, to an extent, account for this and residents' concerns and their fear of crime may not be groundless.

The concerns of residents in relation to crime are noted and it is not disputed that crime and anti-social behaviour occurs in the area. The comments of the Designing Out Crime officer do, however, provide a useful and balanced overview of the existing situation and whether the development is likely to increase the risk of crime. As is suggested by the Designing Out Crime officer, the footpath link to the north is considered to represent an essential connection from the development to the village, as required by policy HGA1 of the CSDP, and as is noted, such a route would likely be created on an informal basis anyway were it not to be delivered by the development. The comments of the Designing Out Crime officer are considered to demonstrate that it is difficult to conclude that the proposed development will inevitably increase the risk of crime in comparison to the existing situation and there is not considered to be anything inherent to the scheme to suggest the development will increase the risk of crime to an unacceptable level.

With regard to the above comments, it is considered that taken as a whole, the development will not give rise to any substantive harm to the amenity of existing dwellings in the vicinity of the application site and that the development will also afford future occupiers of the dwellings with an acceptable standard of amenity. Consideration has also been given to whether the development will increase the risk of crime in the area; given the comments of the Northumbria Police Designing Out Crime officer, it is considered that there is nothing inherent to the proposed development to suggest the risk of crime will be unacceptably increased in comparison to the existing situation.

It is therefore considered that the proposals are compliant with the requirements of policies BH1 and HS2 of the CSDP and paragraph 127 of the NPPF in relation to residential amenity.

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

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 122 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

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

Paragraph 123, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place;

Paragraph 130 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 150, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 170 of the NPPF is also relevant in considering visual amenity as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

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

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

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

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

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

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

In terms of the design and layout of the proposed development, it is observed that the Council's Urban Design officer has no objections to the proposals as amended. No significant concerns were raised regarding the density of the development and its appropriateness for its location and setting, the range and design of house types being provided, or the general layout being proposed.

Comments provided by the Urban Design officer did request some modifications to certain dwellings within the development, in order to deliver increased activation to side elevations of dwellings at key locations, including plots 14, 15, 30 and 75 and introducing a 'corner turning' property to plot 1 to better reflect its prominence within the development. Further information on the treatment of the rear elevations of dwellings to plots 42-48 and the screening of the substation at the entrance to the site was also requested.

The revisions to the proposals have addressed the Council's Urban Design officer's initial observations. Increased activation has been provided where requested, with a corner turning property type (a 'Richmond' dual-aspect dwelling) introduced to plot 1 as requested, and additional windows to the side elevations of plots overlooking open space. Artstone window heads and cills have been introduced to the rear elevations of plots 42-48 in order to give these elevations an appearance akin to front elevations. Additional landscaping is to be planted to screen the proposed substation. The Urban Design officer also considers that the increased open space provision within the eastern area of the site represents an improvement to the previous layout.

Given the Urban Design officer's comments, it is considered that, as amended, the proposed development will deliver a high-quality housing scheme which relates well to its surroundings and will provide residents with attractive surroundings and living conditions. The development will provide an interesting variety of house types and styles, with the architectural detailing, treatment of external elevations and use of materials (namely the stone facades and detailing of the dwellings) considered appropriate for the development's semi-rural location.

In accordance with the requirements of policy HGA1, the development will provide an appropriate built form to the southern edge of the site by having dwellings facing southwards across the neighbouring land, set back from the boundary itself behind landscaping, shared driveways and gardens. This will ensure the development is outward facing at this key location and as the south-facing dwellings are attractive and varied in their design, means that views towards the development from Mount Lane are visually interesting.

It is also evident that the layout results in areas of greater housing density being towards the northern part of the site, with the housing around the perimeters primarily being larger, more spaced detached dwellings, meaning that the outward impression will be of a development of lower density than is the case

With regard to the affordable housing offer, it is noted that this is located in two groups within the development, at plots 15-17 and plots 68-75. This arrangement is considered achieve the 'clustering' sought by policy H2 of the CSDP. The affordable housing comprises two house types ('Cypress' and 'Hornbeam'), which provide two- and three-bed dwellings respectively. Whilst these are smaller dwellings, they are subject to the same elevational treatments and use of materials as all other properties within the development and are therefore considered to be indistinguishable in terms of appearance and build quality.

In terms of the development's effect on the wider landscape, it must firstly be recognised that as part of the adoption of the CSDP, it was considered appropriate to remove the site from the Green Belt in order to provide a housing growth area. In analysing the site via the Framework and then allocating it for housing, it was clearly considered that the site could be developed for housing without having an unacceptable adverse effect on the prevailing landscape to the south-west of Springwell village which, it is noted, is identified as being an area of landscape protection and enhancement by the Council's most recent Landscape Character Appraisal. The development would, given the presence of established built-up areas immediately to the north and east of the allocated housing site, represent a 'rounding off' of the south-west corner of the village which would not intrude incongruously into the existing open countryside and landscape and nor will the development intrude into any key views.

With regard to more specific details, policy HGA1 stresses the importance of providing any housing within the allocated area with appropriate soft landscaped buffers to the southern and western edges, in order to best assimilate development into the prevailing landscape. These

buffers are being provided by the development in the form of landscaping planted with grass and trees; that to the south is being delivered within the allocated area and incorporates retained hedgerows and although the buffer to the west is within the retained Green Belt, this is considered to be an acceptable arrangement which does not conflict with relevant Green Belt development policies (for the reasons set out in section 4 of this report).

It is noted that the indicative plan for the site shows a widened buffer to the south-west corner of the developed area; whilst this is not strictly being provided by the proposed development, the buffer will nevertheless wrap around the boundary with Fernhill in order to maintain landscaping between this property and the new housing and maintain a soft edge to the development.

In terms of landscaping within the development, given the comments provided by the Council's Landscape officer, it is considered that the amended proposals will provide the new dwellings with a pleasing landscaped setting and usable areas of open space. The amount and quality of the landscaping within the development has been significantly improved by the revisions to the scheme which, as noted previously, have resulted in a section of road removed in order to create an enlarged and more usable area of public open space suitable for play space and informal recreational use. Additional tree planting around the southern and western perimeters of the site, including native woodland tree planting along the western edge, is also being provided to create soft landscaped buffers. Within the site, front gardens will be grass and many will feature new tree planting and ornamental hedging.

Planting within landscaped areas is proposed to be varied, to the benefit of both ecology and amenity, with various grass and plant mixes proposed in different areas of the site. The SuDS pond along the eastern edge of the site will include some native reed planting. In terms of existing landscape features, the hedge to the southern boundary is to be retained, with gaps filled with new native hedge planting where necessary. Indeed, the Arboricultural Constraints, Protection Plan and Method Statement submitted with the application notes that the development does not require the removal of any existing trees or hedges and it provides recommendations and specifications for measures to ensure the protection of retained trees and hedges during construction works.

Using the maximum calculation for greenspace set out by policy NE4 of the draft CSDP, the development should incorporate approximately 0.248ha of amenity greenspace. The public open space to the eastern part of the site provides over 0.3ha of usable amenity and recreation space, including play equipment, on its own, whilst the development is supplemented with other areas of landscaping and open space around the edges of the site and the area traversed by the footpath connection to the north. Overall, it is considered that the quantity and quality of the landscaping and open space provision delivered by the proposed development is acceptable and appropriate in relation to a housing scheme of this nature.

