

PLANNING AND HIGHWAYS (WEST) COMMITTEE

AGENDA

Meeting to be held in the COUNCIL CHAMBER, CIVIC CENTRE on
Tuesday 30th November, 2021 at 5.30 p.m.

Membership

Cllrs Blackett, Donaghy, Fagan, Lauchlan, G. Miller (Vice Chair), Peacock, Price, Thornton (Chair), and Warne

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	-
3.	Minutes of the meeting of the Committee held on Tuesday 2nd November, 2021 (copy herewith)	1
4.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Executive Director of City Development (copy herewith).	5

Elaine Waugh,
Assistant Director of Law and Governance,
Civic Centre
SUNDERLAND

22nd November, 2021

Item 3

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held in the Council Chamber, Civic Centre on TUESDAY 2nd NOVEMBER, 2021 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Blackett, Donaghy, Fagan, Lauchlan, G. Miller, Peacock, Price and Warne.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

There were no apologies for absence.

Minutes of the last meeting of the Committee held on Tuesday 5th October 2021.

1. RESOLVED that the minutes of the last meeting of the Committee held on Tuesday 5th October, 2021 be confirmed and signed as a correct record.

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

The Executive Director of City Development submitted a report (copy circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

20/02027/HE4 – Full planning permission for 116 residential dwellings (use class C3) with associated infrastructure and landscaping and outline planning permission (all matters reserved except access) for up to 324 residential dwellings (use class C4), associated infrastructure and landscaping (additional highways information received 21/07/21, amended plans, updated drainage and ecology information and supplement to Environmental Statement received 23/07/21) - Land South West of Herrington Country Park, Chester Road, Penshaw, Sunderland

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

Councillor Fagan commented that as this application had already been considered at the last meeting of this Committee, before the public consultation period had ended, that this had created bad feeling amongst the public and enquired if this practice could be avoided in future.

The Chairman agreed that this was not her preferred method and that public feeling was strong in this regard.

The Planning Officer advised that this mechanism was a tool at the Council's disposal in order to ensure the prompt determination of applications to meet their statutory deadlines but that the strength of feeling by the public was acknowledged.

2. RESOLVED that Members be minded to grant consent under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the 33 draft conditions provided in the main report, including the revised condition no.25 as set out in the report and the amended condition no 4. As worded within the copy of the late report.

20/02219/FUL – Erection of a new pallet production building with attached pallet store, to include demolition of exiting building, erection new boiler house with attached fuel store and installation of new kilns – Former Alltrack Waste Recycling Centre and Former Corus Engineering Steels Limited, Hetton Lyons Industrial Estate, Hetton-Le-Hole, Houghton-Le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The Chairman introduced Mrs Kay Rowham who wished to speak in objection to the proposal. Mrs Rowham commented that she did not consider her objections submitted had been suitably addressed within the Committee report and in particular on Highway and Pedestrian Safety.

Mrs Rowham advised that the site was within Hetton Lyons Industrial Estate - the western most road leading to units 5 & 6 were already heavily congested with moving and stationary HGVs. Pedestrians, push chairs, mobility scooters and such like were often forced to use middle of the road when accessing the Country Park and had been subject to many complaints from the public.

Mrs Rowham raised concerns that the site was also on local road network, particularly Four Lane Ends, which was already over capacity and that the fact

a one-way system was to be utilised was irrelevant if this was going to exacerbate the existing problems there.

Mrs Rowham queried how many additional journeys there would be from this proposal as the report had no mention of this.

Mrs Rowham also raised concerns that the term 'a biomass boiler' appeared in the Design & Access Statement but there was no mention on the application form of a biomass boiler. This raised concerns additional biomass boilers could be installed without further planning applications being required, unless specifically excluded as a planning condition.

Mrs Rowham requested that the item be deferred until the Highways safety issues were addressed in a more detailed report and that conditions were imposed to ensure only the one biomass boiler could be installed and any subsequent requests for further boilers would require planning permission.

The Chairman wished to clarify that any complaints received previously, as referred to by Mrs Rowham were in relation to a different company and that this applicant was not connected to the previous company and should not be held responsible for previous issues.

The Chairman introduced the applicant, Mr Mackenzie who wished to address the Committee and informed that the site had remained in this location for the last ten years and supplied the Nissan site and that the traffic would remain the same, with the same work and same staff as previous.

Mr Mackenzie advised the Committee that the biomass boiler would be controlled by the Environment Agency, subject to permits and it would only be for one boiler.

The Planning Officer advised that any additional biomass boilers would be required to obtain planning permission therefore there was no need to include this in way of a condition and that there were no significant concerns over traffic.

The Highways Officer commented that they had considered the information submitted and the one-way system with improved access points was considered to be acceptable to deal with the traffic and provided sufficient capacity within the development site.

The Highways Officer also informed that Four Lane Ends was not something they felt needed to be considered as part of this development.

Councillor Peacock enquired how confident Officers were that the one-way system proposed would address the issue of vehicles parking on the road outside. The Highways Officer commented that they were confident the arrangements proposed would deal with the proposal put forward for consideration but it was not the applicants responsibility to deal with any existing problems in the area.

3. RESOLVED that Members approved the application for the reasons set out within the main report and subject to the 19 conditions listed therein.

21/01034/FUL – Erection of a portal frame industrial building for pallet storage – Former Alltrack Waste Recycling Centre and Former Corus Engineering Steels Limited, Hetton Lyons Industrial Estate, Hetton-Le-Hole, Houghton-Le-Spring

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

4. RESOLVED that Members approved the application for the reasons set out within the main report and subject to the 8 conditions listed therein.

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 123-129).

The Chairman requested that a site visit be undertaken in respect of the following application,

- i) 21/01969/FU4 – Land at Station Road, Penshaw, Houghton-Le-Spring

5. RESOLVED that:-

- i) the items for information as set out in the matrix be received and noted;
- ii) a site visit be undertaken in respect of application 21/01969/FU4 – Land at Station Road, Penshaw, Houghton-Le-Spring

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

(Signed) M. THORNTON,
(Chairman)

Planning and Highways (West) Committee

30th November 2021

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development determination. Further relevant information on some of these applications may be received and, in these circumstances, either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 20/01591/FU4
Former Houghton Colliery Newbottle Street Houghton-le-Spring
2. 21/02343/LP3
Herrington Park Cafe Herrington Country Park Chester Road Penshaw
Sunderland
3. 21/02381/FUL
Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland
SR5 3NS

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk .

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.: 20/01591/FU4 Full Application (Reg 4)

Proposal: **Erection of retail units (within Use Class E) and petrol filling station (Sui Generis), with new vehicular access, parking, servicing areas and landscaping.**

Location: Former Houghton Colliery Newbottle Street Houghton-le-Spring

Ward: Houghton

Applicant: Hellens Land Ltd

Date Valid: 8 September 2020

Target Date: 8 December 2020

PROPOSAL:

Planning permission is sought for the erection of retail units (within use class E) and a petrol filling station (sui generis use), with new vehicular access, parking, servicing areas and landscaping at former Houghton Colliery, Newbottle Street, Houghton-le-Spring.

The proposed development affects the site of the former Houghton Colliery, covering an area of approximately 4.4ha of land immediately to the north of Houghton-le-Spring town centre. The colliery closed in the early 1980s and the site was subsequently grassed and planted over and has remained undeveloped ever since. There are significant level differences across the site and also between the site and adjacent land.

The land is bounded by the A182 and the Quarry petrol/service station to the north-east, whilst to the north-west is grassed open space with residential areas of Grasswell beyond. To the south-east are mature trees, Sunrise Lane and the commercial centre of Houghton-le-Spring, whilst to the south-west is a belt of mature trees with allotments and residential properties beyond.

The planning application originally proposed a development comprising a discount food store, a terrace of three additional large-format retail units, a drive-thru restaurant and four smaller-scale retail units, alongside car parking, servicing areas and hard and soft landscaping. At the applicant's request, the development proposed by the application has been substantially changed from the original submission and it now involves the following:

- o A Tesco foodstore comprising 4,218 sq. metres gross floor space, with a footprint of 85m x 49m and a maximum height of 8.5m;
- o A Home Bargains store of 1,860 sq. metres gross floor space, with a footprint of 61m x 32m and a maximum height of 8.5m;
- o A petrol filling station and jet wash, operated by Tesco;
- o Recycling facilities;
- o Car parking with 329 no. spaces, including 22 no. accessible spaces, 17 no. 'parent and child' spaces and 9 no. electric vehicle charging points;
- o 4 no. 'click and collect' spaces;
- o A total of 12 no. cycle parking spaces, in the form of 'Sheffield' type cycle loops under the canopy to the front of unit 1;
- o Servicing areas to the rear of the new retail units;
- o Hard and soft landscaping areas throughout the site;

Members should note that the proposed Tesco and Home Bargains stores fall within use class E of the Town and Country Planning (Use Classes Order) Order 1987 (as amended in 2020), whilst the petrol filling station is a sui generis use (i.e. a use which does not fall within a specific use class of the Order).

The Planning and Retail Statement submitted with the planning application advises that the development could create a total of 100 no. full- and part-time jobs, with 'spin-off' employment to local businesses and others in the supply chain and construction employment during building works. The application form also advises that 24-hour opening is being sought for the development, as requested by Tesco. It is not yet certain that the Tesco store will operate on a 24-hour basis, however there being no limits on opening times offers maximum flexibility to the operator.

In terms of site layout, the larger Tesco unit is to be positioned alongside the western boundary of the site, facing across the main car park towards the A182, and so will be viewed first when entering the site. The Home Bargains store will be positioned within the northern part of the site and face southwards across the car park, with the petrol filling station in the southern part of the site.

The development would be accessed via a new roundabout on the A182, to the north of the existing roundabout junction between the A182, the end of Newbottle Street and the access to the Houghtonside Estate. A spine road will lead into the site and connect the car parking areas and provide access to the petrol filling station. Access for servicing vehicles will be via a new road leaving the A182 adjacent to the Quarry Service Station, which will lead to servicing areas between the Tesco and Home Bargains units. This arrangement will keep large delivery vehicles separate from customers visiting the site and largely screen delivery activities from view.

Pedestrian routes are also provided to/from and within the site. A new permissive footpath will run through the site, in between the new units and areas of parking, whilst a new foot/cycle way, intended to be designated as a public right of way (PROW) will run around the edge of the site, close to the south-western boundary. This will provide a connection to the open space to the north-west, which can be crossed to reach the residential areas of Grasswell beyond.

A new area of public open space is to be developed at the south-eastern end of the site, to act as an interface between the proposed development and the wider Houghton town centre. The open space is due to include a new public art feature (Members should note this will be subject to a separate planning application).

In terms of the appearance of the new units, the Tesco store includes glazing along a significant part of its north-east elevation. This will have a height of 5 metres, with the signage zone above the main entrance. The Home Bargains store includes 2.4m-high glazing along the entirety of its south-eastern elevation, with the signage zone to the centre of the south-elevation, above the glazing. Other materials to be used in the retail units include light and dark grey composite cladding panels, with dark grey used for feature elements. Curtain wall glazing will be provided around the customer entrance to the Tesco store, with a glazed shopfront and entrances to the Home Bargains store.

The petrol filling station structure will be 5.2 metres in height and comprises a small compound to enclose the infrastructure, with canopies to either side above the pumps themselves. Timber effect cladding and cladding panels will be used in the canopy structure.

In terms of landscaping, the proposals would necessitate the removal of a belt of trees alongside the A182, which will be replaced by new soft landscaping to provide an attractive edge to the

development. The belt of trees along the south-western edge of the site is largely to be retained. The landscaping for the site will utilise hard and soft landscaping, comprising hardstanding and footpaths, the aforementioned area of public open space, native bulb planting, amenity grassland, turfed areas, species-rich grass seeding and ornamental shrub planting. Double-staggered rows of native hedging will be planted at pedestrian entrances from the north and south of the site. The proposed PROW along the south-western boundary will partly be bordered by species-rich meadow grass seeding.

The application has been accompanied by a range of supporting plans and technical surveys and reports which, where necessary, have been updated in light of the aforementioned revisions to the original scheme. The following have been submitted:

- o Planning and Retail Statement;
- o Design and Access Statement;
- o Archaeological Desk-based Assessment;
- o Archaeological Evaluation report;
- o Air Quality Assessment;
- o Noise Assessment;
- o Flood Risk and Drainage Impact Assessment;
- o Transport Assessment;
- o Road Safety Audit;
- o Interim Travel Plan;
- o Sustainability Statement;
- o Preliminary Ecological Appraisal;
- o Breeding Bird Survey;
- o Bat Survey;
- o Biodiversity Offsetting report;
- o Arboricultural Impact Assessment;
- o Tree Protection Plan;
- o Phase 1 Desktop Study Assessments;
- o Phase 2 Ground Investigation Interpretive reports;
- o Mineshaft Ground Investigation report;
- o Community Consultation report;

Members should note that at present, the application site is in the ownership of the City Council.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer

The Coal Authority

Northumbrian Water

The Highways England

Network Management

The Highways England

Houghton - Ward Councillor Consultation

Copt Hill - Ward Councillor Consultation

City Arboricultural Officer
Flood And Coastal Group Engineer
Planning Policy
Environmental Health
Public Rights Of Way Officer
Network Management
Tyne And Wear Archaeology Officer
The Coal Authority
Northumbrian Water
Northumbria Police
Fire Prevention Officer
Northern Electric
NE Ambulance Service NHS Trust
Land Contamination
Environment Agency
The Highways England
Houghton - Ward Councillor Consultation
Copt Hill - Ward Councillor Consultation
City Arboricultural Officer
Flood And Coastal Group Engineer
Planning Policy
Environmental Health
Public Rights Of Way Officer
Network Management
Environment Agency
Tyne And Wear Archaeology Officer
The Coal Authority
Northumbrian Water
Northumbria Police
Fire Prevention Officer
Northern Electric
NE Ambulance Service NHS Trust
The Highways England
Tyne And Wear Archaeology Officer
Land Contamination

Final Date for Receipt of Representations: **08.12.2021**

REPRESENTATIONS:

Public consultation - two public consultation exercises have taken place, at the time of the submission of the application and upon receipt of the amended proposals. The application has been publicised by way of letters to nearby properties, site notices and notices in the Sunderland Echo newspaper.

A number of representations were received, expressing both objection and support to the proposed development. The following representations were received in relation to the initial consultation exercise:

From occupier of 7 Thorneyburn Close:

- The development is long overdue and development will increase revenue spend in the area and provide services and facilities which are currently unavailable;

- Without the development, the area could fall further behind areas with similar retail developments, to which residents of Houghton will travel;
- The current High Street of the town centre is not fit for purpose and this development, coupled with new housing being built in the area, will increase footfall and have a positive effect on the High Street;

Detailed representation submitted by Sunderland Civic Society:

- Notes that in principle, the proposal appears to comply with the relevant planning policy allocation and objectives for the site, although there is a suggestion that a more diverse range of uses on the site should be encouraged in order to better support Houghton town centre;
- Suggestion that trends towards online shopping, together with the effects of the Covid-19 pandemic and leaving the EU could affect the viability of the scheme and also the vitality and viability of Houghton town centre;
- Suggestion that a development of this nature could harm Houghton town centre rather than complement it, as is purported by the planning submission;
- Representation questions the need for convenience floorspace and the robustness of the data used to establish the perceived deficiency in convenience floorspace required in the Coalfield area and being used to identify the potential impacts of the development on Houghton town centre and other existing centres in the area;
- Design and layout comments, including the need to create a strong link to Newbottle Street and the wider Houghton town centre, the provision of the public space to create a focal point and attractive entrance/exit to the development and the investigation of making improvements to the cul-de-sac at the head of Newbottle Street;
- Request that as many trees as possible are retained alongside the boundary with the A182, in the interests of visual amenity;

From local resident, address not provided:

- Houghton-le-Spring has lost facilities over the years and Newbottle Street has suffered from a loss of high-quality businesses and predominance of fast food outlets;
- There is already a high level of vacancy within Newbottle Street and it is considered that the proposed development will exacerbate this issue and have an adverse impact on the shopping street;
- The town is well-served by public transport, meaning other retail facilities can easily be accessed - the proposed development is therefore not important and would not enhance the area;

The following representations were received in response to the second public consultation exercise, carried out upon receipt of the amended proposals:

From occupier of 21 Hillview Road, Houghton:

- Proposal is fantastic for the area and is fully supported, although would have liked to have seen more than two units within the development;

From business at Sunrise Lodge, Sunrise Lane:

- Very excited by the development, including for the wider community;
- Development will bring jobs to the area and see the land being put to good use;
- Development should have happened sooner;

Detailed representation from Sunderland Civic Society:

- Considers that the proposed level of comparison goods floorspace within the development (1,876 sq. metres gross) is acceptable given the stated requirement of 2,500 sq. metres within the Coalfields area set out by the Council's adopted Core Strategy and Development Plan;

- The proposed convenience floorspace (3,365 sq. metres gross) appears, however, to be an over-provision and could therefore have a significant adverse effect on the vitality and viability of Houghton town centre and its future regeneration;
- The representation notes that whilst the Council's Core Strategy identifies a need for new convenience floorspace in the Coalfields area, it does not set down a quantifiable figure and so it is difficult to establish the level of new convenience floorspace actually required;
- The Civic Society does not accept the applicant's conclusion that the proposed development would boost Houghton town centre by creating linked trips, given that the convenience floorspace it will create is one-and-a-half times greater than the existing town centre. As such, it is unlikely that visitors to the Colliery development would find it worthwhile visiting the town centre;
- It is suggested that the predicted convenience trade diversion, particularly in the context of a static local population and decline in expenditure to 2030, will lead to a lessening of the vitality and viability of the town centre, contrary to the Council's adopted policies;
- Representation concludes by setting out a strong objection to the level of convenience floorspace within the development, suggesting it will have an unacceptable adverse impact on the regeneration of Houghton town centre. It is suggested that more modest proposals should be brought forward incorporating less convenience goods floorspace and a wider range of other uses;

The applicant's planning agent also undertook community consultation exercises, both prior to the submission of the application and prior to the submission of the amended scheme. This took the form of a consultation website, advertised via a press release and social media posts, which was re-launched in relation to the amended scheme. High levels of support were recorded for the original scheme; a lower level of support was recorded for the amended proposals (58% of respondents generally in favour), although supporting comments suggest this may reflect disappointment at the removal of the drive-thru restaurant and the introduction of the petrol filling station. Full details of the consultation exercise are provided in the applicant's Community Consultation Statement.

Environment Agency - it is noted that the development of the site does present a risk to controlled waters. It is therefore advised that there are no objections to development, providing that conditions relating to site remediation, the submission of a verification report, procedures for handling previously unexpected contamination and the use of piling in construction works are imposed.

Further clarification is being sought as to whether any additional or amended conditions are required in respect of the revised proposals, including ensuring risks from storage of fuel in association with the proposed petrol filling station are properly managed.

Coal Authority - initially advised that further information was required in relation to the coal mining features and hazards present at the site, including three former mine entries. Treatment works (i.e. filling/capping) of mineshaft 003 should take place and these works can be secured via an appropriately worded condition. The Coal Authority requested, however, that the submitted plans be updated to clarify the location and no-build exclusion zone of the mine entries, in order to demonstrate that the presence of the entries is being properly accounted for.

Further information in relation to the location and condition of the mine shafts has been provided in the applicant's updated Phase 2 Ground Investigation report. The applicant is also aware that permission is required from the Coal Authority Permit and Licensing team before undertaking treatment or mitigation measures at the site. The Coal Authority initially responded to advise that the development can proceed, subject to a condition requiring the submission of a signed

statement or declaration confirming that the site has been made safe and stable and that any remedial works and/or mitigation necessary to address coal mining risks have been undertaken, for the approval of the LPA.

Additional information provided by the applicant in relation to proposed mineshaft remedial/mitigation works (as required by the Coal Authority's requested condition) is still being considered by the Coal Authority and clarification is being sought as to whether the abovementioned condition is still required or can be re-worded.

National Highways (formerly Highways England) - initially objected to the proposed development. Whilst it was accepted that anticipated trip generation rates were robust, it was requested that further analysis of potential impacts on the A19/A690 junction be undertaken, to verify the conclusion that the development may, in fact, result in a slight decrease in traffic at the junction.

Further analysis of the potential impact of the development on the A19 junction has been undertaken and National Highways are now satisfied, with their initial objection to the development formally withdrawn.

Northumbrian Water - initial issues relating to surface water connection and discharge rates have been resolved and therefore no objections to the development. It is requested that a condition requiring the implementation of the submitted drainage scheme be imposed in the event the application is approved.