Members should note at this point that, as set out in its adopted Planning Obligations SPD, the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. In this case, however, the applicant is proposing for play provision to be delivered within the development. The siting of the proposed equipment has been improved through the revisions to the scheme, with the removal of the section of road providing a safer, more spacious environment for it. The submitted landscaping details propose an embankment slide, jumping blocks, scramble net, stepping stilts, a Galaxy Supernova (a large, slanting, rotating ring) and a balancing beam with a rope. Full details of the equipment to be provided and a programme for its installation and maintenance can be agreed via an appropriately-worded condition in the event Members were minded to approve the application, but subject to this, it is considered that the proposed play equipment would provide

an attractive recreational opportunity for children living within the development (and further afield) and no further contributions to play facilities are necessary or justified.

With regard to sustainability, the applicant's Sustainability Statement (contained within the submitted Design and Access Statement) states that it is the applicant's intention to implement a 'fabric first' energy strategy and that the development will meet the requirements of approved document L1A of the Building Regulations, which set the Government's benchmark for sustainable design and the conservation of fuel and power in the construction of new dwellings. Proposed sustainability measures comprise:

- Layout and orientation of dwellings developed to maximise energy efficiency;
- Use of locally sourced materials where possible to avoid the use of materials which are environmentally harmful;
- Ensure thermal performance of dwellings through careful design and planning and use of appropriate materials and fabric to reduce the need for future ad hoc additions;
- Use efficient plumbing, fixtures and fittings to minimise water consumption of dwellings and use sustainable drainage techniques to minimise surface water run off;
- Construction techniques will minimise the generation of dust and other forms of pollution;
- Aim to deliver biodiversity net gain through the development;
- Dwellings provide good quality living space and the scheme will deliver good outdoor space and connections to local countryside and facilities in the village and further afield on foot and by cycle;

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

The proposed development has been carefully considered against the relevant CSDP and NPPF policies which relate to design, character, landscaping, visual amenity and sustainability. For the reasons discussed above, and in accordance with the requirements of policy BH1 of the CSDP, the amended development is considered to be acceptable in terms of its density, design, layout, appearance and visual interest and it will deliver a good quality built environment which provides good living conditions for residents and which has an acceptable relationship with the wider locality. Affordable housing is considered to be appropriately located and designed to ensure it assimilates well into the development, in accordance with policy H2's objectives.

In accordance with the objectives of policy NE4, the development will provide residents with an acceptable quantity and quality of open space and landscaping, including on-site play facilities, to create an attractive living environment. In accordance with policies NE9 and NE11, the development will not cause significant harm to the prevailing landscape, given that the scheme primarily relates to an allocated housing site which 'rounds off' the south-western corner of Springwell village and as the development incorporates the landscaped buffers around its perimeters which serve to soften its appearance and assimilate it more successfully into the landscape. The development will also incorporate existing hedgerows, as required by policy NE3 of the CSDP, and has been informed by sustainability principles, as required by policy BH2 of the CSDP.

In terms of the site-specific requirements of policy HGA1, it is considered that the development successfully provides new, defensible boundaries to the west and south and a new landscaped buffer to the west and provides an attractive south-facing aspect when viewed from Mount Lane.

It is consequently considered that the proposed development is acceptable in terms of design, layout, built form and landscaping and that it will have an acceptable relationship with, and impact on, the prevailing landscape, character and appearance of the locality, in accordance with the aforementioned relevant policies of the CSDP and NPPF.

6. Implications of development relative to built heritage and archaeology

Paragraph 184 of the NPPF states that heritage assets (such as Scheduled Ancient Monuments) are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 189 and 190 require Local Planning Authorities to consider the significance of any heritage asset affected by a development proposal, including any contribution made by their setting, with paragraph 194 stating that any harm to, or loss of, significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification. Paragraph 200 then states that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals that preserve those elements of the setting which make a positive contribution to the asset should be treated favourably.

With regard to archaeology, paragraph 199 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the CSDP, policy BH8 states that development affecting the setting of heritage assets should recognise and respond to their significance and demonstrate how they conserve and enhance their significance and character of the asset(s), including any contribution made by its setting where appropriate. Policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

As noted earlier in this report, the application site is within the setting of the Bowes Railway Scheduled Ancient Monument (SAM), to the north-west. In order to understand the potential impact of the development on its setting, the application has been accompanied by an Archaeological Desk-Based Assessment and Heritage Statement, undertaken in 2016, together with a further supporting statement from Durham University's Archaeological Services manager which serves to provide an updated view in light of the development proposed by the planning application.

The Heritage Statement advises that the significance of the Bowes Railway is derived from its importance as one of several railways which led to the south bank of the River Tyne and were integral in allowing the local coal industry of the early 19th century to flourish. The line was opened in 1826 and was engineered by George Stephenson and it led from Springwell and Mount Moor Collieries to the Tyne at Jarrow staithes. The line was extended westward to Kibblesworth and then Pontop later in the century. Blackham's Hill Hauler House is within the Scheduled area and was integral to the operation of the line.

The monument has significant archaeological and architectural heritage value given its relative completeness and operating facets being preserved close together, its role in the coal industry and development of the railways and its association with several key historical figures. Its status as a SAM means the Bowes Railway and associated heritage assets have national significance.

It is accepted that the development of the application site could have an effect on the setting of the Bowes Railway SAM. The semi-rural setting of the SAM is not, however, pertinent to its setting given that the railway was designed functionally and without regard to its surroundings.

In terms of appreciation of the SAM, this can come from linear views along its route and, where it is not obscured by the trees which border much of the line, from land either side of the line. Views from the SAM to the east are across a field to existing residential development; the proposed development will bring residential development slightly closer to the line, but this will not affect its significance. In views towards the line, it appears as a field boundary, with the Hauler House towering above. The development will simply replace views from the edge of the existing residential estate with views from the edge of the new residential estate and communal appreciation of the SAM within this view will therefore remain the same.

The Statement concludes that there will be no significant change to the significance or the setting of the Bowes Railway SAM.

The effect of the development on the setting of the Bowes Railway SAM has been considered by both Historic England and the Council's Built Heritage officer. Both consultees are of the view that the development will not have a significant effect on the prevailing landscape which characterises the SAM's setting and will not significantly alter views out across the landscape from the SAM or from the surrounding landscape towards key features of the SAM. Historic England consider the effect of the development on the SAM's setting to be 'neutral', whilst the Council's Built Heritage officer has described the effect as 'negligible'.

The Council's Built Heritage officer has also considered the impact of the development on the setting of the historic Springwell village, but again, the impact is considered to be negligible given the development of the village over time and the distance from the application site to its historic core.

In terms of archaeology, it is known that the 18th century Birtley Fell Waggonway crossed the site, but archaeological investigations undertaken in support of the potential development of the site did not identify any buried remains. The Tyne and Wear County Archaeologist is satisfied that no further site investigations are necessary.

The Heritage Statement supporting the planning application demonstrates an understanding of the significance of the Bowes Railway as a designated heritage asset. The implications of the development in respect of its effect on the setting of the Bowes Railway SAM have been carefully considered and based on the conclusions of the Statement and the views of Historic England and the Council's Built Heritage officer, it is considered that the development will have a negligible effect on the SAM's setting and therefore will not cause harm to its significance.

In the absence of harm to the significance and setting of the Bowes Railway SAM, the development is considered to comply with the objectives of policy BH8 of the CSDP and paragraph 194 of the NPPF. Additionally, an appropriate archaeological investigation of the site has been undertaken, in accordance with the requirements of policy BH9 of the CSDP and paragraph 199 of the NPPF. The proposals are therefore considered to be acceptable in relation to built heritage and archaeology.

7. Impact of the development on highway and pedestrian safety

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

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

Policy ST3, meanwhile, states that new development should:

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

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

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

Also relevant is paragraph 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.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

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

Paragraph 106 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

As set out in the 'Representations' section of this report, the Council's Highways team have raised no significant objections to the proposed development. The Transport Assessment for the application is considered to provide a robust assessment of the potential impacts of the development. Appropriate analysis of likely trip generation has been provided and it is considered to demonstrate that trips generated will be low and can be accommodated by the

existing local road network and the proposed site access junction. The application has also analysed accident records and this has demonstrated that there are no inherent issues on the local road network that would be unacceptably exacerbated by the development.

The access into the development site from Mount Lane is as required through the site allocation and the design of the road is acceptable for the quantum of the development proposed. It is also observed that the development delivers the footpath connection to the north-west of the site required by policy HGA1, in order to provide the link to Springwell village and existing public right of way network. This was originally proposed to be 2 metres wide but in order to better accommodate anticipated levels of usage by pedestrians and cyclists and address concerns raised by the Council's Highways and Public Rights of Way officer, its width has been increased to 3 metres and an improved surface provided. The design of this link is now considered to be acceptable.

The submitted Transport Assessment initially suggested that the proposed development would deliver a new footway westward along the north side of Mount Lane, to provide a connection to the next section of footway on Mount Lane at Eighton Banks, approximately 280 metres away. The provision of the footway has been supported by the Council's Public Rights of Way officer and, initially, by the Council's Highways team.

The applicant has, however, advised that this does not form part of the formal application submission and has contended that as proposed, the development already exceeds policy objectives in terms of pedestrian connections by delivering the connection to the north and a further footway connection eastward along the north side of Mount Lane, in order to provide a second route into Springwell village.

Whilst there may be some benefits derived from the provision of a westward footway along Mount Lane, there are also significant constraints to its delivery, particularly the presence of a hedge along the northern boundary of Mount Lane, which would likely be disturbed and harmed in order to deliver a footway of an appropriate width whilst ensuring the width of the carriageway to the road meets required standards. It is also accepted that the provision of a footway westward along Mount Lane is not a requirement of policy HGA1 and that the development does already exceed the policy's requirements by providing the eastward connection along Mount Lane to Springwell village, which is the closest source of amenities, facilities and frequent public transport connections to Washington, Sunderland and Newcastle.

The Council's Highways team have confirmed that the Mount Lane footway to the west is not an essential requirement and it is considered that as proposed, the development meets the requirements of policy HGA1 in terms of its pedestrian connections. The provision of a footway westward along Mount Lane is not essential to ensure the sustainability of the scheme given the connections being provided to Springwell village by the proposed routes.

In terms of the internal layout of the development, the Council's Highways team are satisfied that the layout is safe, can accommodate service vehicles and incorporates an appropriate amount of in-curtilage and visitor parking.

The Council's Highways team have also supported the recommendation of Nexus that the developer funds the provision of two introductory travel tickets for new homeowners, in order to encourage occupiers of the development to use public transport and therefore travel sustainably. The applicant has agreed to fund the tickets, at a cost of £50 per ticket to provide a month's free travel. This would be secured via an agreement under s106 of the Town and Country Planning Act 1990 (as amended).

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. The local road network is capable of safely accommodating traffic from the proposed development of 75 dwellings and it is also considered that the development will not result in an unacceptable increase in congestion on roads in the area. Additionally, the proposed access, parking and layout arrangements are acceptable. The development will provide appropriate pedestrian and cycle connections to local facilities, services and public transport options by the delivery of the footpath link to the north-west and the additional footpath connection eastward along Mount Lane. The proposals will therefore address the site-specific requirements set out by policy HGA1 of the CSDP and the proposals are also considered to satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 108, 109 and 110 of the NPPF.

8. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 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). Paragraphs 174 and 175 also seek to encourage development which will deliver measurable net gains in biodiversity.

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

The application has been accompanied by a Preliminary Ecological Appraisal (PEA) of the application site as well as a Bat Survey, Bird Survey and Biodiversity Net Gain calculations. In terms of designated sites, the PEA notes that the application site is more than 5km from any Sites of Special Scientific Interest (a national designation), although there are three Local Wildlife Sites within 1km (Springwell Ponds (within Sunderland boundary) and Sheddons Hill and Dunkirk Pond (both in Gateshead)). The PEA concludes that the majority of the application site is covered by improved (neutral) grassland, with small areas of scrub and tall ruderal vegetation. None of these habitats have UK Priority Species status. The PEA recognises that the development of the land could result in a loss of foraging habitats for bats and there will be general harm caused by the 'urbanisation' of the land. There is, however, potential for uplift in terms of delivering a greater range of species within landscaping and garden features, to the benefit of birds. The PEA also highlights potential recreational impacts on the nearby designated sites via, for example, dog walking and associated disturbance and pollution.

The PEA sets out a proposed programme of mitigation, which has been fed into the Biodiversity Net Gain calculations for the development. The programme includes the planting of trees, ornamental hedgerows, flowering lawns to the public open space, grasslands and reedbeds to the SuDS basin, scrub planting to the eastern boundary, wildflower meadow to the southern landscaped buffer and new native woodland to the western and north-western boundaries.

In relation to bats, the submitted survey concludes that the site is of low value to foraging and commuting bats given its current condition as an extensively grazed field. No bat roost features were identified, although opportunities may be presented by existing nearby dwellings. The survey recommends habitat creation within the development, through appropriate planting and

landscaping, careful use of lighting, the integration of bat roost features into new dwellings and the use of bat-friendly materials in the roofing of new dwellings.

In relation to birds, the submitted survey concludes that the site is primarily of local value for wintering birds, save the willow tit, for which the site is of county value. The site is considered to be of local value for breeding birds. The assemblage of birds on neighbouring land is likely to be of local value and some impacts may arise from the proposed development. Some displacement of species currently using the site is likely to occur (some of this will be temporary until new planting etc. becomes established), although the development does afford opportunities to attract new species to, for example, the wetland habitats created through SuDS features. The survey recommends that hedgerows within the site should be retained and that nesting opportunities should be provided within the development in the form of bird boxes. Construction works should also be managed to minimise disturbance and any clearance of vegetation should take place outside of bird nesting season.

As set out in the 'Representations' section of this report, the Council's Ecology team has no fundamental objections to the proposed development of the site. Concerns regarding potential impact on great crested newt, which are present off the site, have been addressed by the applicant's ecology consultant by clarifying the extent of areas subject to construction works and through a recommended condition which would restrict works outside the western boundary of the site without an appropriate great crested newt method statement being submitted for approval. The Council's Ecology team were, however, concerned that the development could give rise to recreational pressure on the nearby Springwell Ponds LWS, which is easily accessible via the proposed new footpath connection to the north. This issue has been highlighted by the ecology surveys submitted with the application.

In order to address the issue of potential impacts on the Springwell Ponds LWS, the Council's Ecology team has recommended that the applicant make a financial contribution of £17,160 to help maintain the publicly accessible part of the LWS through conservation management measures. These would help to ensure the continued favourable conservation status of the LWS for the lifetime of the development and would help to mitigate the impacts of increased recreational pressure arising from the new housing. £15,600 of the proposed contribution would be spent on pond management measures, with the remainder spent on monitoring and management.

The Council's Ecologist also required further information in relation to the biodiversity net gain calculations undertaken by the applicant's ecologist, in order to better determine the level of net gain being provided through the development.

A revised biodiversity net gain calculation has been provided, which accounts for the amendments made to the proposed layout and landscaping scheme for the development. The submitted calculation indicates that a net gain of 8.29% would be achieved through the proposed development and this is welcomed by the Council's Ecologist.