Northumbria Police - no objections to the development, however in respect of the original proposal, it was noted that a retail development may attract criminal attention and some concerns were raised in respect of the relationship between the proposed footpath and the service yard, proposed fence types and heights. The re-design and new usage of the site is welcomed; advice is provided in relation to the route and design of the proposed Public Right of Way within the new development to ensure it is as secure as possible.

Tyne and Wear Fire and Rescue Service - no objections.

Northern Powergrid - no objections received.

Tyne and Wear County Archaeologist - notes that the application site lies outside the boundary of Houghton medieval village, however it is reputed that a 'holy well' is located on the site. The well was marked on 1st edition Ordnance Survey maps and is likely to be Anglo-Saxon or medieval in date and has associations with the Venerable Bede. Features associated with the land's use as Houghton Colliery were removed during site clearance.

The County Archaeologist initially recommended that the planning application was not determined until a programme of trial trenching at the eastern end of the site had taken place, to ascertain the presence and condition of any remains associated with the well.

Subsequent to this, an archaeological evaluation of the site was undertaken, and a report submitted for consideration. The trench identified 20th century demolition deposits and no deposits of archaeological significance were encountered. The County Archaeologist is now satisfied that the development can proceed, however a condition is requested which requires a watching brief for all groundworks at the eastern end of the site, to ensure that any significant archaeological remains encountered can be identified and recorded in a manner appropriate to their significance. The requirement for a watching brief and a report into observations made can be secured via planning conditions.

Council's Planning Policy team - notes that the application site is allocated as an 'edge of centre' site by saved Unitary Development Plan policy HA31.1, with acceptable uses being those falling within former use classes A1 (retail) and B1 (offices), use class C3 (dwellinghouses) and former use classes D1 (non-residential institutions) and D2 (assembly and leisure), as well as car parking and open space. The policy sets out criteria for when key town centre uses would be considered acceptable at the site.

The Council's adopted Core Strategy and Development Plan (CSDP) does, however, situate the site within Houghton Town Centre, as per policy VC1. Criterion 6 of policy VC1 indicates that main town centre uses will be focused within existing designated centres, with development outside of designated centres required to follow a sequential assessment approach.

The Council's Policy team note that the application has been accompanied by a Sequential Assessment and Retail Impact Assessment; it should be established whether these are proportionate and acceptable.

In relation to the initial scheme, it was noted that the proposed drive-thru restaurant may conflict with the Council's adopted policy VC4, which seeks to restrict new hot-food takeaway uses in Wards with a high prevalence of childhood obesity. Advice is also provided in relation to applicable policies relevant to ecology, transport, amenity and design.

Overall, it is considered that the proposals (as amended) broadly accord with the allocation for the site through saved UDP policy HA31.1 and are acceptable subject to analysis of the submitted Sequential and Retail Impact Assessments and all other relevant material planning considerations being satisfactorily addressed.

Council's Flood and Coastal team, in capacity as Lead Local Flood Authority - initially requested that further details be submitted in respect of the proposed sustainable drainage strategy for the development, including in relation to NWL's agreement to discharge locations, the maintenance of SuDS features, detailed flood and drainage design drawings, hydraulic modelling, infiltration rates and run-off directions. The applicant's drainage consultant is, at the time of writing this report, addressing the outstanding issues raised by the LLFA and it is anticipated that an acceptable drainage solution can be reached.

Council's Ecology team and Ecology consultants - the Council's Ecology officer initially advised that further detail on proposed ecology mitigation measures was required, as well as further analysis of impacts caused by loss of trees, including in relation to bats and breeding birds. Additionally, further assessment was required in relation to the submitted biodiversity net gain calculations.

Biodiversity net gain calculations were subsequently provided, however following review, the Council's Ecology consultants advised that a further report and corresponding metric spreadsheet was required to demonstrate that a net gain can be achieved. Following submission of additional detail, the Council's ecology consultant is broadly satisfied that net gains can be delivered by the development, although these will be marginal. Discussions are ongoing, however, in respect of any conditions required to ensure that the net gains to be delivered by the applicant's proposals will be secured, managed and maintained.

Council's Highways team - notes that a Transport Assessment (TA) has been submitted with the application. The following comments are made in relation to the TA and wider submission:

- Agreed that the site affords the opportunity to maximise sustainable travel given its proximity to existing pedestrian and cycle networks and public transport services;
- Proposed access arrangements, both for visitors to the site and service vehicles, are considered to be acceptable, with the new roundabout junction to the A182 of an acceptable location and design, including in respect of providing appropriate pedestrian crossing facilities;
- The internal road layout is generally acceptable, although some traffic calming measures are recommended - this has been addressed by introducing speed cushions on the stretch of straight road along the rear aisle of the car park;
- Initially requested that proposed levels of car parking be informed by the completion of the Council's accessibility questionnaire for new development proposals. This has been undertaken and generates a parking requirement of 287 spaces, whereas 329 are proposed. The Council's Highways team accept, however, that the additional parking could support linked trips into Houghton town centre and is therefore considered acceptable on this occasion;
- Cycle parking provision is acceptable;
- Servicing arrangements are acceptable, subject to a condition requiring the submission of a Delivery and Servicing Management Plan;
- Trip generation analysis submitted with the application is considered to be acceptable and robust;
- Existing traffic data is taken from October 2019 and modelled for the year 2030; this is considered to be acceptable and to demonstrate that key road junctions on the A182 will be able to comfortably accommodate traffic generated by the development at the year 2030;
- Analysis of accident records indicates there are no particular highway safety concerns around the site and the situation would not be materially affected by the proposed development;
- The Framework Travel Plan for the development states that Subsidiary Travel Plans will be formulated by occupiers of the new units. These are to be submitted prior to occupation of the units and should be secured by planning condition;
- Advice provided on s278 works and 'stopping up' procedures in relation to highways and footpaths within the site;
- Request that a condition be imposed requiring the approval of a Construction Traffic Management Plan (CTMP) for the development;

Council's Environmental Health team - the following comments have been made:

- Condition requested for the submission and approval of a Construction Environmental Management Plan (CEMP);
- No objections in relation to noise given relative remoteness of the site from sensitive properties. The submitted noise assessment, which was updated following the amendments to the scheme, is robust and demonstrates that no significant noise impacts should occur during operation of the development, including from external plant to be fitted to the new retail units;
- No objections relative to odours, following the removal of the drive-thru restaurant from the proposals;
- Submitted Air Quality Assessment, which was updated following the amendments to the scheme, shows impacts are not expected to be significant and there will be no exceedance of statutory objectives in relation to air quality.

Council's Land contamination consultant - initially requested that the submitted Phase 1 report be updated to include consultation information from the Environment Agency and the Council. In relation to the Phase 2 investigations, further analysis of soils at the site was requested, along with further details of proposed earthworks and clarification in relation to ground

gas monitoring. Advice on the treatment of mining remains at the site is also provided, subject to endorsement by the Coal Authority.

The Council's Land Contamination consultant is satisfied that the application can be approved subject to conditions, including a requirement to update the submitted Phase 2 report as detailed above. Additional information in relation to the recommended updates to the Phase 2 report has been provided by the applicant and is currently being reviewed by the Council's consultant.

Council's Landscape team - in relation to original submission, some concerns were raised in relation to the proposed planting arrangements, choice of species and hard and soft landscaping proposals. No further comments have been provided in respect of the revised submission.

Council's Built Heritage officer - no objections to the development.

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.

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 plan for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

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

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

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

SP6 - The Coalfields character and settlements will be protected whilst ensuring its future sustainability by, amongst other measures, ensuring Houghton Town Centre is the focus for office, retail and main town centre uses.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures. Planning applications for large-scale development (i.e. more than 100 dwellings) should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

SP9 - in order to meet identified development needs, at least 45,500 sq. metres of comparison retail floorspace will be provided, with approximately 2,500 sq. metres of this to be created within the Coalfields area.

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.

VC1 - seeks to protect the vitality and viability of city, town, district and local centres by directing new retail, leisure, entertainment, cultural facilities and services to existing centres. Development outside of existing centres will be expected to follow the sequential assessment approach.

VC2 - applications for edge- or out-of-centre retail development will require an impact assessment to be submitted where the relevant stated local threshold is exceeded.

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

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

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

BH9 - 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 - seeks to protect existing greenspace from inappropriate 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.

M1 - states that development will be restricted in areas safeguarded for minerals extraction, including coal, sand and gravel bedrock and limestone. Exceptions to the application of this policy apply, one being where proposed development accords with an allocation in the Plan.

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.

Saved policy HA31 of the UDP identifies three sites within central Houghton-le-Spring which are available for development opportunities to support the regeneration of the town. The policy identifies the former Houghton Colliery site as an 'edge of centre' site and it states that a combination of the following uses would be acceptable across the three sites:

- Shopping (former use class A1);
- Offices and businesses (former use class B1);
- Housing (use class C3);
- Leisure (use class D2);
- Community uses (use class D1);
- Car parking and open space

Development of key town centre uses at the site will be allowed provided:

- (i) there is no suitable alternative location within the Town Centre;
- (ii) it does not solely or cumulatively divert investment from existing centres so as to threaten their vitality and viability;
- (iii) it contributes to a balanced distribution of facilities accessible to all sectors of the community by public transport, on foot or cycle as well as by car;
- (iv) it does not have an adverse effect on overall travel and car use

Members should note at this point that following the amendment to the Town and Country Planning (Use Classes) Order in 2020, former use classes A1 and B1 now fall within use class E (commercial, business and service), use class D1 is split between use classes E and F.1 (learning and non-residential institutions), whilst use class D2 is split between use classes E and F.2 (local community uses).

With regard to the draft Allocations and Designations (A&D) Plan, policy SP12 states that to support the overall development strategy set out in the CSDP, the A&D Plan will, amongst other measures, allocate the former Houghton Colliery site as a development opportunity and extension to Houghton Town Centre. Policy VC7 goes on to state that the site of the former Houghton Colliery site is allocated for the development of main town centre uses (use class E). Policy WWE11 identifies the site as potentially being suitable for wind energy development. The proposed policies map shows the site as 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.

Members should note at this stage that when, in line with the requirements of s38(6) of the Planning and Compulsory Purchase Act 2004, consideration is being given as to whether a

development proposal is in 'accordance with the plan', it is necessary to consider whether the proposal accords with the plan taken as a whole (as per the *R v Rochdale MBC ex parte Milne* judgement). Consequently, a development proposal does not have to accord with each and every policy of a plan in order to be found 'in accordance with the plan'.

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

- Build a strong, competitive economy (section 6);
- Ensure the vitality of town centres (section 7);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. The principle of the proposed development;
2. Consideration of policies relating to retail development;
3. The implications of the development in respect of residential amenity;
4. The implications of the development in respect of design and visual amenity;
5. The implications of the development relative to archaeology;
6. The impact of the development in respect of highway and pedestrian safety;
7. The impact of the development in respect of ecology and biodiversity;
8. The impact of the development in respect of flooding and drainage;
9. The impact of the development in respect of ground conditions;

1. Principle of proposed development

As set out above, the application site is identified by saved policy HA31.1 of the UDP as an 'edge-of-centre' location which has the opportunity to support the regeneration of Houghton Town Centre. Despite the age of the policy, the site's definition of 'edge of centre' is considered to remain accurate in the context of the definition provided in Annex 2 of the NPPF, which states that for retail purposes, 'edge of centre' is 'a location that is well-connected to, and up to 300m from, the Primary Shopping Area'. Policy HA31.1 advises that a combination of uses are deemed as acceptable at the site, including retail development (former use class A1, now within use class E). Development of the site will be allowed where there is no suitable alternative location within Houghton Town Centre and it can be demonstrated that the development would not, either solely or cumulatively, divert investment from existing centres so as to threaten their vitality and viability. Proposals must also contribute to a balanced distribution of facilities accessible to all sectors of the community and must not have an adverse effect on overall travel and car use.

The site is also subject to policy VC1 of the Council's adopted CSDP, which serves to include the site within the defined boundary of Houghton Town Centre. The policy seeks to maintain and enhance the vitality and viability of defined centres by focusing main town centre uses in existing designated centres and applying the sequential approach to development proposed outside of existing centres.

Additionally, policy SP9 is supportive of up to 2,500 sq. metres of comparison retail floorspace being created in the Coalfields area. The supporting text to the policy (at paragraph 8.11) goes on to state that whilst the Council's most recent Retail Needs Assessment does not identify any need for additional convenience retail floorspace over the period up to 2035, it is recognised that there is currently limited provision in the Coalfields area, resulting in a significant amount of leakage expenditure. There is therefore considered to be scope for the provision of a new supermarket to service this area and this should be located within Houghton Town Centre to reinforce its role as the area's primary shopping area and to promote sustainable shopping patterns.

Furthermore, policies SP12 and VC7 of the draft A&D Plan intend to allocate the site for town centre uses, although as noted earlier, only limited weight can be given to these policies given the A&D Plan has not reached an advanced stage in the adoption process.

On a broad level, the proposed development appears to be compatible with the objectives of saved policy HA31.1 of the UDP, policies VC1 and VC2 of the CSDP and policies SP12 and VC7 of the draft A&D Plan, insofar as it proposes retail development on a site which is allocated for a range of commercial and other uses and which is located within the recently-defined Houghton Town Centre boundary. It is noted that policy HA31.1 of the UDP and policy VC7 of the draft A&D Plan do not specifically mention petrol filling stations as an acceptable use at the site, however it is judged to be appropriate to consider this proposed facility within the context of the overall development of the site and it is considered reasonable to suggest that the petrol filling station can be viewed as an ancillary or minor feature of the proposed development, particularly as it is common for petrol filling stations to stand alongside supermarkets. The presence of the proposed petrol filling station is therefore not considered to give rise to any significant conflict with the objectives of policy HA31.1 of the UDP or policy VC7 of the draft A&D Plan (although only limited weight could be given to any conflict with this policy at this time).

Notwithstanding the above, as an 'edge of centre' site, the proposed new retail uses are required to satisfy the sequential and impact tests to understand the potential impacts of the development on the vitality and viability of Houghton Town Centres and other designated centres in proximity to the application site.

Furthermore, and as highlighted by the representation from the Sunderland Civic Society, it is noted that whilst the amount of new comparison retail floorspace within the proposed development accords with policy SP9, this policy does not explicitly support the level of convenience floorspace within the development, although the supporting text to the policy does suggest scope exists for a new supermarket in Houghton town centre. Further consideration therefore needs to be given to this matter in assessing the merits of the proposed development.

Additionally, before it can be determined whether the proposed development is acceptable, consideration must also be given to a range of other material planning considerations. This exercise is undertaken in the following sections of this report.

2. Consideration of policies relating to retail development

Broadly speaking, the local and national policy framework seeks to ensure that the viability and vitality of existing town and local centres is maintained by, amongst other measures, ensuring new retail development is directed towards existing centres wherever possible.

As noted above, the application site is subject to saved policy HA31.1 of the UDP, which identifies the site as a development opportunity to support the regeneration of Houghton town centre, subject to an assessment of the potential impact of any proposals upon existing centres, and policy VC1 of the CSDP, which requires the development of main town centre uses outside of

existing centres to follow the sequential assessment approach. This requirement correlates with paragraph 87 of the NPPF, which states that main town centre uses should be located in town centres, then in edge of centre locations; out of centre locations should only be considered where more suitable sites are not available. Paragraph 88 of the NPPF goes on to advise that when considering edge of centre and out of centre locations, preference should be given to accessible sites which are well-connected to the town centre.

Policy VC2 of the CSDP is also relevant; this states that when assessing applications for edge- or out-of-centre retail development, the Council will require an impact assessment to be submitted where the development will exceed the relevant threshold. In respect of proposals affecting Houghton town centre, the threshold is set at 750 sq. metres of convenience retail floorspace and 750 sq. metres of comparison retail floorspace. Paragraph 90 of the NPPF states that such impact assessments should provide an appraisal of the impact on existing, committed and planned public and private investment in centres within the catchment area of the application and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment. Policy VC2 goes on to state that where there is evidence that the development would have a significant adverse impact upon the vitality and viability of a designated centre, planning permission should be refused, an approach which aligns with the advice of paragraph 91 of the NPPF.

The planning application has been accompanied by a detailed Retail Statement (updated to account for the revised development proposals), the purpose of which is to consider the merits of the proposed development against the relevant local and national policies relating to proposals for 'town centre' development. The Statement includes analysis of data relating to matters such as local population trends, the health of existing designated centres, spending patterns and the trading and turnover of existing stores in reaching its conclusions.

The Retail Statement submitted with the planning application firstly considers the existing situation in the locality of the application site and the wider Sunderland local authority area relative to the condition of designated centres and the qualitative and quantitative need for new retail development. It notes that Houghton-le-Spring town centre is the main town centre serving the Coalfields area and that it contains a range of retail and other commercial/community uses which primarily meet the needs of local residents. The main thoroughfare of the town centre is Newbottle Street, with a freestanding Lidl supermarket at Mautland Square, adjacent to the A182. Analysis within the Retail Statement has established that the town centre has good levels of footfall and had a unit vacancy rate below the national average, prior to the first Covid-19 lockdown. Service retail uses account for the majority of ground-floor commercial units in the centre, with convenience retail accounting for under 10% of units and comparison retail accounting for around a quarter of the total. There is just one foodstore of any significant size within the town centre (the Lidl supermarket), no other large-format retailing and only a small number of national retailers. The Retail Statement concludes that there are limited opportunities for significant new development or redevelopment within the existing primary shopping areas.

Additionally, the Statement notes that there are no larger-format retail facilities within the Coalfields area beyond Houghton town centre, including in Hetton-le-Hole district centre and local centres such as Shiney Row, Fencehouses, Market Street (Hetton) and Easington Lane (the defined 'study area'). These centres focus on meeting day-to-day local needs. As a result, a significant proportion of spending generated within the area for both food and non-food goods is currently leaking to stores and centres further afield in Sunderland, Washington, Durham, the MetroCentre in Gateshead and Newcastle.

The submitted Retail Statement also considers the Council's Sunderland Retail Needs Assessment of 2016, which provides the most up-to-date assessment of the capacity, and need,

to accommodate new retail development within the Sunderland local authority area. The Assessment does not identify any quantitative capacity to support new convenience retail floorspace in Sunderland, but the applicant's Statement argues that the Assessment does not take into account the extent to which existing foodstores are overtrading or the potential to increase the current rate of expenditure retention (including in the Coalfields area). The applicant's Statement also highlights the Assessment's acknowledgement that there remains a qualitative need for a further supermarket in Houghton-le-Spring, to reduce unnecessary levels of car travel and its noting that comparison goods retailing in Houghton is limited, with a very low expenditure retention rate.

In accordance with the requirements of policy VC1 of the Council's adopted CSDP and paragraph 87 of the NPPF, the Statement contains a Sequential Assessment, which gives consideration to the potential for sites within and on the edge of Houghton town centre, Hetton district centre and Easington Lane, Hetton Market Street, Fencehouses and Shiney Row local centres to accommodate the proposed development. The Statement concludes that a number of the sites identified are not sequentially preferable to the application site and none of the sites identified are both suitable and available to accommodate the proposed development due to a number of constraints, including their size, location and existing and proposed uses. As such, the Sequential Assessment concludes that there are no sequentially preferable alternative sites which could accommodate the proposed development and it is contended that the proposal complies with the sequential approach to site selection set out in the NPPF and required by policy VC1 of the CSDP.

In terms of impacts, the Retail Impact Assessment element of the submitted Statement concludes that the proposals would not have any significant adverse impact upon existing centres, either in terms of investment or vitality and viability, taking into account trade/turnover and consumer choice. Furthermore, there is not considered to be any planned investment in/around Houghton town centre which could be affected by the proposed development. The Impact Assessment identifies the existing Lidl store in Houghton as trading strongly and contends that its viability is unlikely to be affected given the level of available expenditure within the catchment area, which can support the existing Lidl alongside the proposed development. Additionally, it is contended that the majority of other existing provision within Houghton and other centres generally comprises smaller-scale uses catering for top-up and specialist needs, thus catering for a different market to the proposed development and therefore unlikely to be significantly adversely affected by the scheme.

The Impact Assessment also concludes a significant proportion of the turnover of the proposed Tesco and Home Bargains stores would comprise 'claw back' spending which is currently leaking out of the Coalfields area to facilities further afield. This could amount to £17.2m in relation to convenience goods spending and £5.9m in relation to comparison goods spending. The impacts resulting from the new development would therefore be spread across a wide range of facilities, including destinations outside of the defined study area, some of which are unrelated to existing centres. It is concluded that there is no prospect that the comparison goods trade diversions would result in any significant adverse impact upon Houghton-le-Spring or any other existing centres, particularly as this is anticipated to be offset by forecast growth in non-food spending.