The Council's Ecology team has confirmed that subject to the financial contribution to enable the management and mitigation of off-site impacts, the condition covering working practices in relation to great crested newt and conditions requiring the implementation and management of the on-site ecological and biodiversity enhancement measures set out in the submitted ecological surveys and proposed landscaping plans, there are no objections to the development proceeding. The implications of the development in relation to ecology and biodiversity are therefore considered to be acceptable and it is considered that the proposals are compliant with policy NE2 of the Core Strategy and Development Plan and paragraphs 174 and 175 of the NPPF as set out above.

9. 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. 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:

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

The Flood Risk Assessment and Sustainable Drainage Strategy for the development has been amended through consideration of the application, in order to address comments made by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority. Most notably, the strategy has been amended in order to ensure it is compatible with the drainage strategy agreed in respect of the approved reservoir on the land to the south of the application site and that discharges from the two developments combined will not increase the risk of flooding elsewhere. The strategy has also been designed to ensure it does not conflict with the defences installed recently by the City Council to protect the dwellings of Wordsworth Crescent and Beech Grove from overland flows from land to the west.

The Flood Risk Assessment and Drainage Strategy identifies that the application site is located in Flood Zone 1 (lowest risk of flooding) and so its development for residential purposes is appropriate in the context of national and local flood-risk policies. A risk from surface water flooding has, however, been identified within parts of the site. The key features of the sustainable drainage strategy for the site include the detention basin within the public open space to the eastern part of the site, a vortex flow control to restrict flows to the rate required by the LLFA, permeable driveways within domestic curtilages, a 'downstream defender' fitted prior to the detention basin to capture sediment, debris etc. and a below-ground precast concrete attenuation tank on the land adjacent to the junction between the access road and Mount Lane.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development, although it is requested that a condition be imposed requiring that the development is carried out in accordance with the submitted sustainable drainage scheme.

The LLFA has also confirmed that the proposed sustainable drainage solution for the development is now acceptable and that the development can proceed subject to a 'verification' condition requiring confirmation that the proposed measures have been installed as per the approved details. It is recommended that Members impose such a condition in the event they are minded to approve the application.

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

10. Implications of development in respect of land contamination

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The planning application has been accompanied by a Desk Top Study and Ground Investigation Report, which have been updated to properly reflected site boundaries and provided additional details in relation to ground gas migration, coal seams and deep mine workings. The Desk Top Study concluded that there was a low/moderate risk of potential significant contamination at the site and so recommended the undertaking of intrusive investigations to properly ascertain site conditions. Site investigations were subsequently carried out, in the form of sample boreholes, mechanically excavated pits, gas and groundwater monitoring and geotechnical and chemical laboratory testing. The Report of these investigations concludes that risks from contamination, including from ground gases, is either low or very low, and that risks to future occupiers of the site, construction workers, controlled waters and fauna are also low or very low.

The Council's Environmental Health team has reviewed the updated reports and have no objections to the development proceeding, with ground conditions/land contamination not considered to represent a constraint to the development. Conditions relating to further site characterisation of selected areas of the site, the agreement of a remediation strategy and verification report and encountering unexpected contamination have been recommended and Members are advised to impose conditions to this effect in the event they are minded to approve the application.

Given the above, the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 178 of the NPPF.

11. Implications of development in relation to education provision

With regard to education provision, paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

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

As set out earlier in this report, the Council's Education officer is of the view that the development should contribute a total of £418,000 towards primary and secondary education provision in the area and special educational needs (SEN) provision more widely.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 94 of the NPPF and policy ID2 of the Council's CSDP.

12. Affordable housing considerations

Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 64 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

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

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

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable (with the Council's Planning Obligations SPD advising that the figure will be rounded up when 0.5 or more and anything else rounded down). The types of affordable housing to be delivered should reflect the latest available evidence with regard to tenure split and size of dwellings. The most up-to-date evidence is provided by the Council's Strategic Housing Market Assessment (SHMA), which recommends a split of 75:25 split between affordable rent and intermediate tenure.

As noted previously, the application proposes a total of 11 no. affordable dwellings (this figure is appropriate on the basis that 15% of 75 dwellings is 11.25 and so would be rounded down in accordance with the guidance of the Planning Obligations SPD), but rather than being split in line with the SHMA's recommendation, the developer is proposing that all the affordable dwellings be of an 'intermediate tenure'. Specifically, the affordable housing would include both discount market value homes (i.e. dwellings with a value pegged below market value in perpetuity) and shared equity homes, which are both identified as acceptable forms of affordable housing by the Glossary to the NPPF.

To support this deviation from the SHMA's recommended affordable housing split, the applicant/developer (Hellens Ltd.) has provided an Affordable Housing Statement which explains that their experience of the market in Springwell village is that there is little demand for affordable rented accommodation, most likely due to the village's particular location and characteristics. The position has been reviewed by the Council's Planning Policy team and it has been confirmed that there are no objections to the proposed affordable housing offer – ultimately, the proposal is considered to comply with the key objective of both local and national affordable housing policy in that it will deliver the required number of affordable homes on site as part of the development.

The applicant has agreed to enter into a s106 agreement with the Council which secures 15% of the dwellings within the development as affordable in an intermediate tenure.

With regard to the above, it is considered that the amount any type of affordable housing being delivered at the site is acceptable and addresses the affordable housing objectives of paragraph 64 of the NPPF and policy H2 of the Council's CSDP.

13. Summary of position in respect of s106 Contributions

Paragraph 54 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 56 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

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

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

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

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

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

- £418,000 towards primary, secondary and SEN education provision in the area;
- £17,160 towards managing and mitigating off-site ecological impacts;
- £100 per dwelling towards Nexus travel tickets, allowing one month's free travel;
- 15% on-site affordable housing;

The requested financial contributions towards education provision and ecology are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause sets out the applicant's commitment to delivering a 100% affordable housing scheme. As such, it is considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

It is also noted that a financial contribution of £56,700 was requested from the NHS Clinical Commissioning Group (CCG), to support local primary care infrastructure. The CCG request has been considered carefully by Council officers, including the Council's Planning Obligations officer; there are, however, concerns regarding the appropriateness of the financial data used in the CCG's calculation (particularly its age and the type of building work the presented costs are based on), the lack of information supplied to allow the Council to verify the scale of the requested contribution and the absence of a specific project/area for the contribution to be spent on. Officers also have concerns regarding arrangements for spending and the future governance of any contributions due to the apparent lack of coordination between the CCG, NHS Property Services and private practices over the spending of any s106 funds received.

It is therefore considered that the request from the CCG has not been properly evidenced or justified and that consequently, it does not meet the tests for planning obligations set out at regulation 122(2) of the CIL Regulations and paragraph 54 of the NPPF. As such, it is considered that the developer cannot reasonably be required to meet this request.

The applicant has agreed to the aforementioned education, ecology mitigation and travel ticket contributions and will also deliver 15% affordable housing on-site. These contributions will be secured via an agreement under s106 of the Town and Country Planning Act, which has been drafted by the Council's Legal team and will be completed following the determination of the planning application in the event Members are minded to approve the application.

CONCLUSION

As set out above, the proposed housing development affects a site which has been deleted from the Green Belt through the adoption of the Council's Core Strategy and Development Plan and allocated for new housing. The CSDP policy which directs the development of the site (policy HGA1) identifies it as being appropriate for approximately 60 dwellings. The development proposed by this planning application involves a development of 75 dwellings and it also involves development on land outside the allocated site, which remains part of the Green Belt.