In relation to Houghton town centre specifically, it is asserted that the development would complement, rather than compete with, the majority of existing facilities (many of which comprise independent retailers) and would have only a limited overlap with the proposed floorspace. In practice, the Impact Assessment contends that the development would provide a boost to the centre by regenerating a vacant former industrial site in an edge-of-centre location and generating linked trips and spin-off business for existing facilities.

The Retail Statement concludes by suggesting the sequential and retail impact assessments undertaken demonstrate that:

- o There are no potential alternative opportunities, which are both sequentially preferable to the proposed development and suitable and available to accommodate the proposed development; and
- o The development would not have a significant adverse impact, in terms of either investment in centres or their vitality and viability (including consumer choice and trade and turnover)

Indeed, it is concluded that the given the site's edge of centre location and the proposed new pedestrian linkages within the development, the proposed Tesco and Home Bargains stores have the potential to generate new linked trips with existing facilities within Houghton Town Centre. The development could therefore support the vitality and viability of the town centre by generating additional footfall and spin-off trade. It is also concluded that the development would make a significant contribution towards providing a more balanced distribution of retail facilities in Houghton and the wider Coalfields area and would have a positive impact on overall travel and car use as the need to travel outside of the local area to reach similar facilities will be reduced.

It is therefore contended that the development will comply with the objectives of saved UDP policy HA31.1, CSDP policies VC1 and VC2 and the NPPF in that the proposals will deliver new retail development on an allocated site within the defined boundary of Houghton town centre, which provides a boost to the vitality and viability of the centre.

Following the submission of the updated Retail Statement, the Council instructed HollissVincent, a planning consultancy with a specialism in the retail sector, to undertake an appraisal of the retail and town centre policy aspects of the amended proposed development. HollissVincent's report firstly considers the relevant national and local policy framework relative to retail development and highlights saved UDP policy HA31.1 as pertinent given its identification of the application site as an 'edge of centre site'. The report notes that policy HA31 does not specify that the application site, or any of the other three sites covered by the policy on their own, should provide for a combination of the acceptable uses set out by the policy and so there is no policy objection to the uses proposed at the site.

In terms of policy SP9, the HollissVincent report notes that the comparison floorspace proposed within the development does not exceed the stated requirement of 2,500 sq. metres for the Coalfields area and would, in fact, leave scope for further comparison goods retail floorspace within the area. The comparison goods floorspace within the development therefore clearly accords with the policy, as acknowledged by the Civic Society's representation. Further consideration must, however, be given to the appropriateness of the amount of convenience floorspace being created by the development.

In terms of the Sequential Assessment submitted with the planning application, the HollissVincent report considers the proposal to pass the Sequential Test. In reaching this conclusion, regard has been given to a series of important court judgments, including *Aldergate Properties v Mansfield District Council*, where the High Court Judgment considered the meaning of sites being 'suitable' and 'available' in the context of paragraph 87 of the NPPF. The Judgment found that 'suitable' and 'available' generally mean 'suitable' and 'available' for the broad type of development which is proposed in the application by approximate size, type and range of goods. Taking this into account, the HollissVincent report considers it evident that there are no other sites or premises located within, or on the edge of, the relevant designated centres within the catchment area of the application proposal that would be both suitable and available for the development proposed by the application. The Sequential Test can therefore be considered as passed, in accordance with

the requirements of paragraphs 87 and 88 of the NPPF, policy VC1 of the CSDP and policy HA31.1 of the UDP.

Moving on to the Impact Assessment undertaken by the applicant, the HollissVincent report acknowledges the significant amount of leakage of both comparison and convenience goods expenditure from residents of the Coalfield area to other centres and out-of-town shopping destinations. Whilst this would be expected in relation to comparison expenditure, it would not normally be expected in relation to convenience goods and it is evident that the absence of a large foodstore in the Coalfields area is resulting in its residents shopping at foodstores such as Sainsbury's and Asda at Washington Town Centre, Morrisons and Aldi at Doxford Park, the Sainsbury's at Silksworth Lane, Asda at Leechmere and Tesco at Dragonville in Durham. It is concluded that the absence of a large foodstore in the Coalfields area is a primary reason of the unacceptably low retention level for convenience goods expenditure of Coalfields residents.

The HollissVincent report concludes that there is a need for a qualitative improvement in Houghton town centre's retail offer, particularly in relation to the provision of larger units, and it is accepted that the former Colliery site represents the best opportunity to deliver this. It is likely that any trading impacts associated with the proposed development would be focussed on Houghton town centre, however it is anticipated that the retail units at the application site would secure much of their turnover from clawing back expenditure of Coalfields residents that is currently spent in higher-order centres and retail parks located beyond the Coalfields.

To this end, the HollissVincent report accepts the submitted Impact Assessment's conclusion that the development will increase consumer choice in Houghton town centre and the wider Coalfields. The proposed Tesco store is likely to be successful in achieving clawback of expenditure leakage and offer the potential for linked trips and spin-off trade benefits for the other retail and service traders within Houghton town centre. It is also considered that the Home Bargains store will improve consumer choice by offering a wide range of comparison and convenience goods, competing with multiple traders in higher-order centres and out-of-town retail parks beyond the Coalfields. Traders in Houghton town centre would continue to benefit from their ability to pick up passing trade as a result of their location in close proximity to various other commercial uses.

In considering the impact of the proposals on Houghton town centre as a whole, the HollissVincent report notes that the Impact Assessment shows an impact on the town centres' overall retail turnover of £5.732m or 16.8% (comparison and convenience combined). Trade diversions will, however, be higher from the supermarkets and convenience stores located outside the Coalfields and are predicted to amount to £13.983m, meaning this money, which is currently being spent at more distant stores, will be brought back to the Coalfields. The development will also clawback comparison goods expenditure, which currently flows towards higher-order centres such as Sunderland, Washington and Newcastle. This clawback represents a significant benefit in terms of a reduction in unnecessary car travel and offers the potential for significant spin-off benefits for the town centre through linked trips. The HollissVincent report concludes by noting the anticipated trade diversion for Houghton town centre would be more than offset if spin-off trade amounts to just 40% of the anticipated clawback of convenience goods expenditure. The report also accepts that the development is unlikely to have any significant adverse impact on trading in other centres within the Coalfields area.

In terms of impact on the trading of existing individual stores in Houghton town centre, the HollissVincent report concludes that the evidence and analysis within the applicant's Impact Assessment demonstrates that a substantial amount of the convenience goods trade diversion will be from the existing Lidl store, which is currently trading significantly above company average. Effects on Houghton's specialist independent convenience traders will be much lower, and it is

considered they will also benefit from the clawback of expenditure and resulting spin-off trade described above.

The HollissVincent report also accepts the conclusion of the applicant's Impact Assessment that the proposed development will not impact on any other existing, committed and planned investment due to come forward in the Coalfields area, primarily as there do not appear to be any such investment proposals within any of the Coalfields' town, district and local centres.

In summary and conclusion in relation to the Impact Assessment, the HollissVincent report considers that, on balance, the proposed development passes the impact tests set out at paragraph 90 of the NPPF and would not have any adverse impact on existing, committed and planned investment within any of the town, district and local centres within the Coalfields. It is also considered unlikely that the development will have any significant adverse effect on the vitality and viability of these centres in relation to consumer choice and trade, particularly as the application proposal will provide for a form of large retail units which are not currently available within Houghton town centre or in any of the other district or local centres. The development will succeed in improving the retention of expenditure in both convenience and comparison goods retailing, through clawback of expenditure of Coalfields residents at supermarkets, larger centres and out-of-town retail parks located outside of the Coalfields area. This clawback will result in travel-saving benefits and offer scope for spin-off benefits for Houghton town centre and that much of the anticipated direct trade diversion associated with the application proposal will be outweighed, or at least substantially offset.

The conclusion set out above is, however, subject to the delivery of the proposed enhancement of pedestrian linkages between the application site and residential areas to the north-west and, in particular, between the application site and Newbottle Street and Houghton's primary shopping area. The HollissVincent report suggests that these enhancements could be secured via a planning obligation (i.e. an agreement under s106 of the Town and Country Planning Act).

The HollissVincent report also notes that the proposed development could also deliver the wider economic, social and environmental benefits sought by the NPPF, in terms of direct and indirect job creation, flexible employment opportunities, widening of consumer choice, the creation of new landscaping and pedestrian routes and the intended installation of public art as part of the development.

Overall, the HollissVincent report advises that the following conclusions can be reached in relation to the relevant local planning policies:

- Policy SP6 of CSDP - development ensures that Houghton town centre remains the focus for retail, office and other main town centre uses and will assist in enhancing its vitality and viability through clawback of expenditure and spin-off benefits;
- Policy SP9 of CSDP - comparison goods component of development accords with indicative requirement within the policy and considered that the need for the convenience goods component of the development has been established;
- Policy VC1 of CSDP - sequential assessment passed and development ensures city and town centres will continue to be the focus for major retail development and town centre uses. Proposal also demonstrates that it will help to maintain the vitality and viability of Houghton town centre, whilst maintaining the role and function of the district and local centres;
- Policy VC2 of CSDP - development satisfies retail impact tests as no significant adverse impact on any existing centres;
- Policy ST3 of CSDP - fully compliant as long as the improved pedestrian and cycle linkages within the proposed development are delivered;
- Saved policy HA31 of UDP - compliant with policy for reasons outlined above.

The application is also considered to successfully address the requirements of the NPPF in relation to the application of the sequential test and in relation to retail impacts.

The HollissVincent report makes three recommendations for the consideration of the Council as Local Planning Authority, namely that:

- There are no retail or town centre policy reasons to refuse the application proposal, subject to the securing of the enhanced pedestrian and cycle linkages between the application site and neighbouring areas;
- The total quantum of development within Use Class E should be limited to no more than 6,200 sq. metres gross;
- There should be a maximum overall permitted net sales area devoted to Use Class E(a), which is 'for the display or retail sale of goods, other than hot food, principally to visiting members of the public' and a maximum permitted net sales area for convenience goods. It is recommended that the maximum is set at 4,500 sq. metres the overall use class E(a) floorspace and 3,000 sq. metres for the convenience goods sales area.

It is noted that the Sunderland Civic Society has submitted a representation which, in particular, expresses concern at the level of convenience retail being proposed within the development. The representation accepts the level of comparison floorspace within the development but suggests that local policies and the latest Sunderland Retail Needs Assessment do not support the provision of the proposed level of convenience floorspace at the site and it is contended that this will have a significant adverse effect on the vitality and viability of Houghton town centre.

The representation has been considered by HollissVincent's report, which notes that the Retail Needs Assessment identifies a gap in the convenience sector provision in the Coalfields and the remaining qualitative need for a further supermarket. Moreover, the explanatory wording to policy SP9 of the CSDP refers to scope for the provision of a new supermarket to service the Coalfields area and indicates this should be located in Houghton town centre, as informed by the Council's most recent Retail Needs Assessment. At paragraph 8.34, the Retail Needs Assessment suggests that any development of the Houghton Colliery site is likely to be anchored by a medium sized supermarket, but this comment was a reflection on the state of the market at the time the Assessment was written - contrary to the suggestion of the Civic Society, the Assessment was not suggesting that a larger supermarket would be inappropriate at the site. Furthermore, as the Retail Needs Assessment only identified a localised need for convenience retail floorspace, most prominently in the Coalfields, there was no intention for policy SP9 of the CSDP to provide any proscription in relation to the quantum of floorspace required for convenience goods floorspace required.

The HollissVincent report concludes, therefore, that the proposed level of convenience floorspace within the development would not conflict with the conclusions of the Retail Needs Assessment or policy SP9 of the CSDP.

The Civic Society's representation also expresses concern at the impact of the development on the turnover of Houghton town centre. It is suggested that the existing and proposed floorspace will be competing for a smaller amount of potential spend by the resident population, however the available data projects only a very slight decline in convenience goods expenditure (2.1% between 2018 and 2030), insufficient to indicate any real risk of a significant adverse impact on the town centre's health. The representation also suggests that it is, in reality, unlikely that visitors to the new development would make linked trips to the town centre given its limited convenience offer. The HollissVincent response advises that this is not borne out by the nationwide evidence of linked trips between larger supermarkets, such as Tesco, and discount supermarkets, such as Lidl. It is also considered perfectly appropriate to conclude that visitors to the new Tesco and

Home Bargains would be with non-food and service traders within the Town Centre who offer specialist goods that are complementary to the convenience offered by the new stores.

Finally, the HollissVincent response notes that whilst the Civic Society have identified the predicted trade diversion from Houghton town centre set out in the applicant's Retail Statement, their representation does not take account of the potential spin-off benefits achieved through clawback of expenditure leakage which, it is concluded, are likely to outweigh, or at least substantially offset, the negative effects of the direct trade diversions.

In summary, detailed consideration has been given to the proposed scheme in the context of the local and national planning policies relevant to retail development. In doing so, regard has been given to the Retail Statement submitted with the planning application, which includes a Sequential Assessment and Retail Impact Assessment, the appraisal of the proposed development and its policy compliance undertaken by HollissVincent and the advice and recommendations of HollissVincent's report. Subsequent to this exercise, it is considered that the following key conclusions can be reached:

- The proposed development passes the sequential test as no more sequentially preferable sites are available in the site's catchment area;
- The proposed development and the level of comparison and convenience retail floorspace it delivers would not have a significant adverse impact on the vitality and viability of Houghton town centre or any other centres within the Coalfields;
- The proposed development will, in fact, 'clawback' expenditure from areas outside of the Coalfields and addresses a need for additional convenience floorspace in the Coalfields area;
- The development will benefit Houghton town centre by clawing back expenditure and creating linked trips to existing shops and businesses, thus enhancing its vitality and viability;
- The development would not undermine the objective of ensuring existing centres such as Houghton town centre remain the focus for retail, office and other commercial uses;

As clearly stated by the HollissVincent report, these conclusions are made on the basis that the pedestrian and cycle connections to/from the application site, particularly in respect of the existing primary shopping area of Houghton town centre, are secured and maintained thereafter, in order to ensure that the anticipated linked trips between the development site and the town centre will be realised. In relation to the housing areas to the north of the site, existing direct pedestrian routes to the site are informal and cross the expanse of grassed open space between the housing and the application site.

The HollissVincent report suggests that these connections should be secured as planning obligations via an agreement under s106 of the Town and Country Planning Act 1990. It is considered, however, that this requirement could also be secured by an appropriately-worded planning condition, which would stipulate that the routes have to be made available prior to the opening of the development to the public and kept open in perpetuity (other than for temporary maintenance works etc.). The delivery and maintenance of the routes within the development would mean that the existing informal routes from the housing areas to the north, across the grassed open space, will be able to connect with the pedestrian/cycle right of way being created within the site, ensuring that direct pedestrian and cycle trips from the housing to the application site can be made.

The Council's Commercial Development team has also advised that the delivery of the perimeter footpath and area of public open space where the development connects to Newbottle Street will be delivered by the developer under licence from the Council, following which the land will remain in the ownership of the Council, who will have full control over its continued existence, availability and maintenance. At this point it should also be noted that the Council as Local Planning Authority

could not enter into a legal agreement with the Council as landowner, for such an agreement would be unenforceable.

It is considered that together, the planning condition and arrangements relative to the delivery and ongoing maintenance of the connections will ensure that they are secured and will continue to be available for the lifetime of the development, as recommended by the HollissVincent report.

Given the above, it is considered that the proposed development is appropriate for the application site in sequential terms and in relation to its impact on Houghton town centre and other centres in the Coalfields. The proposed development is therefore considered to comply with the requirements of policies SP6, SP9, VC1 and VC2 of the CSDP, saved policy HA31.1 of the UDP, policies SP12 and VC7 of the draft A&D Plan and paragraphs 87, 88, 90 and 91 of the NPPF.

3. Implications of development in respect of residential amenity and local environment

Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, ensure 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.

The application site is relatively remote from residential properties. The closest to the site are to the south, at Sunrise Lane and Cross Street, however there will be a distance of at least 55 metres to the site boundary, with an intervening belt of trees. Dwellings to Newburn Crescent are approximately 90 metres from the site boundary, again with an intervening tree belt, whilst those to the north, at Thorneyburn Close, the Sunnyside Farm Travellers' Site and Hylton Street, are a minimum of 80 metres from the site boundary, across an intervening area of grassed open space. The distances referenced above are all to the site boundary; buildings within the development are all set further in from the boundary.

It is considered that these distances and intervening land uses will ensure that the surrounding residential properties will not experience any significant effect on their amenity in terms of outlook, sunlight/daylight or privacy.

With regard to noise, policy HS2 of the CSDP and paragraph 185 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of noise-sensitive property, such as dwellinghouses. The noise assessment submitted with the planning application has been reviewed by the Council's Environmental Health team and there are no objections in relation to noise given the relative remoteness of the site from sensitive properties. The submitted noise assessment, which was updated following the amendments to the scheme, is robust and demonstrates that no significant noise impacts should occur during operation of the development, including from external plant to be fitted to the new retail units.

Given the conclusions of the Council's Environmental Health team in relation to noise and the general remoteness of the site from residential properties, there is not considered reason to object to the applicant's request for 24-hour opening at the site or impose restrictions on the

timings of deliveries etc., as there is no evidence to suggest this arrangement would give rise to any local amenity concerns.

In terms of air quality, the submitted Air Quality Assessment, which was updated following the amendments to the scheme, shows impacts are not expected to be significant and there will be no exceedance of statutory objectives in relation to air quality. The Council's Environmental Health team consider the Assessment to be robust and agree with its conclusions, therefore there are no objections in relation to this matter.

It is accepted that a development of this scale can result in noise and disturbance during construction works and in relation to this scheme, this could occur over an extended period of time. Clearly, however, such disturbance is an inevitable by-product of a built development and it is the role of the Local Planning Authority and Environmental Health and Highways officers to ensure the construction phase of the development can be appropriately managed to minimise the effects of construction activity on the local environment. To this end, a condition requesting the submission and approval of a construction management plan has been recommended by the Council's Highways and Environmental Health teams and Members are advised to impose such a condition in the event they are minded to approve the application.

In terms of crime and anti-social behaviour, as set out in the 'Representations' section of this report, Northumbria Police's Designing Out Crime officer is largely supportive of the redesigned scheme. The introduction of, and route taken by, the proposed new Public Right of Way within the site is questioned and it is suggested its presence could attract crime and anti-social behaviour. It is considered, however, that this is an important feature of the development from a pedestrian and cyclist accessibility perspective as it will maintain a direct route through the site which does not come into conflict with the vehicular accesses into the site, visiting customers, service areas and car parks. The path will be contained within a wide corridor between the existing woodland belt and the new retail units and is capable of being well-lit to ensure it is attractive to users during hours of darkness.

Consideration is also given at this point to the objectives of policy SP7 of the CSDP, which states that the Council will seek to improve health and wellbeing in Sunderland by, amongst other measures, ensuring that new developments are:

- i. are age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
- ii. have a strong sense of place which encourages social interaction;
- iii. are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space;
- iv. promote improvements and enhance accessibility to the city's natural, built and historic environments;
- v. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
- vi. appropriately address any contaminated land to an acceptable level (Policy HS3); and
- vii. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

More detailed consideration is given to the credentials of the development in relation to accessibility, built form and contaminated land later in this report, however it is considered that site of the development and the proposed layout is conducive to easy access both on foot and by bicycle. Furthermore, as noted above, it has been established that the development will not give rise to any unacceptable adverse effects on amenity. To clarify, the development is not

considered to meet the criteria for requiring a Health Impact Assessment as set out by the supporting text to policy SP7.

With regard to the above comments, it is considered that the proposed development will not give rise to any substantive harm to the amenity of existing dwellings in the vicinity of the application site. Consideration has also been given to air quality, noise and disturbance during construction work and for the reasons set out above, the scheme is considered acceptable in relation to these matters.

It is therefore considered that the proposals are compliant with the requirements of policies BH1, SP7, HS1 and HS2 of the CSDP and paragraphs 130 and 185 of the NPPF in relation to residential amenity.

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

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

- 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.

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

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

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

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

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

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);

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 ensure that existing greenspace is protected from development which would have a negative impact on its amenity, recreational and nature conservation value. Loss of greenspace should normally be compensated for by either alternative provision being made or a financial contribution towards improved facilities elsewhere.