Objectors to the planning application contend that given the site's allocation for approximately 60 dwellings, a development of 75 dwellings should not be approved as this causes conflict with the Council's recently adopted plan. It is also contended that the increased number of dwellings will give rise to a range of issues relating to conflict with Green Belt policy, concerns over design quality and the proposed density of housing, road safety and highway capacity, flood risk and drainage, landscape impacts, ecological and environmental impacts, built heritage and archaeology impacts and the capacity of local infrastructure, services and facilities. There are also more specific concerns relating to the amenity of the locality, the location of proposed play facilities, the provision of the footpath connection to the north, crime and anti-social behaviour, affordable housing provision, pedestrian connections and access to public transport.

It is accepted that the proposed development of 75 dwellings at the site is not 'approximately' 60 dwellings as set out by policy HGA1 of the CSDP. It is also recognised that this site allocation has only recently been established through the examination and adoption of the CSDP and that the allocation was informed by the Framework for the site, which considered a range of site constraints and other potential impacts arising from a housing development at the site.

Section 38(6) of the 2004 Act makes it clear, however, that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. Case law has established that decisions must be made in accordance with the development plan as a whole – in considering whether a planning

application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In light of the above, whilst the number of dwellings proposed does conflict with one element of policy HGA1 of the Council's CSDP, consideration must be given to all relevant material considerations and all the relevant policies of the Council's development plan before it can be determined whether the proposed development accords with the development plan or not.

To this end, the following policies of the CSDP are relevant to the determination of the application and a view is provided below as to whether or not the development accords with the policy's requirements and objectives:

HGA1 – South West Springwell Housing Growth Area should:

- *Deliver approximately 60 new homes;*
- *Create a new defensible Green Belt boundary to the west and south of the site;*
- *Ensure that the open aspect to the Bowes Railway Scheduled Ancient Monument is retained;*
- *Maintain wildlife and green infrastructure corridors and limit any impact on the area's landscape character by providing a greenspace buffer along the western edge of the site;*
- *Retain long-distance views to the southern edge of the development through good design;*
- *Provide pedestrian/cycleway connections from the western edge of the site and connect to the existing public right of way to the north;*
- *Include vehicular access from the south to connect to Mount Lane and improve other junctions as necessary.*

It is accepted that the development is for more than 60 dwellings, but the proposals are considered to create appropriate buffers to the west and south, will not harm the setting of the Bowes Railway SAM (as confirmed by Historic England and the Council's Built Heritage officer), will have an acceptable impact on ecology, biodiversity and the existing landscape, will provide appropriate views to the southern edge of the development, will provide an acceptable footpath link to the north and will include an acceptable access from Mount Lane.

SS2 – Washington Housing Growth Areas should:

- *Provide a mix of housing types with a focus on larger detached dwellings;*
- *Address impacts and make provision or contributions towards education provision and healthcare where justified and necessary;*
- *Enhance access to local facilities and services, where appropriate.*

The proposed mix of house types, with a higher number of 4-bedroom properties, is considered appropriate and contributions are being made to local infrastructure, services and facilities where justified.

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

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

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

The development provides good access to recreational opportunities, include acceptable public open space and play provision and does not have an unacceptable adverse impact on the amenity of the area.

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

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

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

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

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

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

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

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

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

The development provides an acceptable mix of housing (as informed by policy SS2) and is considered to be of an appropriate layout and density, as agreed by the Council's Urban Design officer.

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

around the site and be indistinguishable from market housing in terms of appearance and quality.

The development will provide 15% affordable housing on-site and although the proposed type of affordable housing does not strictly reflect the recommendations of the SHMA, it is considered to be acceptable at this location. The affordable housing is considered to be acceptably located within the development. The Council's Planning Policy team has no objections to the proposed affordable housing offer.

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

The Council's Urban Design and Landscape officers are satisfied that, as amended, the proposed layout, build quality, scale, massing, character, appearance and landscaping of the development is acceptable and appropriate for its location. The development will not unacceptably affect the amenity of existing dwellings, with only one minor conflict with the spacing guidance of the SPD, and it will provide a good standard of amenity for future occupiers. The development is not considered to have any inherent features which would unacceptably increase the risk or fear of crime.

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

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

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

The Council's Landscape officer is satisfied that the amended proposals provide an appropriate quantity and quality of open space and landscaping.

BH7 – the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

The development will not directly affect the Bowes Railway Scheduled Ancient Monument.

BH8 – development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

Historic England and the Council's Built Heritage officer confirm that the development will not harm the significance or setting of the Bowes Railway SAM or the historic core of Springwell village.

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

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

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

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

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

The impacts of the development in respect of ecology and biodiversity and the value of nearby designated sites are acceptable, as confirmed by the Council's Ecology officer.

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

No trees or hedges are being felled - existing hedges within the development site are being retained and improved.

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

The Council's Landscape officer has confirmed that, as amended, the proposed landscaping, open space and on-site play provision provided within the development is acceptable.

NE6 – development affecting the Green Belt will be considered against national policy and development which is classed as inappropriate in the Green Belt will not be approved except in very special circumstances.

The elements of the proposed development which affect the Green Belt are not considered to be inappropriate in the Green Belt, as per the provisions of the NPPF.

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

The development affects a site allocated for housing through the adoption of the CSDP and it will relate acceptably to the prevailing landscape.

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

Views towards the development are acceptable given the proposed landscaped buffers. The development will not impinge upon key views given its relationship with existing housing.

WWE2 – requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate

mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

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

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

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

WWE4 – requires new development to maintain water quality.

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

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

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

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

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

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

The Council's Highways officers are satisfied with the details of the proposals and the application has been supported by the required Transport Assessments and Statements.

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

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

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

The s106 agreement will secure contributions towards education provision, ecological mitigation, travel tickets and affordable housing.

With regard to the policy appraisal set out above, it is considered that whilst there is conflict with the site capacity as identified by policy HGA1 of the CSPD, the proposed development of 75 dwellings does not give rise to any significant conflicts with the other relevant policies of the CSDP. Nor are there any significant conflicts with any of the Council's relevant Supplementary Planning Documents, the draft A&D Plan or the relevant policies of the NPPF, as referenced throughout this report.

As such, when considering the application for 75 dwellings at the site in the context of the development plan as a whole, it is evident that there are no significant conflicts with its policies and no other material planning considerations which mean the planning application should be refused.

It must also be taken into account that the proposed development will deliver significant benefits, in terms of providing housing at a site allocated for such development in the development plan and assisting the Council in meeting, and potentially exceeding, its stated housing supply and delivery targets. The development will also deliver benefits in terms of expanding housing availability and choice in the area, including new affordable housing, and it will also provide employment and economic benefits in that new residents will be able to support existing shops, services and facilities in the locality. These benefits of the development should also be given weight in the determination of the application.

The amount and content of the objections to the proposed development are acknowledged and it is evident that the local community holds significant concerns in relation to the proposed development of the site. All relevant material planning considerations have, however, been appraised in the context of the policies of the Council's CSDP and the NPPF and although the proposed number of dwellings proposed at the site exceeds the figure set out at policy HGA1, it is considered that this has not given rise to any significant conflict with the other requirements of policy HGA1 or the other relevant policies of the CSDP.

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

Accordingly, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members approve the application, subject to the completion of the agreement under s106 of the Town and Country Planning Act and subject to the imposition of the draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to completion of s106 agreement and subject to the draft conditions below.

Conditions:

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

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

amended location plan, drawing no. ML-LP-001 A;
 amended proposed site plan, drawing no. SV-SLP-001 T;
 amended proposed section plan, drawing no. ML-SS-001 C;

amended streetscape plan, drawing no. SV-SS-001;
affordable homes plan, drawing no. SV-SLP-01 A;
amended engineering plans, drawing nos. 20159 01 P10, 20159 02 P9, 20159 03 P4 and 20159 04 P3;
amended general arrangement plan, drawing no. D233L 101 EXT G;
hard surfaces plan, drawing no. SV-HSP-001 A;
public open space plan, drawing no. SV-POS-001 E;
amended shrub and reed bed planting plan, drawing no. D233 P103 EXT D;
amended tree and hedge plan, drawing no. D233 P102 EXT D;
amended tree protection plan, drawing no. D233 L100 EXT D;
management company plan, drawing no. SV-MCP-001 E;
materials finishes plan, drawing no. SV-MFL-001 B;
materials 'mood board';
amended show home planting plan, drawing no. D233 P104 EXT A;
Shrewsbury house plans, drawing no. SW-PD-001;
Southwark house plans, drawing no. SK-PD-001;
Cypress house plans, drawing nos. CY-SD-001 and CY-MT-001;
Rochester house plans, drawing no. RO2-PD-001;
Beverley house plans, drawing no. BV-PD-001;
Richmond house plans, drawing no. RM-PD-001;
Norwich house plans, drawing no. NO-PD-001;
Lichfield house plans, drawing no. LD2-PD-001;
Lancaster house plans, drawing no. LA-PD-001;
Hornbeam house plans, drawing no. HB-PD-001;
Durham house plans, drawing no. DH-PD-001;
Arundel house plans, drawing no. AR2-PD-001;
Ascot house plans, drawing no. AC-PD-001;
Darlington garage plans, drawing no. DRL-GD-002
amended construction management plan, drawing no. SV-CMP-01 D;
construction traffic plan, drawing no. SV-CTP-001;
'Response to Environmental Health comments', Homes By Esh;
Flood Risk Assessment, document no. 20159 FRA 01;
Surface water management plan, document no. 20159 SWMP 01;
SuDS maintenance plan, document no. 20159 SUDS 01;
Temporary drainage works plan, drawing no. 20159 101 P3;
Permeable drive construction plan, drawing no. 20159 81 P2;

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

3 The external materials to be used in the construction of the dwellings hereby approved shall be those specified on the submitted materials finishes plan (drawing no. SV-MFL-001, rev. B) and materials 'mood board', unless the Local Planning Authority first agrees any variation in writing.

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

4 The development hereby approved shall be carried out in full accordance with the 'Environmental Health response' from Homes by Esh, received 12.02.2021, the Construction

Management Plan drawing (no. SV-CMP-01, rev. D) and the Construction Traffic Plan (drawing no. SV-CTP-001).

Reason: in order to protect the amenity of the area during construction works and to comply with the objectives of policies HS1 and HS2 of the CSDP.

5 No individual dwelling shall be occupied until its in-curtilage parking space(s) have been constructed and made available for the use of the dwelling's occupiers. The final dwelling within the development must not be occupied until all visitor parking provision for the development has been constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

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

6 The proposed footpath link from the north west corner of the housing development must be installed in accordance with the approved details and made available for the use of the public prior to the occupation of the first dwelling.

Reason: in order to ensure that the footpath link is available at an appropriate time and to accord with the objectives of policies ST2 and ST3 of the CSDP.

7 The proposed section of new footway eastward from the southern end of the new access road along the north side of Mount Lane must be installed in accordance with the approved details and made available for the use of the public prior to the occupation of the first dwelling.

Reason: in order to ensure that the footpath link is available at an appropriate time and to accord with the objectives of policies ST2 and ST3 of the CSDP.

8 The car use reduction, monitoring and action plan measures set out in the submitted Framework Travel Plan (WYG, November 2020) must be adopted in full and in accordance with the timescales set out in the action plan (section 7 of the FTP).

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

9 The development hereby approved shall be undertaken in full accordance with the agreed measures for managing foul and surface water discharges. Prior to the occupation of the first dwelling, 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:

- o 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.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.

- o Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2, WWE3, WWE4 and WWE5 of the CSDP and the NPPF.

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

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

11 The development hereby approved shall be undertaken in complete accordance with the recommendations of the 'Tree Protection Scheme' and 'Arboricultural Method Statement', chapters 8 and 9 of the submitted 'Arboricultural Constraints, Protection Plan and Method Statement' (Ecosurv, September 2020), and the submitted tree protection plan, drawing no. D233 L100 EXT D.

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

12 Prior to the occupation of any new dwellings, final details of the play equipment to be installed within the development site, together with a timetable for its installation and a scheme for the future management and maintenance of the equipment, shall be submitted to the Local Planning Authority for its consideration and approval. The agreed play equipment shall then be installed in accordance with the agreed details and the agreed timetable and shall be managed and maintained in accordance with the approved scheme

Reason: in order to ensure the development delivers appropriate outdoor play facilities and to comply with the objectives of policy NE4 of the Council's CSDP.

13 Development shall not commence on the footpath link to the north of the site and the access road to the south until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination within these areas of the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

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

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

- o adjoining land;
- o ground waters and surface waters;
- o ecological systems;
- o archaeological sites and ancient monuments; and
- o where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

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

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 183.

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

14 Development shall not commence until a detailed Remediation Scheme to bring 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.

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.

15 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

16 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

17 No construction works, including the storage of materials, equipment etc. or use of the land for access for construction vehicles, shall take place on the land immediately to the west of the application site boundary without a great crested newt method statement being submitted for the approval of the Local Planning Authority. The statement must set out proposed working practices etc to ensure any such works do not have an unacceptable negative impact on great crested newt. Any works within the land to the west must then be undertaken in complete accordance with the agreed statement.

Reason: in order to ensure a protected species is not unacceptably affected by the development and to comply with policy NE2 of the CSDP.

18 The landscaping and habitat creation proposals and recommendations set out in the approved landscaping scheme and the submitted Preliminary Ecological Appraisal, Bat Survey, Bird Survey (all by Penn Associates) and biodiversity net gain metric and calculations (by Ecosurv) must be implemented in full and managed in accordance with the details agreed pursuant to the discharge of condition no. 19.

Reasons: in order to ensure biodiversity enhancements are delivered within the development and to accord with the objectives of policy NE2 of the CSDP.

19 Prior to the commencement of the approved landscaping and habitat creation works, a landscape and habitat management plan must be submitted for the approval of the Council as Local Planning Authority. The submitted plan must also include proposals for the ongoing monitoring of the landscape and habitat features, which must be maintained for at least 20 years and secured for in perpetuity. The landscaping and habitat measures must then be managed and maintained in accordance with the agreed details for the agreed time periods.

Reason: to ensure effective and long-lasting on-site biodiversity enhancements are delivered and to accord with the objectives of policy NE2 of the CSDP.

20 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no extensions to the rear elevations or rear roof slopes of the dwellings to plots 72-75 and no detached structures or outbuildings in the gardens beyond the rear elevations of the dwellings to plots 72-75 shall be erected without firstly obtaining planning permission from the Council as Local Planning Authority.

Reason: in order to ensure acceptable levels of amenity are maintained for the existing dwellings to the north of plots 72-75 and to comply with the objectives of policy BH1 of the CSDP.

Reference No.: 20/02278/FUL Full Application

Proposal: **Construction of logistics warehouse, with associated earthworks, landscaping, parking and access proposals.**

Location: Land At Armstrong Road Armstrong Industrial Estate Washington

Ward: Washington West

Applicant: Velocity 194 - Buccleuch Property & Argon Properties

Date Valid: 3 December 2020

Target Date: 4 March 2021

PROPOSAL:

The application under consideration seeks approval for a logistics warehouse (falling in to use class B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)). The proposed development will have a total gross internal floor area of 5557 sq. m. comprising 4714 sq. m. of warehouse, 577 sq.m. of office space, 142 sqm of staff facilities and a 124 sq. m. customer collection area. There is also a small (0.41ha) plot located within the application boundary for unspecified future development. (Any built development located on this area of land would require a further planning approval). The proposed building is of a modern industrial design.