In considering the objectives of policy NE4, it is noted that the site currently takes the form of green space and is currently accessible for informal recreation. It is considered, however, that given the site's allocation within the UDP, the CSDP and the draft A&D Plan (which does not intend to identify the site as greenspace) for commercial development and an enlargement of Houghton town centre, it would not be appropriate or necessary to engage policy NE4's requirements in terms of providing alternative greenspace facilities.

In terms of the design and layout of the proposed development, clearly this is, to a degree, dictated by the operational requirements of the occupiers of the units and the need to provide facilities such as customer car parks and servicing areas for the units. The development's layout and built form has also been informed by a series of key design principles, these being:

- o The provision of a cohesive, modern retail development which enhances the appearance of the site and wider area;
- o The need to accommodate new retail uses which complement the existing offer of the town centre;

- o The need for the scheme to be a functional extension of the existing town centre, with new pedestrian and cycle links between the site, the town centre and surrounding areas;
- o The need for development to protect and enhance the amenity of the surrounding area;
- o The creation of new customer and servicing accesses from the A182;
- o The inclusion of a new public space to act as an interface between the site and the wider town centre, to include a new public art feature;
- o Creation of new dedicated routes for pedestrians and cyclists, across and around the edge of the site, enhancing accessibility for users;
- o Appropriate landscaping scheme to provide an attractive setting for the development;

The positioning of the two retail units is considered to be appropriate; both are set back from the A182, ensuring that whilst visible from this main road, they will not be unduly prominent, imposing or overbearing from this road. The units present their main elevations to the car park located centrally within the site, an arrangement which is considered acceptable and will ensure immediate visual interest and activity to those entering the site by car and on foot/cycle from Houghton town centre.

Servicing areas are more secluded, being located to the rear of units and accessed separately from the main car park, ensuring servicing activity is relatively shielded from view and segregated from the main public parking and access areas.

In terms of the scale, design and appearance of the new buildings, they will both occupy substantial footprints, but their overall heights are comparatively limited, with a total height of between 6 and 8.5 metres, giving the units a relatively low profile. Visual interest is provided by incorporating substantial areas of glazing and contrasting coloured cladding to the front elevations of the two units. The use of contrasting light and dark grey cladding as the principal external material to the units is considered appropriate; coupled with the glazing, this will give the buildings a contemporary, clean and lightweight appearance. The petrol filling station, meanwhile, is of a modern design, with elements of timber effect cladding and cladding panels giving the structure a contemporary appearance.

Moving on to landscaping, the proposals involve the utilisation of hard and soft landscaping to create an appropriate setting for the development and an attractive environment for customers and visitors to the site. The tree belt along the south-western edge of the site is to be largely retained, with some modest clearance required to accommodate the new footpath/cycle route, which will run within a landscaped corridor planted with species-rich meadow grassland. A narrower belt of trees alongside the A182 is proposed to be removed to enable the development and will be replaced, in part, by new tree planting, bulb planting and grassland. Additional soft landscaping will comprise ornamental shrub planting and staggered rows of native hedge planting at pedestrian entrances from the north and south, with species selected based on their site suitability, colour, form and seasonal interest.

Hard landscaping includes footpaths and other areas of hardstanding and car parking, together with the new public space at the south-eastern end of the site, to act as a link to the town centre. This will take the form of a wide, paved area which is designed to accommodate public art. It will provide a prominent and attractive entrance to the site at the end of Newbottle Street and from the public space, a wide footpath set within deep soft landscaping will provide an attractive dedicated pedestrian route towards the retail units.

In terms of footpath connections, at present there are no legally recognised pedestrian footpaths through the development site. The footpath/cycle route will be dedicated as a public right of way, which will be open at all times. An alternative route designed to link the retail units will run from the new public space to another path running alongside the east elevation of the Home Bargains unit,

which will in turn provide access to/from the site at its northern end. This route will, however, be permissive rather than dedicated as a right of way.

In terms of existing landscape features, the Arboricultural Impact Assessment (AIA) submitted with the application notes that existing trees at the site show few signs of management and so the trees have had to endure a competitive environment. The design and layout of the development seeks to retain higher value trees, although it does involve the removal of two groups of trees of mixed species (i.e. the groups forming a belt alongside the A182). The two groups to be removed are, however, identified as 'category C' trees by the AIA - category 'C' trees are smaller trees of lower quality with, for example, a limited life expectancy or making a limited contribution to local amenity. Category C trees are not normally considered to be a constraint to development and their removal is generally acceptable. The AIA notes that a total of 42 no. new trees will be planted within the development, alongside new hedges and soft planting beds.

Whilst the loss of the tree belt alongside the A182 is unfortunate, it is considered that the trees are of limited value given their categorisation within the AIA and as noted above, the loss of category 'C' trees is not normally a constraint to development. The loss of these trees also needs to be considered in the context of the benefits to be derived from the development of a site which is allocated in the Council's Development Plan. As the AIA notes, the highest quality trees at the site are being retained and it recommends a range of tree protection measures to ensure these are not harmed during construction works. In the event Members are minded to approve the application, it is recommended that a condition be imposed which requires the implementation of the tree protection measures set out in the AIA.

In terms of the objectives of paragraph 131 of the NPPF to incorporate 'tree lined streets' into new development, it is considered that the nature of the development means opportunities for this are relatively limited, nevertheless the proposals do retain trees where possible and appropriate and new planting of trees, hedges and other shrubs is proposed, including around entrances into the site.

With regard to sustainability, the applicant's Sustainability Statement sets out that the revised proposals seek to embed principles of sustainable design in all aspects of the development, with the main objectives being:

- o The reduction in the demand for energy;
- o To meet the demand for energy efficiently;
- o Consider the supply from renewable energy sources;

Efficient structural design will be incorporated into the scheme to reduce the consumption of raw materials and the number of wagon movements to the site. Ground improvement methods will be implemented as displacement methods, rather than replacement methods, helping to eliminate waste production whilst preparing the site for the construction of individual buildings. A 'fabric first' approach has been adopted to the development of the units, meaning their design aims to create a building envelope which is robust, air-tight and thermally efficient.

In addition, the Statement sets out that once operational, the two new units will incorporate LED lighting with high-quality control gear (such as presence sensing and daylight control) to reduce energy demand, with heating demand minimised by the use of efficient plant and automatic controls. Tesco is also aiming to be a zero-carbon business in the UK by 2035. The efficiency targets set out in Approved Document L2A of the Building Regulations will be met or exceeded throughout the development. The submitted Statement also sets out the development's credentials in terms of its accessibility (by sustainable modes of transport), ecology and landscaping and flood risk and sustainable drainage.

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 construction and 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 revised scheme is considered to represent an appropriate development of the site. The new retail units and petrol filling station are considered to be of an attractive design and appearance, with their location ensuring they are not unduly prominent or overbearing when viewed from the A182 and other vantage points. Although trees will be lost to accommodate the development, these are not of high amenity value and the landscaping for the development will incorporate the highest-quality retained trees and provide the retail units with an attractive setting. The layout of the site and provision of new footpaths and cycle routes will mean the site is highly accessible from the adjacent Houghton town centre and from sustainable modes of transport and will ensure appropriate pedestrian and cycle links are created to, from and within the site. It is also considered that the development of the site will be underpinned by the principles of sustainable design, including in the design and construction of the units and the layout of the proposals.

It is therefore considered that the proposals address the objectives of the NPPF and policies BH1, BH2, NE3 and NE4 of the CSDP in relation to these matters.

5. Implications of development relative to archaeology

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

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.

The planning application has been accompanied by an archaeological assessment and subsequent archaeological evaluation. The Tyne and Wear County Archaeologist initially recommended that the planning application was not determined until a programme of trial trenching at the eastern end of the site had taken place, to ascertain the presence and condition of any remains associated with the well.

The requested archaeological evaluation of the site was undertaken, and a report submitted for consideration. The trench identified 20th century demolition deposits and no deposits of archaeological significance were encountered. The County Archaeologist is satisfied that the development can proceed, however a condition is requested which requires a watching brief for all groundworks at the eastern end of the site, to ensure that any significant archaeological remains encountered can be identified and recorded in a manner appropriate to their significance. The requirement for a watching brief and a report into observations made can be secured via planning conditions.

Subject to such conditions, which it is recommended Members impose in the event they are minded to approve the application, it is considered that the site has will be appropriately

investigated and evaluated from an archaeological perspective, in line with the objectives of the NPPF and policy BH9 of the CSDP.

6. Impact of the development on highway and pedestrian safety

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

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

Policy ST3, meanwhile, states that new development should:

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

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

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

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

Paragraph 112 goes on to advise that within the context of paragraph 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 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

As set out within the 'Representations' section of this report, there are now no objections to the development from National Highways, in relation to the development's impact on traffic flows at the A690/A19 junction. In terms of more localised considerations, the proposals have been reviewed by the Council's Highways team and again, no significant objections have been offered.

In considering the proposals, the Council's Highways team note that the site affords the opportunity to maximise sustainable travel given its proximity to existing pedestrian and cycle networks and public transport service. Trip generation forecasts are considered to be robust, and it is evident that the local road network will be able to accommodate the level of traffic to be generated by the development up to the year 2030. Additionally, there are no concerns relating to safety based on local accident records. Proposed access arrangements, both for visitors to the site and service vehicles, are acceptable, with the new roundabout junction to the A182 of an acceptable location and design, including in respect of providing appropriate pedestrian crossing facilities. Moreover, the internal road layout acceptable following the introduction of speed cushions.

Initially, the Council's Highways team requested that proposed levels of car parking be informed by the completion of the Council's accessibility questionnaire for new development proposals. This has been undertaken and whilst the questionnaire indicates that a lesser amount of parking is appropriate for the site than is proposed, it is accepted that the additional parking could support linked trips into Houghton town centre and is therefore considered acceptable on this occasion. The amount of cycle parking within the development is also considered acceptable.

The Council's Highways team have requested a series of conditions, including the submission and approval of a Delivery and Servicing Management Plan, the submission and approval of Subsidiary Travel Plans to be formulated by occupiers of the new units and the submission and approval of a Construction Traffic Management Plan. It is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations and that there are no significant concerns in relation to vehicular and pedestrian access arrangements, the layout of the development and parking provision. The proposals will therefore satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 110, 111 and 112 of the NPPF.

7. Implications of development in respect of ecology and biodiversity

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

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. Development which would

have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

It should be noted at this stage that the NPPF does not, at this time, stipulate a minimum percentage uplift for biodiversity net gain in relation to individual planning applications. Nor, at this time, does policy NE2 of the CSDP specify a required level of net gain; rather the supporting text to the policy (at paragraph 10.16) explains that the Council will produce a Supplementary Planning Document (SPD) to clarify the types of development that require the delivery of net gains in biodiversity. Such an SPD has not yet been produced.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA), bat and breeding bird surveys and biodiversity net gain calculations. The PEA notes that there are no Sites of Special Scientific Interest (SSSIs) in such proximity to the application site so as to warrant consultation with Natural England. The site is less than 100m from the Houghton Hill Cut and Scarp Local Wildlife Site, however the A182 acts as a physical barrier between the two.

In terms of ecological features of the application site, the PEA notes the presence of the following habitats:

- woodland (broadleaved plantation);
- trees (scattered, broadleaved);
- grassland (semi improved);
- amenity grassland;
- walls (stone and brick);
- bare ground (hard surfaced tracks);

In terms of species present at the site, the PEA highlights its use (as informed by the submitted bat survey report) by common pipistrelle and noctule bats for foraging. The trees at the site are of low risk for roosting bats, whilst a section of retaining wall is confirmed as a bat roost site by common pipistrelle bats. The PEA also notes (as informed by the breeding bird survey) that there is a high risk of nesting birds in all habitats except for the amenity grassland areas.

The PEA summarises the potential impacts of developing the site by advising that the proposals would result in the loss of a locally significant and relatively extensive area (c. 3.3ha) of semi-improved grassland (species rich) as well as substantial areas of broadleaved plantation woodland. Collectively, and as concluded by the respective surveys, these habitats have been confirmed to provide breeding habitat of local value for birds, including priority species, as well as foraging habitat of local value for bats. There is also a high risk to UK priority invertebrate and small mammal species also dependent on the habitat (e.g. hedgehogs) and a slight risk of indirect adverse impacts on species recorded within the Moors Burn (historical records of otter and water vole), in the catchment area of which the application site is located.

The PEA goes on to identify a range of recommended biodiversity mitigation options for the proposed development, including avoidance measures (e.g. retention of habitats where possible, controls over timing and management of demolition and construction works), impact reduction measures (e.g. in-part adoption of avoidance measures, maintenance of features to facilitate wildlife movement), compensatory measures (creation of a coherent green infrastructure strategy for the site) and enhancement measures (e.g. adopting 'living architecture' design principles, such as green walls and roofs and incorporation of bat and bird boxes into new built structures).

With specific regard to birds, the submitted breeding bird survey report advises that the number of territories and breeding species identified at the site is relatively low for a site of this size and reflect its limited range of habitats and the unsuitability of the grassland for nesting birds. Of 21

bird species recorded holding territories, one (song thrush) is 'red listed' (i.e. of high conservation concern), three are 'amber listed' and three are UK priority species. Direct and indirect impacts on the territories of these will occur as a result of the site's development. The landscaping proposals for the site will support some bird species currently breeding in the woodland, but not in the numbers and diversity currently recorded at the site. In terms of mitigation, the breeding bird report recommends measures such as mitigatory planting, the provision of nest boxes, the screening of construction works from retained habitats and only undertaking site clearance works outside of the bird nesting season.

In relation to bats specifically, the submitted bat survey concludes that the development of the site means there will be a significant adverse impact on a small population of foraging and commuting bats and that in the long-term, the proposals would contribute to a small decline in the status of a bat population of local conservation status. The report recommends a series of mitigation measures, such as:

- a bespoke lighting scheme which minimises the use of external lighting and limits light spill;
- bat roosting features (e.g. slates and boxes) to be incorporated into building design;
- careful roof design and treatment of timber to avoid use of chemicals harmful to bats;
- incorporation of 'living architecture' into new buildings;
- adoption of biodiversity net gain principles to create equivalent areas of lost habitat;

The survey also clarifies that the section of retaining wall will not be disturbed by the proposals and is intended to be planted with native climbing plants to provide additional cover for bats.

In terms of biodiversity net gain, the applicant's ecology consultant has submitted additional details, which have been considered by the Council's Ecology consultant. It is noted that the submitted report has identified two areas outside the application site where mitigation measures can be delivered - these being the area of grassland immediately to the north of the site (mitigation area no. 1) and a second area of land to the north-east, on the east side of the A182 (mitigation area no. 2). Both sites are in the ownership of the City Council. Proposed habitat creation and enhancement initiatives on these areas include:

- removal of ornamental shrubs and re-seeding with species-rich grassland to aid continuity of habitat;
- planting of broad-leaved woodland within mitigation area no. 1;
- new hedgerows to be planted on mitigation area no. 1 to create connections with existing woodland habitats on and off the development site;
- grassland on site supplemented by plug planting of native species and management to encourage floristic diversity and a feeding resource.

The report notes that the development of the site would result in the loss of 13.91 habitat units, however this is contended to be offset by the creation of 13.21 habitat units within the mitigation areas via the adoption of the aforementioned measures and 0.78 habitat units created through on-site measures, such as new hedge planting. Overall, and taking on-site losses and off-site gains into consideration, it is suggested that the net position would be provision of approximately equivalent biodiversity value. There would, however, be a combined gain of 3.92 hedgerow units on- and off-site and further gains provided by the provision of mitigation and enhancements within the development, such as sensitive lighting and new bat and bird boxes.

The Council's Ecology officer and then, subsequently, ecology consultants, had requested additional information in respect of proposed ecological mitigation and enhancement measures and the means by which net gains in biodiversity can be achieved. Broadly speaking, the Council's ecology consultant is satisfied with the proposals and their implications in relation to

ecology and biodiversity. In relation to biodiversity net gains, although it is suggested that the net gain calculations in fact show a loss of 0.62 biodiversity units, it is accepted that a marginal net gain can be achieved when taking into account the inclusion of new hedgerows and bat and bird boxes, which will offer additional value to wildlife to compensate for this loss.

The Council's consultant considers it important, however, that measures are put in place to ensure the proposed off-site mitigation measures are delivered and succeed in achieving biodiversity net gain, particularly in respect of the creation of the 'lowland meadow grassland' on the two mitigation sites. Discussions are ongoing in respect of the nature of the measures required to ensure the predicted gains are achieved and the wording of any conditions required to secure these measures.

Overall, it is considered that the proposals would not cause significant harm to biodiversity, in accordance with the objectives of the NPPF and policy NE2 of the CSDP. Both the NPPF and policy NE2 of the CSDP support the delivery of net gains in biodiversity through the planning application process; in this case, it is considered that marginal net gains in biodiversity can be achieved by the implementation of on- and off-site mitigation and enhancement measures. Although the gains able to be delivered through the development proposals are slight, this is considered acceptable in the context of current local and national policy requirements, which do not yet set a target percentage for net gains achieved through a planning application. The matter also needs to be considered in the context of the wider benefits of the development proposed by the planning application and its compliance with the site's allocation for new commercial development.

As set out above, however, discussions are ongoing with the Council's Ecology consultant in relation to any conditions required to ensure the net gains in biodiversity set out by the applicant's ecologist are delivered and maintained. It is anticipated that the position in relation to this matter will be established ahead of the Committee meeting and an update will be provided to Members in a report ahead of the meeting.

8. Implications of development in respect of flooding/drainage

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

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

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 submitted with the application notes that the application site is within Flood Zone 1, as per the Environment Agency's flood mapping. The land is therefore at the lowest probability of flooding and so the development of the site for commercial purposes is acceptable in relation to paragraph 159 of the NPPF. The site is

also at low probability of flooding from all other potential sources. The FRA explains that ground conditions are generally not suitable for the widespread use of infiltration techniques, such as soakaways or permeable paving, and there is no watercourse available for direct discharge. The following sustainable drainage methods have therefore been incorporated into the scheme:

- detention basin (at northern end of site), which will be unlined to afford some infiltration possibilities. This will provide attenuation for roof areas and a 'downstream defender' will be positioned on the outfall;
- forebay, to act as a bioretention feature and will be downstream of the flow control serving external areas, thus avoiding the detention basin becoming inundated in higher-intensity rainfall events;
- roadside swales and filter strips, to receive run-off directly from the service yard access road;
- subterranean storage, to attenuate run-off from external areas and control flow through the forebay;

Surface water flows are required to enter the public system and Northumbrian Water have confirmed that the proposed surface water drainage rates are acceptable.

The final site layout is to be profiled to shed the local on-site flood water around the buildings and also contain it within the site curtilage. Attenuation is designed into the drainage system in the form of surcharged manholes for the 30-year return period and local surface ponding for the 100-year return period.

The Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority (LLFA) have reviewed the submitted information and, as set out in the 'Representations' section of this report, have requested the submission of additional details and clarification in relation to a number of elements of the submitted drainage scheme. In particular, it is considered that the discharge rate for the development should be based on the combined area for the drained permeable and impermeable areas and not the total site area, as is set out in the submitted FRA. The submitted drainage plan requires amending and, if necessary, further storage provided, in order to address this matter.

The applicant's drainage consultant is currently in the process of amending the submitted FRA and drainage plan as required and it is anticipated that an acceptable resolution will be reached ahead of the Committee meeting. Final details of the situation relative to flood risk and sustainable drainage, together with any conditions in respect of this matter, will be provided in an update report ahead of the meeting.

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

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

The Phase I and Phase II site investigation reports mineshaft investigations have all been considered by the Environment Agency, the Coal Authority and the Council's Land Contamination consultant. Broadly speaking, the site was previously occupied by a colliery and has been reclaimed, with three disused mine shafts within the site. The Environment Agency has also noted

the presence of controlled waters below the site. The comments received from the respective consultees offer no objections to the development and do not indicate that the condition of the site represents a constraint to the proposed development.

All three consultees have recommended conditions to be imposed in the event the Council is minded to approve the application. The applicant's land contamination/ground conditions consultant has, however, submitted additional information designed to address the matters covered by the recommended conditions and at this time, clarification is being sought from the three consultees in terms of whether the recommended conditions are still required, or can be re-worded, in light of the information provided by the applicant's consultant. Clarification is also being sought from the Environment Agency on whether any further conditions are required in respect of managing risks associated with the storage of fuel at the petrol filling station. It is anticipated that a final position will be reached in respect of this matter prior to the Committee meeting and final details of the position and the recommended conditions will be provided on an update report ahead of the meeting.

It is also noted that the site is subject to policy M1 of the CSDP, which seeks to safeguard land containing potentially valuable mineral and stone deposits. The policy makes clear, however, that land which is allocated for development through the Council's adopted Plan is not subject to the safeguarding policy. In this case, as set out earlier in this report, the site is subject to both saved UDP and CSDP policies which allocate the site for development to provide an extension to Houghton town centre. On this basis, it is considered that the development of the site is not prevented by the minerals safeguarding set out by policy M1 of the CSDP and would not conflict with its objectives.

CONCLUSION

For the reasons set out above, the proposed development of the site is considered to be acceptable in respect of the relevant UDP and Core Strategy policies, which support a commercial development of the site to complement and extend Houghton-le-Spring town centre. The Sequential Assessment and Retail Impact Assessment submitted with the planning application have been carefully considered by the Council, with assistance from HollissVincent's report, and it can be concluded that there is no sequentially preferable site for the development and that the proposals will not have a significant adverse impact on the vitality and viability of Houghton town centre, or any other local centres in the Coalfields. Indeed, given the anticipated clawback of expenditure which currently leaks from the Coalfields, it is considered that the development is likely to result in benefits to the town centre in terms of increasing expenditure and creating linked trips to existing businesses. The development will also serve to improve both the comparison and convenience goods offer in the Coalfields area.

The conclusion set out above is subject to the delivery and continued availability of the pedestrian and cycle links within and between the site and surrounding areas, in particular the connection to the existing town centre, and it is recommended that a condition be imposed to secure these.

In addition to the above, the proposed development has been found acceptable in relation to the amenity of the surrounding area and the scheme is considered acceptable in respect of design, landscaping, trees, highway and pedestrian safety, archaeology and sustainability objectives.

The proposed development is therefore considered to be accord with the saved UDP policies, adopted Core Strategy policies and NPPF policies relevant to these matters, as referenced throughout this report.

The proposed development also appears acceptable in relation to ecology, land contamination/ground conditions and sustainable drainage, however as set out in the report, matters relating to these considerations are being finalised in discussion with the relevant consultees. It is anticipated that a conclusion to these discussions will be reached ahead of the Committee meeting and an update on the position, together with any additional or revised recommended conditions, will be provided to Members via an update report.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to final conclusions being reached in relation to ecology, sustainable drainage and land contamination/ground conditions and subject to the imposition of the draft conditions below and any further conditions requested by consultees in respect of the outstanding matters.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to resolution of matters relating to ecology, sustainable drainage and land contamination/ground conditions and subject to the imposition of the draft conditions below and any further conditions requested by consultees in respect of the outstanding ecology, sustainable drainage and land contamination/ground conditions matters.

Conditions:

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

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

Location plan (drawing no. 1485 (SP)001 A1)
Existing site plan (drawing no. 1485 (SP)010 A1)
Proposed amended site plan (drawing no. 1485 (SP)31 P3)
Site sections plan (drawing no. 1485 (SP)021 P1)
Unit 1 - proposed elevations (drawing no. 1485(0)02 P6)
Unit 1 - proposed elevations with plant (drawing no. 1485(0)05 P2)
Unit 1 - proposed floorplan (drawing no. 1485(0)01 P5)
Unit 1 - proposed roof plan (drawing no. 1485(0)03 P2)
Unit 1 - proposed roof plan with plant (drawing no. 1485 (0)06 P1)
Unit 1 - proposed section (drawing no. 1485 (0)04 P1)
Unit 2 - proposed elevations (drawing no. 1485 (0)12 P3)
Unit 2 - proposed floorplan (drawing no. 1485 (0)11 P1)
Unit 2 - proposed roof plan (drawing no. 1485 (0)13 P2)
Unit 2 - proposed section (drawing no. 1485 (0)14 P1)
Proposed cycle parking plan (drawing no. 1485 (0)32 P2)
Proposed trolley shelter plan (drawing no. 1485 (0)31 P4)
Petrol filling station plans (drawing no. 1485 (0)21 P1)
Sprinkler tank plans (drawing no. 1485 (0)51 P1)
Electricity substation plans (drawing no. 1485 (0)41 P1)
Bin store plans (drawing no. 1485 (90)01 A1)
Landscape plan (drawing no. c-1802-01, revision 1)
Tree protection plan (drawing no. BA9563TTP-S)

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 No development shall commence until a Construction Environmental and Traffic Management Plan (CETMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CETMP
- o Legal Compliance
- o Summary of the Requirements of Condition 6
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o Measures to be implemented to minimise the risk of harm to/ensure the protection of protected and notable species, and those habitat features to be retained through the works; this includes, but is not limited to, bats, amphibians, otter, badger, water vole, nesting birds, hedgehog and brown hare, including information on key working methods and timings.
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o Conclusions

Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information
(including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development shall then be undertaken in accordance with the approved CETMP.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, NE2 and ST3 of the CSDP.

4 Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features covered in the report(s) 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(s) shall be submitted in accordance with the agreed timings and, for the avoidance of doubt, shall include:

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

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

5 Prior to the opening of the approved retail units, a car parking management plan shall be submitted for the approval of the Local Planning Authority. The operation of the car park shall then be undertaken in accordance with the approved management plan.

Reason: in the interests of ensuring the appropriate operation of the car parking for the development and to comply with the objectives of policy ST3 of the CSDP.

6 Prior to the opening of the retail units and petrol filling station hereby approved, a Delivery and Servicing Management Plan shall be submitted for the approval of the Local Planning Authority. The servicing and deliveries associated with the operation of the units and filling station shall then be undertaken in full accordance with the approved Plan for the lifetime of the development.

Reason: in the interests of ensuring delivery and servicing arrangements are appropriate in relation to prevailing local highway conditions and to comply with the objectives of policy ST3 of the CSDP.

7 All car use reduction, monitoring and action plan measures and initiatives set out in sections 5 and 6 of the submitted Framework Travel Plan (SAJ Transport Consultants, June 2021) must be adopted in full and in accordance with the timescales set out in the action plan (table 7.1 of the FTP). For the avoidance of doubt, this must include the submission and approval of Subsidiary Travel Plans for each retail unit within the development, prior to the units being occupied by the respective tenants. The measures agreed via the approval of the Subsidiary Travel Plans must then be adopted in full by the tenants of the units.

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

8 All car parking for the development shall be laid out in accordance with the approved plans and all electric vehicle charging points and cycle parking facilities shall be provided in full accordance with the submitted details prior to the opening of the site to members of the public.

Reason: in order to ensure appropriate car parking and sustainable transport provision is available for customers, in accordance with the objectives of policies ST2 and ST3 of the CSDP.

9 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations for any groundworks that involve excavations deeper than 0.80m below current ground level at the eastern extent of the site. This work is required to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF and Core Strategy Policies BH8 and BH9.

10 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (9) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and Core Strategy Policies BH8 and BH9.

11 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing, in consultation with the Coal Authority. This document shall confirm the completion of any remedial works and/or mitigation strategy necessary to address the risks posed by past coal mining activity. It should also include the submission of the approved layout plan to illustrate the location of the 3 no. on-site mine entries and their calculated zone of influence.

Reason: to ensure the risks from previous coal mining activity at the site have been addressed and to comply with the objectives of the NPPF and policy HS3 of the CSDP.

12 No development, other than any site investigations required in relation to this condition, shall commence until an updated Ground Investigation Interpretive Report, which addresses the comments made by the Council's Land Contamination consultant dated 12th August 2021, has been submitted for the written approval of the Council as Local Planning Authority. 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 and policy HS3 of the CSDP. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

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

This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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 and policy HS3 of the CSDP. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

14 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of 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 and policy HS3 of the CSDP.

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

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 and policy HS3 of the CSDP.

16 Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority, in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason(s): To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and policy HS3 of the CSDP.

17 Upon opening of the development to the public, the pedestrian and cycle routes shown in red and orange on drawing ref. Figure 5.7 'Pedestrian Movement Plan' in the submitted Design and Access Statement, shall be made available and kept open in perpetuity to members of the public to pass and repass on foot and on cycle. The routes shall not be gated or closed off by any means, either temporarily or permanently, to prevent the passage of pedestrians and cyclists unless required in connection with temporary maintenance, improvement or emergency works. No means of enclosure shall be formed along the boundary that prevents pedestrian and cycle access into the site.

Reason: in the interests of ensuring appropriate pedestrian routes are provided within and to/from the site to surrounding areas and to comply with the objectives of the NPPF, saved policy HA31 of the UDP and policies VC1, VC2 and ST3 of the CSDP.

18 The total quantum of development in use class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) at the application site shall not exceed 6,200 sq. metres gross.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

19 The maximum net sales area devoted to use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (which is 'for the display or retail sale of goods, other than hot food, principally to visiting members of the public') at the two retail units within the development hereby approved shall not exceed 4,500 sq. metres.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

20 The maximum net sales area devoted to the sale of convenience goods within use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) at the two approved retail units within the development hereby approved shall not exceed 3,000 sq. metres.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

21 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 policy BH1 of the CSDP.

22 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed without the prior consent of the Council as Local Planning Authority.

Reason: in the interests of visual amenity and to comply with policies BH1 and NE3 of the CSDP.

23 The tree protection measures set out within the submitted Arboricultural Impact Assessment (Barnes Associates Ltd, dated 04.06.2021) and accompanying Tree Protection Plan (drawing no. BA9563TTP-S) shall be implemented in full prior to works commencing on site and must remain in place until the construction works at the site are complete.

Reason: in the interests of ensuring retained trees at the site are not unacceptably damaged or harmed by the development and to comply with the objectives of policy NE3 of the CSDP.

Reference No.: 21/02343/LP3 Local Authority (Reg 3)

Proposal: **Change of use of ground maintenance storage area to provide extension to existing café. Works to include new kitchen/ servery, entrances and seating area. External alterations to include new windows and enlarged terrace area for seating.**

Location: Herrington Park Cafe Herrington Country Park Chester Road Penshaw Sunderland

Ward: Shiney Row
Applicant: Mr Alan Rowan
Date Valid: 8 October 2021
Target Date: 3 December 2021

The application seeks full planning permission for a change of use and extension at a café within Herrington Country Park, near Penshaw.

The Country Park can be traced back to a reclamation scheme in the early 1990s (refs: 91/00277/80 and 98/01856/VAR). There has been subsequent development; including the construction of a toilet block (ref: 04/02419/LAP), the laying out of 225 parking spaces (ref: 06/00518/LAP) and an extension to an existing building on site (ref: 08/03761/LAP). There has also been a change of an existing building to a tea room (ref: 10/00896/LAP).

The café currently resides within part of an existing building otherwise used for storage. The application proposes increasing the internal floorspace of the café by expanding into the adjoining storage area. The application also proposes the construction of an outdoor terrace. The submitted plans show around 30 tables.

The site lies within the Green Belt.

TYPE OF PUBLICITY:
Site Notice Posted

CONSULTEES:
Network Management
Shiney Row - Ward Councillors Consultation
Environmental Health

Final Date for Receipt of Representations: **08.11.2021**

REPRESENTATIONS:
None received.

COMMENTS:

Principle of the Development

The Core Strategy, at policy NE6, says that:

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

The national policy referred to immediately above, i.e. chapter 13 of the National Planning Policy Framework, says 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... the re-use of buildings provided that the buildings are of permanent and substantial construction..."

The existing building on site has a permanent and substantial construction which means the proposed internal change of use from storage to café would accord with the policy immediately above. The openness of the Green Belt would also be preserved given that the internal change of use would not involve any building works.

The proposed terrace would not appear to benefit from any of the exemptions within the Framework and would therefore be "inappropriate development". The Framework states this to be "harmful to the Green Belt and should not be approved except in very special circumstances".

Officers would, however, draw to attention that there are very special circumstances which are noted below:

(1) The submitted Supporting Statement says that "with the increased visitor numbers, it has become apparent that the current café is no longer of a suitable size for such a popular regional facility" and "the scheme will significantly increase the seating offer, both internally and externally, for visitors to the café/park". The nature of the proposed facility, i.e. an expanded café within an existing park, means relocating to a site outwith the Green Belt would not be possible.

(2) The area where the terrace would be located lies within an outcropping of development including existing buildings, a car park and an equipped play area.

(3) The proposal would not undermine the purposes served by the Green Belt in Sunderland, as identified by policy NE6 of the Core Strategy. These points are repeated below with an officer comment thereafter.

o check the unrestricted sprawl of the built up areas of the city;

Officer comment: a relatively small terrace within an outcropping of development would not lead to sprawl of the built-up areas of the city;

o assist in safeguarding the city's countryside from further encroachment;

Officer comment: a relatively small terrace within an outcropping of development would not lead to encroachment into the countryside.

o assist in the regeneration of the urban area of the city;

Officer comment: an expanded café within a countryside park would not appear to materially undermine regeneration of existing urban areas.

o 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.

Officer comment: a relatively small terrace within an outcropping of development would not lead to the merging of any existing settlements.

(4) The relatively small terrace, due to lying within an outcropping of development, would not affect the openness or visual amenity of the Green Belt.

Officers therefore consider that there are very special circumstances to approve otherwise inappropriate development within the Green Belt.

Amenity

The Environmental Health Officer has advised that:

"the building is located on the country park set back from the main highway, and distant from any neighbouring sensitive uses - Penshaw farm shop is approximately 160m and housing in Bonaventure are some 315m away.

The external seating area is sufficiently distant from noise sensitive receptors and any normal use of the area should not present any issues in terms of adverse noise impact.

Given the substantial separation of the facility from sensitive receptors, and the size and nature of the facility, there would be no significant requirement for odour abatement.

Environmental Health has examined the submitted documentation and considers that the proposal is acceptable, and no conditions covering matters within our remit would be necessary".

In the absence of any material considerations to the contrary, the proposal accords with policies HS1 and HS2 of the Core Strategy.

Design

The proposed alterations to the existing building would be modest; such as applying cladding and render. The proposed terrace would be a small addition within the context of the existing outcropping of development. In the absence of any material considerations to the contrary, the proposal accords with policy BH1 of the Core Strategy.

Highway

The Local Highway Authority have advised that

"The application form states that the internal gross floor space area is to be reduced by 70sqm as a result of the proposed change of use. This is due to storage space being changed with a small extension therefore, parking standards are suitable as there are already 57 spaces available for the café and this proposal will not intensify the use".

In the absence of any material considerations to the contrary, the proposal accords with policy ST2 and ST3 of the Core Strategy.

Summary

The internal change of use would not be inappropriate development within the Green Belt.

There are very special circumstances to approve the otherwise inappropriate development (i.e. the proposed terrace).

The proposal accords with the relevant development plan policies concerning the detailed impacts around amenity, design and highways.

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

Conditions:

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

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

Proposed Site Plan (Drawing No. 20024 /ARCH/002 P1)

Proposed Ground & First Floor Plan (Drawing No. 20024 /ARCH/020 P1)

Proposed Elevations (Drawing No. 20024 /ARCH/031 P1)

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.

Reference No.: 21/02381/FUL Full Application

Proposal: **Installation and operation of a 20.0MWp Solar Farm, together with all associated works, equipment and necessary infrastructure.**

Location: Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland SR5 3NS

Ward: Washington North

Applicant: Engenera Renewables Limited

Date Valid: 13 October 2021

Target Date: 12 January 2022

PROPOSAL:

INTRODUCTION

Planning permission is sought for the installation and operation of a 20MWp Solar Farm, together with all associated works, equipment and necessary infrastructure, on land within the Nissan Motor Manufacturing (UK) Limited (hereafter called Nissan) compound, north west of the junction of the A1231 and the A19. The application has been submitted by Engenera Renewables Group, who would install and then manage the proposed scheme on behalf of Nissan.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is positioned within the main Nissan site and covers a total area of 18.4ha, together with approximately 2.5 km of medium voltage cable runs. It is positioned approximately 200 metres north of the A1231 and 100 metres west of the A19.

The application site is largely unmanaged grassland characterised by scrub and immature self-seeded trees, and it comprises land sloping very gently to the southeast (although there are minor local topographical variations). It is positioned between and under the existing Nissan Wind Turbine Farm, and it is crossed by several access tracks, many of which are lined with grassed earth bunds serving wind turbines stood at various points across the site. Hylton Plantation (a Local Wildlife Site), a pocket of woodland, is present in the centre of the undeveloped land, although it lies outside the application site. There are a number of waterbodies and ponds surrounding the application site, which would remain undeveloped.

The boundaries of the application site are largely defined by the existing internal roads of the Nissan site. Tarmac roads provide the external boundary to the north and east of the proposed development, and the Nissan test track provides the predominant southern boundary. The boundary to the west follows an established pond and hill.

The Nissan site is bordered on all sides by roads; to the east by the A19, to the south by the A1231, to the west by Nissan Way and to the north by the A1290. The wooded River Wear corridor lies approximately 400m to the south east of the Nissan site at its closest point, beyond the A19 and A1231. The wider surrounding area comprises a mix of industrial estates, business parks and the residential suburbs of Washington to the west and Sunderland to the east. Open agricultural land is present to the north west.

THE PROPOSED DEVELOPMENT

The proposed development seeks planning permission for the construction, operation and decommissioning of a 20.0 MWp Solar Array and associated works. The planning permission is sought for a temporary period of 41 years from the date of any planning permission (as confirmed in writing by the applicant), after which it would be decommissioned, and the site restored to its existing condition.

The aim of the proposed development would be to greatly contribute to Nissan's aim of being supplied by 100% green energy. It would be a key pillar of the NMUK 36Zero strategy: the third pillar of which is the creation of a renewable microgrid, a pioneering project being led by Sunderland City Council. It would be designed to integrate into Nissan's existing electrical network primarily for consumption on site. In the rare event of surplus being generated, this would be exported onto the grid utilising the existing Distribution Network Operator connections on the site. The proposed solar PV installation of 20.0 MW is the equivalent to the energy needs of approximately 6,247 homes within the UK and the power generated is the equivalent of powering 14,935 electric vehicles cars per year.

The proposed development would consist of a total of 36,816 Solar Photovoltaic (solar PV) panels (each with a surface area of 2.6 square metres) arranged in rows. It would comprise six photovoltaic (PV) arrays occupying footprints of undeveloped land located between the main Nissan factory complex to the north and the test track to the south. The solar arrays would be located between the existing wind turbines on site. In addition, three proposed underground high voltage electric cable runs would connect these six array footprints to existing substations within the Nissan facility.

The proposed solar arrays would be positioned no higher than 2.789 metres above ground level and would be mounted at an angle of 25 degrees on metal frames with legs piled into the ground. The proposed panels would be mounted horizontally in blocks of 4 x 13 panels. There would be no concrete or permanent foundations to anchor the panels, and much of the plant would be prefabricated off-site to minimise on-site works.

The works / plant associated with the proposed development would comprise the following:

- o Mounting system - galvanised metal frames (colour dull grey) with anchors piled into the ground comprising 13 panels horizontally by 4 panels vertically. There would be no concrete or permanent foundation to anchor the panels;
- o Inverters - mounted on the rear side of the panel mounting kit, in addition to being distributed throughout the site, minimising their visual impact;
- o Two transformer stations - both 6058mm by 2896mm by 2438mm and constructed in GRP (colour RAL 9003) on a 300mm concrete foundation;
- o One solar sub-station - 3250mm by 3500mm by 2400mm and constructed in GRP (colour RAL 6005) on a 300mm concrete foundation;
- o Two solar sub-stations - 3815mm by 3500mm by 2400mm and constructed in GRP (colour RAL 6005) on a 300mm concrete foundation;
- o DNO connection - the grid connection through the existing connections on the Nissan site;
- o Two new maintenance tracks (although access would primarily utilise existing access tracks);
- o Cabling and cable trenches - underground electricity cables in trenches up to 1.08 metres deep and 1 metre wide;
- o Three weather stations 4 metres in height
- o A temporary storage area to be used during construction - 8,105 sq m.

The panels and individual plant would be constructed in high standard metal parts, which would be galvanised to provide consistency of appearance throughout the lifespan of the development and minimise failures.

Access to the site would be from the A1231 and Nissan Way, via the existing internal access road to the south of the main Nissan building complex. There are no public rights of way, bridleways and cycle routes that would be affected by the proposed development.

Once operational the proposed development would be managed by the applicant, and at the end of its 40-year operational life it would be decommissioned. This would involve the removal of all ground infrastructure and the reinstatement of any disturbed ground where required.