The access proposed to the development is taken from Cragside Road with staff and customer parking located to the front of the proposed, centrally located building, and servicing and parking for commercial vehicles in association with the commercial operations, i.e. HGVs and vans, located to the rear. Landscaping is proposed in areas around the perimeter of the site. The end user of the proposed development is identified in the Design and Access Statement that accompanies the application as DPD (which offers an international parcel sortation and delivery service).

Site

The application site, which is approximately 4.01 hectares in area is located to the north and west of Armstrong Road, in a central location within the established Armstrong Industrial Estate. The site formerly accommodated a retail warehouse which has been demolished for a considerable period of time with the site remaining cleared and vacant.

To the north of the site is a B&Q Store with associated car parking and servicing and to the south of the site are a number of small industrial units. To the west are further small industrial units and to the east is open land and beyond that is the A182.

(Relevant) Planning History

18/01023/FUL Construction of 14 585 sq. m. B2/B8 industrial unit with servicing and 188 car parking - approved October 2018.

Publicity

The application has been advertised via:

- Site notice;
- Press notice; and
- Neighbour notification letters.

1 representation in support of the application was received in response to consultation.

POLICIES:

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

EN_10 Proposals for unallocated sites to be compatible with the neighbourhood

In the Core Strategy and Development Plan the following policies are relevant to the determination of the application:

BH_1 Design Quality

BH_2 Sustainable design and construction

NE_2 Biodiversity and Geodiversity

ST_3 Development and Transport

HS_1 Quality of life and amenity

HS_2 Noise sensitive development

HS_3 Contaminated land

WWE_2 Flood Risk and coastal management

WWE_3 Water management

Consultees

Transportation Development Team

Planning approval was granted in October 2018 for the construction of a 14585 sq. m. B2 manufacturing and B8 logistics warehouse, with associated earthworks, landscape, parking and access proposals at this site. The applicant states that in the intervening period since planning approval was granted the market conditions for B2 land uses have changed and as a result, it is now proposed that the site will be developed solely for use as a parcel and distribution centre B8 land use.

It should be noted that a full Transport Assessment was submitted in support of the previous planning approval which demonstrated that the approved development would operate safely and satisfactorily and would have no detrimental impact on the operation of the local road network.

The Addendum Transport Assessment submitted in support of the current development proposals confirm that it is 62% smaller than the previously approved development proposals for the site. As a result of this it is stated that the current proposals would generate significantly less trips than the approved development and would therefore not have a detrimental impact on the operation of local road network.

Having reviewed the information submitted in support of the application this conclusion is accepted.

The current proposals utilise the same access proposals as the previously approved development and it has been demonstrated that the proposed layout is accepted and would operate safely. It is noted that disabled, cycle and electric vehicle parking spaces are provided within the site which is welcomed.

It is stated that a staff travel survey would be undertaken within 3-6 months of the site becoming operational and subsequently a full Travel Plan would be submitted. This is considered to be satisfactory but should planning approval be granted it is requested that a planning condition be imposed that a Full Travel Plan should be submitted to and approved by the Council's Sustainable Transport Officer within 9 months of full occupation of the proposed development.

Natural Heritage Team

Please condition the mitigation and compensation strategies in section 6 of the Preliminary Ecological Appraisal by Eco North Ltd. (Ref. ECN20 090; Date: 27.11.2020).

To assist in addressing the need for sustainable ecological mitigation and biodiversity net gain, there are off-site options available to the applicant at nearby Bowes Railway and Springwell Ponds Local Wildlife Sites, which would achieve the necessary outcomes; these are summarised as follows:

- o Grassland cut and rake = £26,160
- o Lowland heath cut and rake = £24,480
- o Lowland fen cut and rake = £5,040
- o Scrub/woodland cut and treat £3,600
- o Monitoring and management £8,892
- o Total = £68,172

The habitats and enhancement measures reflect the area and composition of the habitats and species found on the development site, and the above also covers the long-term maintenance required.

Lead Local Flood Authority (LLFA)

With regards to the proposed development and following the submission of acceptable details including revised drainage strategy, drainage layouts and preliminary discharge agreement with Northumbrian Water, it is suggested that the application could be approved with the following condition:

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. The verification report shall include:

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

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

Public Protection and Regulatory Services (PPRS)

Noise: The nearest residential property is approximately 167m to the south of the application site boundary. There are intervening commercial/industrial buildings and extensive landscape/vegetation cover.

A noise assessment has been submitted reference 6793.3A dated 23 October 2020.

The assessment measured existing background noise levels and established suitable noise limits for industrial sources located on the application site, following the guidelines set out in BS 4142:2014.

Background noise levels (measured as the LA90) were noted as 48dB daytime and 41dB night time.

The relating noise sources (using BS4142) as they impact the nearest sensitive receptor employs a procedure that also takes into consideration certain characteristics of the noise being generated. By using this procedure, it is possible to assess the likelihood of noise complaints and to set suitable limits or targets. To protect sensitive receptors (e.g. residents) an acceptable target is to ensure that any new industrial noise source on site does not result in those background values being exceeded.

The following condition is suggested:

No fixed plant or parked mobile plant on the development site shall, when rated using BS1442:2014, exceed the measured background (LA90) values at the nearest noise sensitive receptor.

Air Quality: An air quality assessment has been provided to support the application: reference 6794.4A dated 19 November 2020.

The assessment examines potential impacts upon local air quality associated with the construction of the development and the routine operations on site and associated with traffic accessing and egressing the site.

The methodology utilised for the assessment is based on guidance for the Institute of Air Quality Management, guidance set out in the Design Manual of Roads and Bridges (DMRB) and predicts impacts upon local air quality using an approved computational air quality model; ADMS-Roads, and examining local air monitoring data and DEFRA national background data. Impacts upon local air quality during operation of the depot (specifically related to the air quality standards for NO2 and PM10) are concluded to be negligible.

Impacts associated with the construction of the development are not expected to be significant given the expectation that a good standard of mitigation is applied.

Northumbrian Water Ltd.
No objection

Northumbria Police
Having due regard for the nature, location and design of the proposed development, Northumbria Police have no objections.

Consideration

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

- o Principle of development
- o Design and appearance
- o Impact upon amenity
- o Highways and pedestrian access and safety
- o Ecology
- o Noise, air quality and land contamination
- o Drainage and flood risk

Principle of development

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.

The National Planning Policy Framework (NPPF) was revised in February 2019 and is 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.

The statutory development plan for Sunderland includes the Policies which are contained within the Core Strategy and Development Plan which was adopted on 30th January 2020 and the saved Policies which are contained in the Unitary Development Plan (1998).

The application site is not allocated for any specific purpose on either the allocations plan associated with the Unitary Development Plan (UDP) or the adopted Core Strategy and Development Plan (CSDP) Policies map. Therefore, the application site constitutes 'white land' and the relevant local planning policy for such land is Policy EN10 of the UDP. This Policy outlines that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard the application is considered to be acceptable given that it is located immediately adjacent to Armstrong Key Employment Area (Armstrong Industrial Estate) and generally reflects the pattern of land use within the immediate locality.

Policy EG4 of the CSDP is also relevant to the consideration of the principle of development in this location. Policy EG4 is concerned with New Employment Areas and requires that: Development for new employment uses (B1 - (excluding B1a), B2 and B8 uses) outside of designated employment areas must demonstrate that the proposed use:

1. Cannot be accommodated within the designated employment area.
2. Can be provided with appropriate vehicular access; and
3. Would not be detrimental to local amenity.