The application has been supported by the following documents:

- o Planning Supporting Statement by Engenera Renewables Group received 08/10/2021
- o Design and Access Statement by Engenera Renewables Group received 08/10/2021
- o Glint and Glare Report by Engenera Renewables Group received 13/10/2021
- o EIA Screening Report by Engenera Renewables Group 08/10/2021
- o Flood Risk Assessment by Engenera Renewables Group received 05/11/2021
- o Landscape and Visual Impact Assessment by Engenera Renewables Group 08/10/2021
- o Breeding Bird Survey Report by Barrett Environmental Ltd (dated September 2021) received 08/10/2021
- o Bat Survey Report by Barrett Environmental Ltd (dated September 2021) received 08/10/2021
- o Grassland Botany Survey Report by Barrett Environmental Ltd (dated September 2021) 08/10/2021
- o Butterfly Survey Report by Barrett Environmental Ltd (dated September 2021) 08/10/2021
- o Preliminary Ecological Appraisal by Barrett Environmental Ltd (dated March 2021) received 08/10/2021
- o Great Crested Newt Survey Report by Barrett Environmental Ltd (dated September 2021) received 08/10/2021
- o Archaeological Desk-based Assessment by CFA Archaeology (dated September 2021) received 08/10/2021
- o Construction Traffic Management Plan by Engenera Renewables Group received 08/10/2021
- o Community Consultation Report by Engenera Renewables Group received 08/10/2021
- o Nissan Solar Farm Consultation leaflet by Engenera Renewables Group received 08/10/2021
- o Noise response by Engenerer Renewables Group received 05/11/2021

PLANNING HISTORY

Planning history to note relating to other solar related development at the Nissan site is as follows:

- o 2015 - Planning permission Ref: 15/00942/FUL granted for the construction, operation and decommissioning of a 4.774MWp Solar Photovoltaic (PV) Array comprising 19,096, 250W, 60 Cell 1650 x 990 x 35mm Photovoltaic Panels, Mounting System, Holtab 400kVA stations, DNO connection, cabling and cable trenches, CCTV, weather station and temporary Storage Area at the Nissan test track.
- o 2016 - Planning permission Ref: 16/01061/FUL granted for the installation of 560 no. 250W, 60 cell, 1650 x 990 x 35mm photovoltaic (PV) panels at Nissan.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Historic England
The Highways England
Washington North - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Planning Policy
Environmental Health
Public Rights Of Way Officer
Newcastle International Airport
Natural England
Tyne And Wear Archaeology Officer
North Gas Networks
Northern Electric
Northumbria Police
Land Contamination
Northumbrian Water

Final Date for Receipt of Representations: **10.11.2021**

REPRESENTATIONS:

Publicity associated with the application included ten site notice being displayed in the vicinity of the site and a notice being posted in the local press.

Application details also state that the applicant has undertaken their own community consultation. This included a press release on 12th March 2021, leaflets delivered to 22 local residents and business in the vicinity of the application site and an online public consultation webinar on 24th March 2021. The applicant's agent has confirmed that no objections were received following this consultation process.

The following consultees were consulted on the planning application.

- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Built Heritage and Regeneration
- o Landscape Officer
- o Natural Heritage
- o Planning Policy
- o Environmental Health
- o Public Rights of Way Officer
- o Transport Development (the Local Highway Authority)
- o Newcastle Airport
- o Natural England
- o Tyne and Wear Archaeology Officer
- o North Gas Networks
- o Northern Powergrid
- o Northumbria Police
- o Watermans (Land contamination)
- o Three Ward Councillors

Press notice expiry date: 10/11/2021

Site notice expiry date: 10/11/2021

Consultation expiry date: 04/11/2021

Neighbour Notification Responses

None received

Consultee Response (Internal)

Environmental Health

First representation

The proposed development would be acceptable in principle subject to conditions relating to a noise assessment and a Construction Environmental Management Plan (CEMP).

There is a significant separation between power-handling units and dwellings off Ferryboat Lane, however it is considered necessary to have an understanding of typical noise levels associated with those items of plant together with any tonal characteristics of the noise (notably any lower frequency 'hum'). The power ratings of the transformers would also assist with comparisons with such units found in normal environments. The condition requiring the submission of a noise assessment is recommended, however it may be that the applicant can provide information to address this matter as part of the application.

A CEMP is discussed within the application and it is considered appropriate to require a detailed submission prior to commencement of site works. The following condition is recommended.

"Prior to commencement of site clearance and construction the applicant shall submit for the agreement of the Local Planning Authority a suitable CEMP that identifies potential impacts upon the local environment and sensitive receptors and sets out appropriate measures to minimise those impacts. The plan shall include, but not be limited to, mitigation measures to address noise and vibration, dust management, site lighting, HGV routing, and shall include a prohibition in relation to the burning of waste and vegetation on site."

Case Officer Comments: The applicant submitted additional details and noise calculations seeking to avoid the need for a condition requiring the submission of a noise assessment.

Second representation

Calculations have concluded that, based on the original manufacturer's data and the character of the immediate area between the site and the nearest sensitive receptors, noise generated by the equipment located at the closest point of the eastern boundary would pose a negligible risk of adverse impact. The suggested noise condition is not required.

Planning Policy

The proposed development is located within a designated Primary Employment Area, and so Policy EG1 'Primary employment areas' is relevant (PEA 8). This designation safeguards the site for B1 (excluding B1a), B2 and B8 uses. As the proposal would fall outside these use classes, Criterion 4 is relevant. The proposed development could meet the requirements within Criterion 4, as it would deliver low carbon infrastructure, which would assist in delivering the commitments set out within the Sunderland Low Carbon Framework. It would also assist in maintaining the competitiveness of the Nissan factory which is a nationally significant centre for automotive production and an important regional employer.

Policy WWE1 'Decentralised, Renewable and Low Carbon Energy' is considered relevant given that it relates to renewable energy.

Policy NE4 'Greenspace' of the adopted CSDP is relevant as the site includes greenspace. Where the proposal would result in the loss of greenspace then the application would need to justify the loss of greenspace. It is noted that the Nissan estate includes substantial areas of hardstanding and buildings, therefore consideration should be given to whether these areas could be utilised for solar panels first. However, the natural and semi natural greenspace which would be impacted by the proposed development does not feature as being of high quality in the Greenspace Audit (2020). The loss may be justified when balanced against the benefits of the proposed development.

The proposed development is located adjacent to a Local Wildlife Site, and so Policy NE2 'Biodiversity and Geodiversity' is relevant. It states that proposed development that would adversely affect a Local Wildlife Site or Local Geological Site, either directly or indirectly, will need to demonstrate that there are no reasonable alternatives, and the proposed development clearly outweighs the need to safeguard the intrinsic value of the site. In addition, where appropriate the proposed development must demonstrate how it will provide biodiversity net gains.

CSDP Policy NE11 'Creating and Protecting Views' of the adopted CSDP is relevant as is Policy BH1 'Design quality', Policy HS1 'Quality of life and amenity, Policy ST2 'Local road network and Policy ST3 'Development and transport' of the adopted CSDP.

Landscape Officer
No response provided

Conservation Team
No objections to the proposed development as there would be no heritage impacts. Any impact of the array of solar panels on views from Penshaw Monument would be negligible and there would be no impact on the significance of the listed building.

Flood and Coastal Team (the Lead Local Flood Authority)

First representation
The proposed development is not acceptable at this stage. The Flood Risk Assessment (FRA) comments on the Strategic Flood Risk Assessment (SFRA) 2010. However, this document is now out of date. The FRA should reference the SFRA 2020 and the FRA should be updated accordingly. In addition, Page 16 of the FRA refers to high ground water and "see overland mitigation". There does not appear to be any mitigation within the document, and so this should be explained.

Case Officer Comments: An amended FRA was submitted seeking to address the above comments.

Second representation
No objections to the proposed development

Transportation Development (the Local Highway Authority)

First representation
No objections to the proposal, with the following comments made:

- o Traffic movements - It is noted that the number of Heavy Goods Vehicle (HGV) movements are expected to be relatively low, with approximately 270 HGVs over the construction period, (the most intense period of construction will result in no more than 30 deliveries per week).
- o Access - It is noted that access during the construction phase will be from the A1231 and Nissan Way via the existing internal access road to the south of the main Nissan building complex and the existing wind turbine access roads. As the site is located within the secured area of the Nissan estate it is not envisaged that this will give rise to any significant traffic or highway safety issues.
- o Glint and Glare Assessment - It appears from the assessment that glint and glare will not be detrimental to road safety and effects from solar reflections on the adjacent road network will be negligible
- o Construction - It is noted that all deliveries to the site will be guided by the Engenera Logistics Manager into the site delivery vehicle Pit-Stop area.
- o A Construction Environmental Management Plan (CEMP) is required.

Case Officer Comments: Transportation Development were advised that a Construction Traffic Management Plan had been submitted, and asked on this basis whether a CEMP was necessary in relation to impact on the highway network.

Second representation

The Construction Traffic Management Plan (CTMP) is acceptable in principal and it is acknowledged that the proposed development would have little effect on the adopted highway network during the construction phase. However, the mitigation methods to manage the potential migration of mud and detritus onto the adopted highway does need to be addressed as this is not covered in the CTMP. This can be in the form of a wheel wash or similar at the access / egress point on site.

Rights of Way Officer

No issues from a public rights of way perspective.

Consultee Responses (External)

Natural Heritage

Holding objection - in principle, the redevelopment of the site for the proposed development is considered to be appropriate from an ecological perspective. However, further details are required regarding the proposed mitigation measures. The majority of these can be secured via condition, however a Biodiversity Net Gain (BNG) Assessment using the most up-to-date version of the metric should be provided prior to determination of the planning application to quantify the proposed changes, and to ensure that an overall increase in biodiversity within the site can be achieved.

Great Crested Newts

- o Off-site mitigation will be implemented by Natural England.
- o Precautionary working methods should be implemented to prevent the undue harm of this and other amphibian species, during construction works (e.g. the walking-in of tracked vehicles under supervision of a suitably qualified ecologist, and the closure of excavations overnight). This should be included within an ecological method statement, which should be submitted and approved in writing prior to the commencement of works.

Butterflies (Dingy Skipper and Small Heath recorded)

- o Through an appropriate habitat management plan to restore and enhance habitats, the value of such habitats may be enhanced post works for butterflies and other invertebrates.

- o No specific construction-phase mitigation is required (outside of the protection of habitats wherever possible).
- o Post-construction monitoring should be undertaken to ensure proposed mitigation has been effective and to ensure that the site continues to support a range of butterfly species and invertebrates.

Bats (5 species of bat utilising the site for commuting and foraging)

- o The proposed development would result in the loss of significant areas of bat foraging and commuting habitat.
- o The detailed mitigation report in the submitted Bat Survey should be controlled by way of a condition, implemented and upheld throughout the lifetime of the proposed development.
- o Precautionary working methods should be included within an ecological method statement, which should be submitted and approved in writing prior to the commencement of works.
- o Details of any ecologically sensitive lighting should be submitted to and approved in writing prior to works commencing.
- o The proposed supplementary planting of native shrub / scrub to create and reinforce commuting corridors for bats and other wildlife (and to provide connectivity with the wider landscape) should be detailed further within soft landscaping plans, to be approved in writing prior to works commencement.
- o The number, location and model of the proposed bat boxes recommended within the Bat Survey report should be confirmed and approved in writing prior to works commencement.
- o Post-construction monitoring should be undertaken to ensure proposed mitigation has been effective, and to ensure the site continues to support local populations of bats.

Breeding Birds

- o The proposed development would result in the loss / temporary disturbance of a significant proportion of habitats currently utilised by birds - scrub and trees. It would also cause mid to long term impacts such as potential for collusion with PV panels.
- o The detailed mitigation report in the submitted Bird Breeding Survey should be controlled by way of a condition, implemented and upheld throughout the lifetime of the proposed development.
- o Precautionary working methods should be included within an ecological method statement, which should be submitted and approved in writing prior to the commencement of works.
- o The number, location and model of the proposed bird boxes recommended within the report should be confirmed and approved in writing prior to works commencement.
- o Post-construction monitoring should be undertaken to ensure proposed mitigation has been effective, and to ensure the site continues to support a range of breeding bird species.

Habitats

- o Mitigation for the protection and enhancement of habitats are included within the Preliminary Ecological Appraisal and Botanic survey report. These should be conditioned, implemented and upheld for the lifetime of the proposed development.
- o A construction environmental management plan (CEMP) detailing the proposed measures to mitigate the risk of construction stage pollution of habitats within and adjacent to the proposed works areas should be submitted and approved in writing.
- o A Biodiversity Net Gains Assessment is required. The proposed development would result in large areas of habitat being harmed and / or disturbed. Mitigation measures are outlined within the submitted reports, however based on details submitted it is not possible to confirm that the proposed development would provide net gains.

Case Officer Comments: Biodiversity net gains are desirable. However, they are currently not a mandatory / statutory requirement as part of the planning system. The provision of biodiversity net gains is therefore not necessary to make the development acceptable.

Tyne and Wear Archaeology Officer

First representation

The route of a branch line of the former Stanhope and Tyne Railway (HER 2290) is located within the site boundary and the northern boundary is associated with the extent of RAF Usworth (HER 1824) and associated (now demolished) pillbox (HER 5406). The location of the proposed development is located in an area associated with a find-spot of Mesolithic date (HER 344) and a possible Bronze Age cropmark (HER 1236) which may represent a burial barrow of pre-historic date. A possible curvilinear enclosure (HER 16795) has also been identified on an aerial within 500m of the proposed development area. The proposed development site is located within the former landholding of the medieval manor of Hylton.

The evaluation trial trenches (Event 4349) excavated in 2015 demonstrated that the area of the test track, which is located immediately south of the proposed development area, had been relatively undisturbed as evidence of sub-surface ridge and furrow were recorded.

The application should not be determined until archaeological trial trenching has been undertaken and an evaluation report has been provided for review. Trial trenching is required as there is evidence of pre-historic features within the immediate landscape, and the proposed development area appears to have been largely undisturbed by subsequent development. So long as no archaeological remains are identified within the evaluation trial trenches that require preservation in situ, if further archaeological work is required this can be secured by condition.

Case Officer Comments: The applicant provided a response seeking to demonstrate why archaeology trial trenching was not necessary prior to the application being determined.

Second representation

The archaeological trial trenches are no longer required prior to the determination of the planning application and instead could be secured by conditions. This is because it has been demonstrated that scrub and self-seeded trees have limited access to some areas of the proposed development area hindering some of the evaluation work required.

The required archaeological work could be secured by way of conditions relating to archaeological excavation and recording, the submission of an archaeological post excavation report, the submission of an archaeological report for publication in an suitable journal, an archaeological watching brief, and the submission of an archaeological watching brief report.

The applicant is encouraged to engage in further discussions regarding the undertaking of evaluation trial trenching following the grant of any planning permission. This is because further information regarding the method of site clearance for the removal of shrubs and trees is required. Depending on the impact of the clearance process it may be that the trenches which are currently accessible should be excavated prior to the clearance taking place. Specifications for archaeological works could be provided on request.

Natural England

No objections - Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues should be considered.

Historic England

No comments raised - no need to consult on this planning application

National Highways (formerly Highways England)

No objections

The likelihood of glint and glare issues at the A19 is extremely low. From the Glint and Glare Report it is apparent that a potential issue would be limited to the A19 northbound approach from Hylton Bridge (c.800m distant*), at the northbound off-slip and commencement of the northbound on-slip at Wessington Way. The date and time of possible reflection issues is limited to between 16th March - 26th September and limited to the period of day between 17:52 GMT (18:52 BST) - 18:28 GMT (19:28 BST).

The Landscape and Visual Impact Assessment identifies that less than 25% of the proposal is visible on the A19 approach from Hylton Bridge and it is partially and fully screened on the approach and at the slip-road and junction. We dispute para 7.3.9 which states that "The sun will always be shining from less than 24° (about 1 to 1½ hand spans at arm's length) from any reflections. As the sun is always much brighter than reflections from dark panels, it will be the predominant cause of any nuisance." At the time a glint and glare issue could occur at the A19 approach the sun would be to the west and not in the direction of travel. Therefore, whilst it would represent a greater potential nuisance, this nuisance would not be associated with vehicles that could be subject to glint and glare issues at the A19.

Glint and Glimmer can occur for only short periods. The panels are barely visible at all from any of the adjacent A19 and by design they absorb, rather than, reflect light. In consideration of other similar proposals where National Highways have approved applications, this proposal is less impacting on the Strategic Road Network.

The Construction Traffic Management Plan demonstrates that the installation is not an intensive generator of travel. The maximum number of daily Heavy Goods Vehicle movements is nominal and the absence of abnormal loads is specifically identified. The construction period is identified as 24 weeks associated with a maximum of 90 members of staff. These limited period impacts are considered insignificant, 2 specifically within the context of Nissan's existing operation. There are no on-site staff associated with the operational phase and maintenance visits are identified as only 20 per year.

Newcastle Airport

First representation

The Glint and Glare Assessment needs to be expanded to consider the impact on aviation. This should cover potential impacts on aircraft operating in the vicinity of the site, airport taking off and landing on both ends of the airport runway, the Air Traffic Control Visual Control Room, and the contingent Air Traffic Control Visual Control Room.

Case Officer Comments: The applicant submitted additional information seeking to address this issue. They advised that specific analysis of Newcastle Airport was not included within the analysis, as the preliminary analysis highlighted that the airport fell outside of anticipated glint and glare and was also outside of the 15km distance highlighted by the CAA as requiring specific analysis.

Second representation

No comments to make given the further information submitted, together with the location of the scheme just outside of the safeguarded area.

Northern Gas Networks

First representation

Object to the planning application on the basis that the protection given to our plant may be diminished by the proposed works. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development.

Case Officer Comments: The applicant amended the proposed development by removing 624 panels to ensure a minimum 4 metre separation between the proposed installation and the Northern Gas pipeline. They also confirmed that no structure would be placed on the easement relating to the pipeline, there would be no crossing / installation of cables or electric conductors within this area, there would be no change to ground levels in the vicinity of the pipeline, as well as no tree planting and no access points created over the pipeline.

Second representation

No objections.

Based on the details provided by the applicant, Northern Gas Networks has been provided with the necessary assurances that the proposed development would be installed and operated in a manner which would either not affect our asset, or that any required assessments and protective or mitigation measures, would be incorporated as part of the development process.

There is an onus on the developer and operator to comply with our requests to ensure the continued safety and integrity of our asset as it passes through the development land, since any disruption to this pipeline would have a serious effect on gas supplies to the North East Conurbation (including Nissan's own gas supply). An informative to applicant should be included to remind them of this.

Northern Powergrid

No objections raised

Northumbrian Water

A strategic water main crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will notify our asset protection team who will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

Northumbria Police

Fully support the proposal.

Some concerns are raised in relation to site security as across the UK a pattern of criminal attacks has developed targeting such schemes. These are:

- o Whilst the main vehicle access will be directly observed by the on-site security, given the extent of the Nissan site there may be vulnerabilities at the existing perimeter out of sight of the security provision. The planning application does not consider security.
- o It is recommended that solar array sites have fencing to LPS 1175 standard. Where sites are isolated and there is no on-site security save for CCTV, SR4 is recommended as a minimum. Given the security operation at Nissan it is considered that LPS 1175 SR4 could suffice. The main difference between the fencing grades relates to the tools being used and the length of time the fencing might sustain attack - SR3 grade sustains attack for 5 minutes whilst SR4 means that the product will sustain attack for up to 10 minutes).
- o There is no provision for a CCTV scheme. Both a plan and detail of the performance of the cameras should be provided before planning permission is granted, or a condition should be attached to any planning permission in relation to this.
- o Consideration should be given to theft mitigation and electronic security measures covering the cable line to the factory

Case Officer Comments: The applicant was made aware of the concerns raised no Northumbria Police, and advised (in conjunction with Nissan) that the proposed development would be positioned within the existing Nissan site which is entirely secure.

Land contamination consultant

Given the scope of the proposed development, a Phase 1 Land Contamination Assessment report is required. It is recommended that conditions be attached to any planning permission to require that this be submitted, and if necessary, to require the submission of a ground investigation report, a remediation strategy and a verification report. It is also recommended that a condition be attached to any planning permission in relation to the event of any unexpected contamination being found that was not previously identified.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and landscape / visual impacts;
3. Impact on heritage assets;
4. Impact on residential amenity;

5. Impact on highway and pedestrian safety, and air traffic;
6. Environmental Impact Assessment;
7. Impact on ecology;
8. Impact on flooding and drainage;
9. Impact in relation to land contamination;
10. Impact on archaeology; and
11. Impact on a Northern Gas Networks pipeline

1. Principle of Development

Strategic / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to ensure that sufficient physical infrastructure is delivered to meet identified need. It states that the spatial strategy seeks to deliver growth and sustainable development by minimising and mitigation the likely effects of climate change.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to be a driver of economic growth for Sunderland. To achieve this, economic growth will be focused in identified Employment Areas including those designated under Policy EG1.

Policy EG1 'Primary Employment Area' of the adopted CSDP lists areas that are allocated as Primary Employment Areas (as designated on the Policies Map), to be safeguarded for B1 (Business - excluding B1a) B2 (General Industrial) and B8 (Storage and Distribution) employment uses - including Viii Nissan (PEA 8). It states that exceptionally, other uses will be considered on their merits, and in all cases new uses must i. be of a type, scale and appearance compatible with the established character and function of the Primary Employment Area; ii. not adversely prejudice the day-to-day operation of the Primary Employment Area through parking, traffic generation or pedestrian movement; and iii. not result in an unacceptable dilution of the employment function of the Primary Employment Area.

Policy NE4 'Greenspace' of the adopted CSDP states that the Council will protect, conserve and enhance green space, and refuse development on green space which would have an adverse effect on its amenity, recreational or nature conservation. Criterion 4 of Policy NE4 sets out that development should be refused on greenspace which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that the provision is surplus to requirements.

The proposed development would seek to supply green energy to Nissan and as such it would deliver low carbon infrastructure, which would assist in the delivering the commitments set out within the Sunderland Low Carbon Framework (December 2020) - see below). It would be a form of development that would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan), which is a nationally significant centre for automobile production and an important regional employer. It would therefore be of a type, scale and appearance that would be compatible with the established character and function of the Primary Employment Area, and it would have no unacceptable impacts on the day-to-day operation of the Primary Employment Area (including during construction). It would not dilute the employment function of the area, and would contribute to economic growth given that it would seek to power an existing employment use.

The proposed development would support economic growth in a green way, which would contribute to minimising and mitigating the likely effect of climate change.

Given the nature of the proposed development it is considered that it would accord with Policy SP1 and SP3 of the adopted CSDP, and that it would not conflict with the objectives of Policy EG1 of the adopted CSDP.

Given that the Draft Allocations and Development Plan (December 2020) is not yet adopted, the application site is not currently designated greenspace. In addition, in the Council's Greenspace Audit (2020) it is shown as natural and semi-natural greenspace that does not feature as being of high quality. Although the proposed development would result in the loss of some greenspace, it has no amenity and recreational value given that it is part of the secure Nissan site. Any impacts on the nature conservation value of the greenspace are addressed under 'Impact on ecology' below. In addition, any such loss of greenspace must be balanced against the significant benefits of the proposed development, such as contributing to the Sunderland Low Carbon Framework (December 2020), and maintaining Nissan as an important economic asset and significant employer in the region.

The applicant has confirmed in writing that consideration was initially given to installing the panels on the roof space of buildings in the Nissan site. However, this would have an adverse impact upon Nissan's ability to bring new models and business into the area owing to the importance of roof loading (with operational machinery) for the motor manufacturing. Advances in lightweight panels may allow this area to be utilised in future, however currently the technology is not sufficiently advanced to allow the roof space to be utilised (due to its weight). Consideration was also given to the areas of hardstanding. Whilst a future development may look to focus on 'Solar Car Port' Technology, this again is a developing area and would substantially benefit from more advanced panels in the future. Installation of 'Solar Car Ports' would also be more likely to impact on production at the factory, as it would involve significant installation in areas that are in active use. The current proposed development was therefore designed to minimise impact on production activities.

Whilst the proposed development would result in the loss of some greenspace and to some extent conflict with Policy NE4 of the adopted CSDP, a significant material consideration in the decision-making process is the very sustainable nature of the proposed development, which would override any such conflict in the planning balance.

Renewable Energy Policies

Policy WWE1 'Decentralised, renewable and low carbon energy' states that development of renewable energy will be supported subject to the satisfactory resolution of all site specific constraints. It states that renewable energy development should be located and designed to avoid unacceptable significant adverse impacts on landscape, wildlife, heritage assets and amenity; appropriate steps should be taken to mitigate any unacceptable significant adverse impacts, such as noise nuisance, interference with air traffic operations, radar and air navigational installations through careful consideration of location, scale, design and other measures; and any adverse cumulative impacts should be resolved.

Policy BH1 'Design quality' of the adopted CSDP states that to achieve high quality design and positive improvement, development should maximise opportunities to create sustainable development, and maximise opportunities for spaces to gain benefit from sunlight and passive solar energy.

Policy BH2 'Sustainable design and construction' of the adopted CSDP states that major developments should maximise energy efficiency and integrate the use of renewable energy.

Saved Policy EN4 'Renewable energy' of the Unitary Development Plan (UDP) highlights the need to consider the interaction between wind turbines and other development in the city.

Paragraph 11.5 of the CSDP states that the Sunderland Wind and Solar Landscape Sensitivity Assessment (2015) considers the sensitivity of different landscape character areas, and should form the basis of any assessment for these types of development. Paragraph 11.6 of the CSDP further states that significant weight should be given to the wider environmental, social and economic benefits of renewable energy generation.

Paragraph 152 of the National Planning Policy Framework (NPPF) July 2021 states the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable energy and associated infrastructure. Paragraph 157 of the NPPF (July 2021) states that when determining planning applications for renewable development, local planning authorities should not require applicants to demonstrate the overall need for renewable energy, and approve the application if its impact are (or can be made) acceptable.

Countries across the world are setting increasingly challenging targets to reduce Greenhouse Gas emissions, with the UK having set in law the world's most ambitious climate change target - cutting emissions by 78% by 2035 compared to 1990 levels. Solar PV has become an established part of the UK renewable electricity system, with 13.5 GWp installed nationally at the end of 2020. At the local level, Sunderland City Council declared a Climate Emergency in March 2019, and the development of renewable energy generation and storage is recognised in Strategic Priority 4 of the Sunderland Low Carbon Framework (December 2020) - which also recognises that Nissan's plant is partly powered by renewable energy.

The proposed development would contribute to meeting national and local targets in relation to reducing Greenhouse Gas emissions. It would provide a form of sustainable renewable energy generation which the government supports in principle, as part of the wider solution seeking to address climate change. It would provide and expand upon green energy (and contribute to decarbonising current usage) which is used to power Nissan, a major employer within the region, which has significant importance as a key manufacturing organisation, not just within the City of Sunderland, but UK wide. It would have no unacceptable impacts on the existing wind farm facility, and no cumulative adverse impacts when considered with the existing Nissan solar farm at the test track. Instead, it would contribute to / complement Nissan's hybrid renewable energy generation. It is therefore considered that the proposed development would accord with Policy BH1 (in relation to providing benefits from solar energy), Policy BH2 (in relation to further integrating the use of renewable energy into the Nissan site), and Policy WWE1 (in so far as the proposal would provide a sustainable form of energy) of the adopted CSDP (detailed site-specific constraints are set out below). It would also accord with guidance within the NPPF (July 2021).

Summary

Given the very sustainable nature of the proposed development, it is considered that it would be acceptable in principle.

2. Design and landscape / visual impacts

Policy WWE1 'Decentralised, renewable and low carbon energy' states that development of renewable energy should be located and designed to avoid unacceptable significant adverse impacts on landscape, appropriate steps should be taken to mitigate any unacceptable significant adverse impacts through careful consideration of location, scale, design and other measures, and that any adverse cumulative impacts should be resolved.

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; and not detract from important views of buildings, structures and landscape features. It states that development should provide landscaping as an integral part of the development including retaining landscape features and reflecting surrounding landscape character.

Saved Policy EN2 'Energy production' of the Unitary Development Plan (UDP) states that all proposed developments relating to the production of energy will be considered in relation to their impact on the environment, including their visual impact.

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

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

Policy NE9 'Landscape character' of the adopted CSDP states that to protect, conserve and enhance the varied landscape character, proposals should demonstrate a high quality of landscape design; and demonstrate how elements within the Landscape Character Assessment have been taken into account (the key characteristics, assets, sensitivities and vulnerabilities, as well as measures to protect and / or enhance the landscape in the relevant locality).

Policy NE11 'Creating and protecting views' of the adopted CSDP states that all development should take into account of views into, out of and within the development. It states that development should be designed to preserve or enhance key local views and vistas, and that particular consideration should be given to views of significant buildings (heritage assets) and views within landscapes which are more sensitive to change.

Paragraph 174 of the NPPF (July 2021) states that planning decisions should contribute to and enhance the natural and local environment protecting and enhancing valued landscapes.

The proposed development would be positioned on a relatively flat site in an expansive area of scrubland. It would be low lying where there are large industrial buildings in the vicinity (at Nissan and the Vantec distribution warehouse), as well as 10 wind turbines and vegetation including tree coverage.

The submitted Landscape and Visual Impact Assessment has considered the impact of the proposed development based on the following:

- o Landscape impacts relating to the effects of the proposed development on the fabric, character and quality of the landscape (the degree to which a proposed development would become a significant or defining characteristic of the landscape).
- o Visual impacts relating to the specific changes in views and the effects of those changes to visual receptors (such a residents and users of public rights of way).

The submitted Landscape and Visual Impact Assessment concludes that the proposed development would have minimal effect on the character of the surrounding landscape, or views from the surrounding areas, and so there would be no requirement for any mitigation. It

concludes that the only notable adverse effect would be the loss of tree and scrub cover from within the site. However, the retained rich grassland habitat would be managed to encourage species diversity, improving the long-term wildlife value (see 'Impact on ecology' below).

The submitted Glint and Glare Assessment concludes that reflections in terms of being visible from public vantage points would be almost insignificant.

It is considered that in relation to the vast size and scale of the adjacent Nissan assembly halls and vehicle storage areas, as well as the other surrounding built form including the Vantec distribution warehouse and the 10 wind turbines, the proposed development would comprise relatively small, low lying, inconspicuous features and would not change the character, scale or perception of the existing highly industrialised landscape. The proposed development would be of a similar design and appearance to the existing solar arrays that have been constructed around the Nissan test track (see planning history above), and so would effectively be an extension to the existing solar farm. It would not therefore introduce a new or alien land-use or have any adverse cumulative impacts. It is considered that the proposed development would have minimal effect on the characteristics of the surrounding landscape character areas. The only adverse landscape effect would be the loss of self-sown scattered trees, which would be removed to facilitate construction of the proposed development. However, rich grassland habitat would be retained which would provide ecological benefits and so this would override any harm to the loss of self-sown trees.

The submitted Landscape and Visual Impact Assessment concludes that there are very few publicly accessible locations from which the proposed development would be visible. This is considered to be the case, given that the site is relatively low lying and screened by the existing built form (such as the Vantec distribution warehouse to the south) and the vegetation/landform around the site. Apart from a short section of the A19 immediately east of the site, potential views of the proposed development would be limited to distant high ground to the east and south of the site, including Hylton Red House, South Hylton, Offerton and Penshaw Hill, and so any such impacts would not be harmful. Views from these long-distance elevated positions would be fully or partially obscured by the existing built form and / or existing vegetation / landform, and viewed within the context of the existing industrial development. The proposed development would not appear as prominent from any location.

The proposed development would have no, or minimal effect on views from designated heritage assets (see 'Impact on heritage assets' below), or from any other public vantage points (such as from residential properties or public rights of way). Any impact in relation to glint and glare from any public vantage point would be almost insignificant.

In terms of the design of the scheme and site security the concerns of Northumbria Police are noted. However, Northumbria Police have also stated that they are fully supportive of the proposed development, and both the applicant and Nissan are satisfied that the existing security situation at the Nissan site would ensure that the solar panels would not be subject to any criminal activity.

In the interests of visual amenity and to control the temporary nature of the proposed development, it is recommended that a condition be attached to any planning permission to require the proposed development to be removed in its entirety when its operational use ceases (which shall be no later than 41 years - a time-period specified by the applicant). The land shall then be restored to its current state.

Overall, it is considered that the proposed development would have a negligible impact on the fabric, character and quality of the wider local landscape, and that any visual impacts (including in

relation to glint and glare) would not be significant. It would have no adverse cumulative impacts when assessed with existing renewable energy development at Nissan. It is therefore considered that the proposed development would be acceptable in relation to design (including in relation to designing out crime) and visual impact (including on the wider landscape setting), subject to the compliance with the recommended condition. As such it would accord with WWE1 (in relation to impacts on landscape), Policy BH1, Policy BH2, Policy NE3, Policy NE9 and Policy NE11 of the adopted CSDP, saved UDP Policy EN2, as well as guidance within the NPPF (July 2021).

3. Impact on heritage asset

Policy WWE1 'Decentralised, renewable and low carbon energy' states that renewable energy development should be located and designed to avoid unacceptable significant adverse impacts on heritage assets, and that appropriate steps should be taken to mitigate any unacceptable significant adverse impacts.

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities. This should be by giving great weight to the conservation of heritage assets based on their significance.

Policy BH8 'Heritage assets' of the adopted CSDP states that 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(s), including any contribution made by its setting where appropriate.

Paragraph 199 of the NPPF (July 2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be).

Historic England and the Council's Conservation Team were both consulted and have raised no objections in relation to the proposed development.

Given the low lying nature of the proposed development on a relatively flat site, and given significant separation distances to nearest heritage assets (including the Grade I listed Penshaw Monument), it is considered that it would have no unacceptable impacts on their setting. It is therefore considered that the proposed development would accord with Policies WWE1 (in relation to impact on heritage assets), Policy BH7 and Policy BH8 of the adopted CSDP and guidance within the NPPF (July 2021).

4 Impact on residential amenity

Policy WWE1 'Decentralised, renewable and low carbon energy' states that renewable energy development should be located and designed to avoid unacceptable significant adverse impacts on amenity, and that appropriate steps should be taken to mitigate any unacceptable significant adverse impacts.

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

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

The nearest neighbouring residential properties are positioned over 350 metre to the north east on the other side of the A19 (to the west of Ferryboat Lane), and they are not visible from the application site.

The applicant's Glint and Glare report has concluded that effects on residential properties in relation to glint and glare would be insignificant. Given the nature of the proposed development and significant separation distances, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring residential properties including in relation to glint and glare.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to a condition relating to the submission of a Construction Environmental Management Plan (CEMP). The CEMP should address issues of noise and vibration, dust management, working hours, and any site lighting and should set out the intended mitigation measures to minimise impacts upon nearest sensitive receptors. The submitted Planning Statement notes a low number of Heavy Goods Vehicles (HGV) movements and the submitted Design and Access Statement mentions the sinking of piles for the solar arrays (only shallow to depth of 1.5 metres). These are matters that should also be addressed, and it should emphasise that there should be no burning of vegetation or waste on site as part of clearance and preparation.

The Council's Environmental Health Officer has advised that noise generated by the proposed development (from inverters, sub-stations and transformers) would have no unacceptable impacts on the amenities of the occupiers of the nearest dwellings. This is due to the limited noise levels that would be emitted, as well as the significant separation distances and intervening land uses between the nearest dwellings and the proposed development.

Given the comments from the Council's Environmental Health Officer it is recommended that a condition be attached to any planning permission to require the submission of a CEMP.

Subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of nearest residential properties to the application site including during the construction process. It is therefore considered that the proposed development would accord with Policy WWE1 (in relation to impact on amenity), Policy BH1 and Policy HS2 of the adopted CSDP.

5. Impact on highway and pedestrian safety, and air traffic

Policy WWE1 'Decentralised, renewable and low carbon energy' states that renewable energy development should be located and designed to avoid unacceptable significant adverse impacts, and that appropriate steps should be taken to mitigate any unacceptable significant adverse impacts, such as interference with air traffic operations, radar and air navigational installations through careful consideration of location, scale, design and other measures.

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

- o New vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- o They deliver safe and adequate means of access, egress and internal circulation;

- o Where an existing access is to be used, it is improved as necessary;
- o They are assessed and determined against current standards for the category of road;
- o They have safe and convenient access for sustainable transport modes;
- o They will not create a severe impact on the safe operation of the highway network.

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

Following the submission of additional information by the applicant (confirming that Newcastle Airport was outside of the 15km distance from the proposed development, which the Civil Aviation Authority highlights as requiring further analysis), Newcastle Airport have raised no objections in relation to the glint and glare impacts of the proposed development on air traffic.

The applicant's Glint and Glare report concludes that any solar reflections that may affect the A1231 and the A19 dual carriageways would be negligible, due to the limited views from these road and due to the brightness of the actual sun itself.

National Highways have raised no objections in relation to the proposed development. They have advised that any glint and glare impacts would only be for short periods of time, and that the panels would be barely visible from the Strategic Road Network including the A19. They have advised that the proposed development would not be an intensive generator of traffic both during construction and when operational, and so would have no unacceptable impacts on the Strategic Road Network.

The Council's Transportation Development (the Local Highway Authority) have raised no objections to the proposed development in relation to traffic movements (including during construction which would be relatively low), site access and any glint and glare impacts on road safety. They have also advised that the submitted Construction Traffic Management Plan (CTMP) is acceptable in principle and that the proposed development would have little effect on the adopted highway network during the construction phase. However, the mitigation methods to manage the potential migration of mud and detritus onto the adopted highway does need to be addressed as this is not covered in the CTMP (in the form of a wheel wash or similar at the access/egress point on site). It is recommended that this matter be addressed within a Construction Environmental Management Plan (CEMP), which is required to address Environmental Health issues (see 'Impact on residential amenity' above).

It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted CTMP, and to require the submission of a CEMP to include mitigation methods to manage the potential migration of mud and detritus onto the adopted highway.

Given the comments from Newcastle Airport, National Highways and the Council's Transportation Development, subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts on the strategic and local highway networks in terms of capacity or safety, or on air traffic. It is considered that the

proposed development would accord with Policy WWE1 (in relation to impact on air traffic), Policy ST2 and Policy ST3 of the adopted CSDP.

6. Environmental Impact Assessment

Environmental Impact Assessment (EIA) screening is a procedure used to determine whether a proposal is likely to have significant effects on the environment. The Local Planning Authority therefore has to determine whether a proposal is of a type listed in Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The applicant has submitted an EIA screening report. This concludes that the proposal is not of a type listed in Schedule 1, but is of a type listed in Schedule 2 - namely 3 (a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1) and it exceeds the threshold of 0.5 hectares in Column 2. It does not lie within a sensitive area, as defined by the regulations.

The Local Planning Authority agrees with the conclusions within the applicant's EIA screening report. The proposed application was screened on receipt and it was concluded that the proposed development does not require an EIA.

7. Impact on ecology

Policy WWE1 'Decentralised, renewable and low carbon energy' states that renewable energy development should be located and designed to avoid unacceptable significant adverse impacts on wildlife, and that appropriate steps should be taken to mitigate any unacceptable significant adverse impacts.

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

Paragraph 180 of the NPPF (July 2021) states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

European and national designated sites

Natural England have raised no objections stating that the proposed development would not have significant adverse impacts on statutory protected nature conservation sites. Therefore, given the nature of the proposed development, intervening land uses and separation distances, it is considered that it would have no adverse impacts on any European or national designated site.

Preliminary Ecological Appraisal

The applicant's Preliminary Ecological Appraisal (PEA) by Barrett Environmental Ltd dated September 2021 states that the application site is positioned close to the Hylton Plantation, a

Local Wildlife Site. It also concludes that the extensive mosaic of habitats across the proposed development site and around its peripheries are collectively considered to be of Local biodiversity value, and highlights the potential importance of the application site for grassland botany, bats, birds, butterflies, great crested newts, badgers and water voles - and it recommended that further survey work should be undertaken in relation to grassland botany, bats, breeding birds, butterflies and great crested newts, and that further checks should be undertaken in relation to badger setts and water vole burrows during the species-specific surveys.

The applicant has confirmed in writing that no badger setts and water vole burrows were found during the species-specific surveys, and the Council's Ecologist has agreed with the conclusions of the PEA.

Impact on grassland botany

The applicant's Grassland Botany Survey by Barrett Environmental Ltd dated September 2021 states that surveys have confirmed the presence of botanic diverse, but deteriorating, semi-improved neutral grassland habitats across the application site. Floristically rich grassland still exists within the north and east of the application site. It concludes that the proposed scrub and tree removal would significantly benefit grassland botany at the application site. With the mitigation strategy proposed, which includes protecting existing grassland and their 'seed banks' as far as reasonably practicable and adopting an appropriate grassland and scrub management regime, it concludes that a minor positive impact would be achieved. It also advises of post-project monitoring to gauge the rate of recovery of the grasslands.

The Council's Ecologist has agreed with the conclusions of the Grassland Botany Survey. They have suggested that conditions should be attached to any planning permission to control the mitigation, compensation and enhancement as set out in the Grassland Botany Survey and the Preliminary Ecological Appraisal; and to require the submission of a Construction Environmental Management Plan (CEMP) detailing the proposed measures to mitigate the risk of construction stage pollution of habitats.