As previously explained, the proposed development under consideration is presented as an alternative to an extant permission. Planning permission 18/01023/FUL was approved in October 2018 and all pre-commencement conditions in association with the permission have been discharged. It is the Local Planning Authority's understanding that permission 18/01023/FUL has been implemented via a start on site and remains extant.

It is therefore considered entirely appropriate, in the context of Policy EG4(1), for the revised proposals which have been designed to meet the needs of a specific end user (DPD) to be located on this site. Further consideration of the appropriateness of the vehicular access proposed and the likely impact upon local amenity is provided elsewhere in this report. The proposals under consideration are therefore considered to comply with the requirements of Policy EG4.

The proposal under consideration is considered to be acceptable.

Design and appearance

Paragraph 127 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that they provide a high standard of amenity for existing and future users.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy BH1 of the CSDP requires development to achieve high quality design and positive improvement to the areas in which they are located. Criterion 3 of Policy BH1 requires that developments:

be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality

The proposed building will be approximately 9 metres high and will be finished in horizontally laid profile cladding and micro-rib panel cladding. It will be of a modern, industrial appearance and will have directional and branding signage (subject to separate applications under the provisions of the Town and Country Planning, Control of Advertisement Regulations 2007 (as amended), where appropriate). The design and appearance of the proposed building is considered to be appropriate to its location and setting without detriment to the street scene or the locality generally.

Highway and Pedestrian Safety

Paragraph 109 of the NPPF states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, whilst paragraph 106 recommends that Local Planning Authorities should guard against the adoption of overly-stringent maximum parking standards.

Policy ST2 of the CSDP is concerned with the protection of the local road network to ensure safe and efficient movement in accordance with the road hierarchy and also concerned with ensuring that sufficient capacity and appropriate safety and geometry of the highway network is retained.

Policy ST3 of the adopted CSDP outlines that development should provide safe and convenient access for all road users and should include a level of vehicle parking and cycle storage in accordance with the Council's parking standards.

Access to the proposed development is taken from Cragside Road with parking for commercial vehicles i.e. HGVs and vans and servicing located to the rear of the building. 160 car parking spaces will be provided to the front of the building (including 8 accessible spaces and 11 electric vehicle spaces).

The Council's Transportation Development Team has been consulted regarding the proposed development and has confirmed no objection. The Transportation Development Team has suggested that if Members are minded to approve this application, a condition requiring the submission of a full Travel Plan within 9 months of full occupation of the development would be appropriate.

On this basis the application is considered to comply with Policies ST2 and ST3 of the adopted CSDP.

Ecology

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. On a local level, meanwhile, Policy NE2 of the CSDP further advises that biodiversity will be protected, created, enhanced and managed by requiring development to demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity. The application is accompanied by a preliminary ecological appraisal of the site which has confirmed that there are no protected species or ecologically sensitive habitats present on the site. The Council's Natural Heritage Team (Ecologist) has confirmed no objection to the proposal but has requested that if Members are minded to approve the application a condition requiring the mitigation and compensation strategies set out in the aforementioned report should be the subject of a planning condition.

In addition to the above, the applicant has agreed to provide 10% biodiversity net gain in connection with the development, as required by policy NE2 of the CSDP. As the development is unsuitable to accommodate this net gain on site the applicant has agreed to provide a financial contribution of £68127.00 for off-site provision at Bowes Railway Local Wildlife Site and Springwell Ponds Local Wildlife site. This sum will be secured via an agreement under the provisions of Section 106 of the Town and Country Planning Act (as amended).

Noise, air quality and land contamination

Policy HS1 of the adopted CSDP is concerned with protecting quality of life and amenity and requires that proposed development must demonstrate that it will not result in adverse unacceptable impacts arising from (amongst other things) air quality, noise and ground contamination, which cannot be addressed through mitigation. A noise assessment, an air quality assessment and ground contamination information have been submitted to support this application.

Paragraph 181 of the NPPF is concerned with air quality and states that planning decisions should be consistent with local air quality action plans. The Council's PPRS has considered the air quality assessment submitted with this application and has confirmed no objection to the proposal in terms of the likely impact upon air quality.

Paragraph 180 of the NPPF and Policy HS2 of the CSDP are concerned with noise. Policy HS2 states that where proposals for development may generate noise, applications for these developments should be accompanied by a noise assessment which provides details of the likely noise and provide an appropriate mitigation scheme.

The noise associated with this development is likely to result from increased vehicular movements. However, given the industrial nature of the site's surroundings and the intervening land uses and significant distances from noise sensitive residential properties, it is not considered that the development will result in activities that are particularly noisy or likely to result in complaints based upon noise nuisance. The submitted noise assessment has been assessed by the Council's PPRS Team and has been found to be acceptable. The PPRS Team has suggested that if Members are minded to approve this application a condition should be applied to any approval granted to limit noise from any plant operating at the development to an acceptable level. On this basis it is considered that the proposed development is acceptable in terms of the likely effects of noise originating from it and is compliant with policy HS2 of the CSDP.

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Policy HS3 of the adopted CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

Ground investigation reports, a remediation strategy and verification report in connection with this development site have been considered and found to be acceptable. The application is therefore considered to comply with the requirements of Policy HS3 of the CSDP.

Drainage and flood risk

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. 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:

- o take account of advice from the Lead Local Flood Authority (LLFA);
- o have appropriate proposed minimum operational standards;
- o have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- o 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.

The site is located in Flood Zone 1 which means that it has the lowest probability of flooding. The application is supported by a Flood Risk Assessment and a drainage strategy and the LLFA has considered the application and has confirmed no objection to it. The LLFA has requested however, that if Members are minded to approve this application, a condition requiring the submission of a drainage verification report should be included on any approval granted. On this basis it is considered that the application complies with the requirements of Policies WWE2 and WWE3 of the CSDP and is acceptable in terms of flood risk and drainage.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

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

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

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

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

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

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

Summary

The proposed development is considered to be acceptable in principle and in all technical respects, subject to the draft conditions listed below and the completion of a S106 agreement to provide a financial contribution towards off site biodiversity net gain. Furthermore, the proposed development will enable the redevelopment of a site which has remained vacant for a considerable period of time and therefore shows clear regeneration benefits.

Members are therefore recommended to be minded to approve the application subject to the completion of the aforementioned S106 agreement and are requested to delegate the final determination of the application to the Executive director of City Development. In the event that the S106 agreement is not completed within a reasonable period of time, the application will be referred back to Members for further consideration and final determination.

RECOMMENDATION: Delegate to the Executive Director of City Development who is minded to APPROVE, subject to the draft conditions set out below and subject to the completion of a S106 agreement.

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 approved plans.
3. A full Travel Plan in connection with the development hereby approved shall be submitted in writing within 9 months of full occupation of the proposed development, for the written approval of the Local Planning Authority. The measures agreed in the Travel Plan shall then be fully implemented for the lifetime of the development. In the interests of sustainable transport and to comply with the requirements of policy ST3 of the CSDP.
4. The development shall be carried out in strict accordance with the Mitigation and compensation strategies identified in section 6 of the Preliminary Ecological Appraisal by Eco North Ltd. (Ref. ECN20 090; Date: 27.11.2020). In the interest of nature conservation and to comply with the requirements of policy NE2 of the adopted CSDP.
5. 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.

The verification report shall include:

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

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

6. All planting, seeding or turfing comprised in the landscaping scheme approved 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 BH1, NE2, NE3 and NE4 of the CSDP.
7. No fixed plant or parked mobile plant on the development site shall, when rated using BS1442:2014, exceed the measured background (LA90) values at the nearest noise sensitive receptor. In the interest of amenity and to comply with the requirements of policies HS1 and HS2 of the CSDP.