Given the comments from the Council's Ecologist, it is recommended that their suggested conditions in relation to grassland botany be attached to any planning permission.

Impact on bats

The applicant's Bat Survey by Barrett Environmental Ltd dated September 2021 states that surveys have confirmed the presence of at least 5 bat species utilising the application site for foraging and commuting, particularly common and soprano pipistrelles. It concludes that without mitigation, the proposed solar farm is likely to have some negative impact on bats during construction and when undertaking maintenance works when operational. Mitigation and compensation have been suggested including:

- o Undertaking vegetation clearance outside the bat activity season;
- o Inspection of the four mature trees by a licensed bat ecologist prior to felling;
- o Sympathetic temporary lighting if required;
- o Enhancing peripheral areas with new plantings to eventually provide corridors of bat foraging habitat and commuting lines;
- o Erecting artificial bat roost boxes along the edges of Hylton Plantation.
- o Post-project bat monitoring on the site over the long-term to determine the negative and/or positive effects of the completed solar farm on the local bat population and supplement other research studies.

The Council's Ecologist has agreed with the conclusions of the Bat Survey. They have suggested that a condition should be attached to any planning permission to control the mitigation and compensation as set out in the Bat Survey. However, they have also suggested that conditions

should be attached to any planning permission to require the submission of an ecological method statement detailing precautionary working methods to prevent any undue harm to bats; to require details of any lighting scheme to be ecologically sensitive and approved by the Local Planning Authority; to require details of a soft landscaping scheme (given that supplementary planting of native shrub / scrub can create and reinforce community corridors for bats); to require details to be submitted in relation to the number, location and model of bat boxes to be installed; and to require post-construction monitoring to ensure that proposed mitigation has been effective with the site continuing to support bats.

Given the comments from the Council's Ecologist, it is recommended that their suggested conditions be attached to any planning permission.

Impact on birds

The applicant's Bird Breeding Survey by Barrett Environmental Ltd dated September 2021 states that surveys have confirmed the presence of 18 breeding bird species utilising application site, together with a further 11 species suspected to be breeding. It concludes that without mitigation, compensation and enhancement, the proposed solar farm is likely to have a major negative impact on breeding birds during construction and some negative impacts when undertaking maintenance works when operational. Mitigation, compensation and enhancement has been suggested including:

- o Undertaking vegetation clearance outside the breeding bird season (or otherwise ensuring necessary checks are undertaken by a trained ecologist);
- o General tidiness of work areas and access routes to reduce nesting bird risks;
- o Enhancing peripheral areas with new plantings to eventually provide corridors of bird nesting and foraging habitat and erecting artificial bird nest boxes along the edges of Hylton Plantation; and
- o Post-project bird monitoring on the site over the long-term to determine the negative and/or positive effects of the completed solar farm on the local bird population and supplement other research studies.

The Council's Ecologist has agreed with the conclusions of the Bird Breeding Survey. They have suggested that conditions should be attached to any planning permission to control the mitigation, compensation and enhancement as set out in the Bird Breeding Report. However, they have also suggested that conditions should be attached to any planning permission to require the submission of an ecological method statement detailing precautionary working methods to prevent any undue harm to breeding birds; to require details to be submitted in relation to the number, location and model of bird boxes to be installed; and to require post-construction monitoring to ensure that proposed mitigation has been effective.

Given the comments from the Council's Ecologist, it is recommended that their suggested conditions be attached to any planning permission.

Impact on butterflies

The applicant's Butterfly Survey by Barrett Environmental Ltd dated September 2021 states that surveys have confirmed the presence of 10 butterfly species utilising the application site. These include 2 Red-Listed species - Small Heath and Dingy Skipper. It concludes that the construction phase of the proposed development would be likely to have short-term negative impacts on butterflies across the site and some medium to long-term negative to neutral impacts during its operation phase. However, it may be possible for these impacts to be partially reversed and become positive, particularly with the incorporation of an appropriate grassland and scrub management regime. It concludes that no specific mitigation strategy solely in respect of butterflies is proposed. However, the mitigation strategy to ensure that the grassland botany

would not be significantly impacted by the proposed development and can continue to thrive on the Nissan site would also be beneficial to butterflies.

The Council's Ecologist has agreed with the conclusions of the Butterfly Survey. They have stated that through the implementation of an appropriate habitat management plan to restore and enhance habitats, the value of such habitats may be enhanced post-works for butterflies and other invertebrates. Therefore, as stated under 'Impact on grassland botany' above, a condition is recommended to control the mitigation, compensation and enhancement as set out in the Grassland Botany Survey and the Preliminary Ecological Appraisal. The Council's Ecologist has also suggested that a condition should be attached to any planning permission to require post-construction monitoring to ensure that proposed mitigation has been effective so that the site continues to support butterfly species and invertebrates.

Given the comments from the Council's Ecologist, it is recommended that their suggested conditions be attached to any planning permission.

Impact on Great Crested Newts

The applicant's Great Crested Newt Survey by Barrett Environmental Ltd dated September 2021 states that surveys have confirmed the continued presence of this protected species in two of the six waterbodies within the Nissan site. They were also observed in some ditches and ephemeral pools of water. It concludes that the proposed development would not directly impact upon the waterbodies at the Nissan site, but there would be direct impacts upon a significant proportion of the surrounding good quality terrestrial habitat. It states that without mitigation, great crested newts and other amphibians are certain to be disturbed, injured or killed, primarily during the construction phase.

Mitigation, compensation and enhancement suggested would take the form of a District Level Licence issued by Natural England at a National level. A District Level Licence can only be issued following the grant of a planning permission.

The District Level Licence would control off-site mitigation, compensation and enhancements that would be delivered by Natural England on behalf of the developer (there would be no requirement for on-site mitigation, compensation and enhancement via this process), with the necessary developer contributions secured through the licence. It is understood that the off-site mitigation, compensation and enhancement works would comprise the installation of ponds at locations within the City of Sunderland to be agreed and funded (through the developer contributions) by Natural England, with works likely to be carried out by the Durham Wildlife Trust. These ponds would seek to provide an enhanced habitat for great crested newts within the City of Sunderland when compared to their current habitat at Nissan. It is understood that the District Level Licence would control the timing and delivery of this work within a period of 18 to 24 months following the granting of any planning permission.

Natural England have confirmed in writing that they will be providing Nissan / Engenera with a District Level Licence Certificate, which provides confirmation that a licence will be issued following the grant of any planning permission.

The Council's Ecologist has agreed with the conclusions of the Great Crested Newt Survey and with the mitigation, compensation and enhancements suggested. They have suggested that a condition should be attached to any planning permission to require the off-site mitigation to be implemented by Natural England under the District Level Licence, and also to require the submission of an ecological method statement detailing precautionary working methods to prevent any undue harm to great crested newts (and other amphibian species).

Given the comments from the Council's Ecologist, it is recommended that their suggested conditions be attached to any planning permission.

Biodiversity net gains

The submitted Biodiversity Net Gains Assessment concludes that the proposed development including soft landscaping would provide some net gains in biodiversity. These biodiversity enhancements are welcomed. However, the Council's Ecologist has objected to the planning application on the basis that they consider it cannot be concluded, based on details submitted, that biodiversity net gains would actually be achieved - especially given the fact that the proposed development would result in large areas of habitat being harmed and / or disturbed.

The objection from the Council's ecologist is noted. However, at this current time it is desirable rather than mandatory / a statutory requirement for the applicant to provide biodiversity net gains. Although biodiversity net gains cannot be concluded, the proposed development would provide some biodiversity enhancements, and in any case the very nature of the scheme to provide renewable energy would override the lack of evidence relating to the provision of biodiversity net gains.

Ecology Summary

Subject to the discharge and compliance with the recommended conditions relating to grassland botany, bats, birds, butterflies and great crested newts, it is considered that the proposed development would accord with Policy WWE1 (in relation to impact on wildlife) and Policy NE2 of the adopted CSDP.

8. Impact on flooding/drainage

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

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

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development would have no unacceptable impacts in relation to flooding but recommends that ancillary buildings be raised by 300mm above prevailing ground levels.

Northumbrian Water have raised no objections to the proposed development in terms of how it would affect their assets, however they have advised that a strategic water main crosses site. This may need to be diverted, relocated or protected. It is recommended that informative be attached to any planning permission to remind the applicant of this.

The Council's Lead Local Flood Authority have also raised no objections to the proposed development in relation to flooding and surface water drainage.

Given the comments from Northumbrian Water and the Council's Lead Local Flood Authority, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / surface water drainage. It is therefore considered that the proposed development would accord with Policy WW2 and Policy WW3 of the adopted CSDP.

9. Impact in relation to land contamination

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

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

No contaminated land details have been submitted in support of this planning application. The proposed development is not a sensitive end use; however it would still include some intrusive ground investigation works. The Council's Contaminated Land Specialist has therefore recommended that conditions be attached to any planning permission to require the applicant to submit, prior to the commencement of development, a Phase 1 Land Contamination Assessment Report, and depending on the conclusions of this Phase 1 report a Phase 2 Site Investigation (if necessary), a Remediation Strategy (if necessary), and a verification report (if necessary). They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land Specialist, it is recommended that these conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

10. Impact on archaeology

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

There is evidence of pre-historic features within the immediate landscape, and the proposed development area appears to have been largely undisturbed by subsequent development. The Tyne and Wear Archaeology Officer has raised no objections to the proposed development. However, they have advised that archaeological trial trenching must be undertaken and that an evaluation report must be provided. They originally advised that trial trenching should be undertaken prior to the application being determined. However, the applicant has demonstrated that the existing scrub and self-seeded trees cause limited access to some areas of the proposed development area hindering some of the evaluation work that is required. The Tyne and Wear Archaeology Officer has therefore suggested that this archaeological excavation and recording should instead be secured by way of a condition attached to any planning permission. They have also suggested that conditions be attached to any planning permission in relation to the submission of an archaeological post excavation report, the submission of an archaeological report for publication in a suitable journal, an archaeological watching brief, and the submission of an archaeological watching brief report.

Given the comments from the Tyne and Wear Archaeology Officer, it is recommended that their suggested conditions be attached to any planning permission.

It is recommended that an informative be attached to any planning permission to encourage the applicant to engage in further discussions regarding the undertaking of evaluation trial trenching following the grant of any planning permission (as advised by the Council's Tyne and Wear Archaeology Officer (see their consultation response above).

Subject to the discharge of and compliance with recommended conditions, it is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

11. Impact on Northern Gas Networks pipeline

Northern Gas Networks originally raised an objection in relation to the impact of the proposed development on their pipeline that runs through the application site. The proposed development has subsequently been amended with the removal 624 solar panels from the scheme, and the applicant has provided further assurances to Northern Gas Networks (see case officer comments under the Northern Gas Networks first consultation response above). Northern Gas now raise no objections to the proposed development. However, they have recommended that an informative be attached to any planning permission to remind the applicant of the need to ensure the continued safety and integrity of their pipeline. Any disruption to this pipeline would have a serious effect on gas supplies to the North East Conurbation (including Nissan's own gas supply). It is therefore recommended that such an informative be attached to any planning permission.

Conclusions

The proposed development would contribute to meeting national and local targets in relation to reducing Greenhouse Gas emissions. It would provide a form of sustainable renewable energy generation which the government supports in principle, as part of the wider solution seeking to address climate change. It would provide and expand upon green energy (and contribute to decarbonising current usage) which is used to power Nissan, a major employer within the region, which has significant importance as a key manufacturing organisation, not just within the City of Sunderland, but UK wide. This would assist in the delivering the commitments set out within the Sunderland Low Carbon Framework (December 2020).

The proposed development would be ancillary to, and assist in the competitiveness of, an existing employment use at the site (Nissan). It would therefore be of a type, scale and appearance that would be compatible with the established character and function of the Primary Employment Area, and it would have no unacceptable impacts on the day-to-day operation of the Primary Employment Area (including during construction). It would not dilute the employment function of the area, given that it would seek to power an existing employment use.

Whilst the proposed development would result in the loss of some natural and semi-natural greenspace, this has no amenity and recreational value given that it is part of the secure Nissan site. Any loss of biodiversity would be mitigated / compensated for. In addition, any such loss of such greenspace must be balanced against the significant benefits of the proposed development.

Given the very sustainable nature of proposed development it is considered that it would be acceptable in principle.

The proposed development would be largely screened from the public domain, given that it would be positioned only a few metres above ground level, and given the existing topography and built form in the immediate vicinity. It would have no unacceptable landscape and visual impacts including in relation to glint and glare, subject to the compliance with a condition to control its temporary nature. It would have no unacceptable impacts on heritage assets (including the

Grade I listed Penshaw Monument), and no adverse impacts on the amenity of the occupiers of any neighbouring properties subject to the discharge of and compliance with a condition relating to a Construction Environmental Management Plan (CEMP).

National Highways and the Council's Transportation Development (the Local Highway Authority) have raised no objections to the proposed development in relation to its impact on the strategic and local road networks both during construction and operation, subject to the discharge of and compliance with conditions relating to a Construction Traffic Management Plan and Construction Environmental Management Plan. Newcastle Airport have raised no objections in relation to its impact on air traffic safety.

The Council's Ecologist has objected to the planning application due to the lack of evidence in relation to biodiversity net gains. However, the provision of biodiversity net gains is not currently mandatory / a statutory requirement, and so it is not considered to be necessary to make the development acceptable. Subject to the discharge of and compliance with recommended conditions, as suggested by the Council's Ecologist (in relation to ecological mitigation, compensation and enhancements associated with grassland botany, bats, birds, butterflies and great crested newts), it is considered that the proposed development would have no unacceptable impacts on ecology.

Subject to the discharge of and compliance with the recommended conditions, as suggested by the Council's Contaminated Land Specialist and the Tyne and Wear Archaeology Officer, it is considered that the proposed development would have no unacceptable impacts in relation to contamination and archaeology. The proposed development would also have no unacceptable impacts on the Northern Gas Networks pipeline which runs through the Nissan site.

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

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

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

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

- Drawing No. 'HPSF-Drawing-001' 'Proposed Location Plan' received 08/10/2021
- Drawing No. 'HPSF-Drawing-002' 'Site Plan' received 08/11/2021
- Drawing No. 'HPSF-Drawing-003' 'Solar Array Elevations' received 08/10/2021
- Drawing No. 'HPSF-Drawing-004' 'Solar Array Cross Sections' received 08/10/2021
- Drawing No. 'HPSF-Drawing-005' 'Inverter Cross Section' received 08/10/2021
- Drawing No. 'HPSF-Drawing-006' 'Transformer Station Cross Section' received 08/10/2021
- Drawing No. 'HPSF-Drawing-007' 'Sub-station Elevations' received 08/10/2021
- Drawing No. 'HPSF-Drawing-008' 'Access Tracks Cross Section' received 08/10/2021
- Drawing No. 'HPSF-Drawing-009' 'Cable Trench Drawing' received 08/11/2021
- Drawing No. 'HPSF-Drawing-010' 'Weather Station Elevation' received 08/10/2021

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

3 When the solar farm hereby permitted ceases its operational use, which shall be no later than 41 years from the date of this planning permission, all panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current state, given that the nature of the development is such that, once it ceases operation, it will not serve its purpose of generating electricity thus removing the justification for its presence.

To ensure a satisfactory form of development and in the interests of visual amenity, and to comply with Policy WWE1, Policy BH1, Policy NE9 and Policy NE11 of the adopted Core Strategy and Development Plan, and saved Policy EN2 of the Unitary Development Plan.

4 Prior to the commencement of site clearance and the construction of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan must identify all potential impacts upon the local environment and sensitive receptors arising from construction works, and must set out appropriate measures to be applied to adequately control and minimise those impacts. The plan shall include, but not be limited to, mitigation measures to address noise and vibration, dust management, site lighting, Heavy Goods Vehicle routing and pollution to habitats, include a prohibition in relation to the burning of waste and vegetation on site, and include mitigation methods to manage the potential migration of mud and detritus onto the adopted highway.

To ensure the environmental impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers, the local environment, biodiversity, and highway safety, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy NE2, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

5 The development hereby permitted shall be constructed in accordance with the Construction Traffic Management Plan (HPSF-Report 005) by Engenera Renewables Group received 08/10/2021.

To ensure the traffic impact of the construction of the development is adequately managed and mitigated in the interests of highway safety, and to comply with PolicyST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

6 The development hereby permitted shall be undertaken in strict accordance with the mitigation strategy, compensation scheme, and enhancement measures in relation to grassland botany and butterflies, as set out within Section E 'Mitigation, compensation and enhancement' of the Grassland Botany Survey by Barrett Environmental Ltd dated September 2021 (received 08/10/2021), and read in conjunction with the Preliminary Ecological Assessment by Barrett Environmental Ltd dated March 2021 (received 08/10/2021).

To mitigate and compensate for adverse impacts on grassland botany and butterflies, provide biodiversity enhancements in relation to grassland botany and butterflies, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

7 The development hereby permitted shall be undertaken in strict accordance with the mitigation strategy and compensation scheme in relation to bats, as set out within Section E 'Mitigation and compensation' of the Bat Survey by Barrett Environmental Ltd dated September 2021 (received 08/10/2021).

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

8 The development hereby permitted shall be undertaken in strict accordance with the mitigation strategy, compensation scheme, and enhancement measures in relation to birds, as set out within Section E 'Mitigation, compensation and enhancement' of the Bird Breeding Survey by Barrett Environmental Ltd dated September 2021 (received 08/10/2021).

To mitigate and compensate for adverse impacts on birds, to provide biodiversity enhancements for birds, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

9 The development hereby permitted shall be undertaken in strict accordance with the mitigation strategy, compensation scheme, and enhancement measures in relation to great crested newts, as set out within Section E 'Mitigation, compensation and enhancement' of the Great Crested Newt Survey by Barrett Environmental Ltd dated September 2021 (received 08/10/2021).

To mitigate and compensate for adverse impacts on great crested newts, to provide biodiversity enhancements for great crested newts, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

10 Prior to the commencement of the development hereby permitted, an Ecological Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in strict accordance with this approved Ecological Method Statement.

To ensure precautionary working methods to mitigate any adverse impacts on great crested newts and other amphibians, bats, and breeding birds during the construction of the development hereby permitted, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

11 Prior to the installation of any lighting associated with the construction or operation of the development hereby permitted, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed / operated in strict accordance with the approved lighting scheme.

To mitigate any adverse impacts on bats during the construction and operation of the development hereby permitted, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

12 Prior to the development hereby permitted being brought into use, an Ecological Mitigation Monitoring Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then operate in strict accordance with the approved Ecological Mitigation Monitoring Plan.

To ensure that ecological mitigation is effective, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

13 Prior to the development hereby permitted being brought into use, a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme must detail proposed supplementary planting of native shrub / scrub to create and reinforce commuting corridors for bats and other wildlife to provide connectivity to the wider landscape. The approved soft landscaping scheme shall then be implemented, maintained and retained henceforth for the lifetime of the development.

To ensure that soft landscaping provides acceptable ecological mitigation, and to comply with Policy BH1 and Policy NE2 of the adopted Core Strategy and Development Plan.

14 Prior to the development hereby permitted being brought into use, full details of the number, location and model of proposed bat and bird boxes, as recommended in the submitted Bat and Bird Breeding Surveys respectively, shall be submitted to and approved in writing by the Local Planning Authority, and they shall be installed. The approved bat and bird boxes shall then be shall then be maintained and retained henceforth for the lifetime of the development.

In order to minimise disturbance to protected species, to maintain and enhance biodiversity, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

15 Development shall not commence until a suitable and sufficient Phase 1 Land Contamination Assessment (a Preliminary Risk Assessment) including a desktop study, site walkover and conceptual site model to establish the previous uses of the land under consideration or land adjacent to, and to initially identify potential sources of contamination, receptors and pathways, has been undertaken by competent persons, and a written report of the findings has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the development hereby permitted being brought into use, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

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

20 The development hereby permitted shall not commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed to the satisfaction of the Local Planning Authority. This shall be carried out in accordance with specification/s provided by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

21 The development hereby permitted shall not be brought into use until a final report of the results of the archaeological fieldwork undertaken pursuant to Condition 20 has been submitted to and approved in writing by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved

wherever possible and recorded, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

22 A report detailing the results of the archaeological fieldwork that has been undertaken shall be produced in a form suitable for publication in a suitable and agreed journal. The report shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the agreed journal within twelve months of the completion of the development hereby permitted.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

23 The development hereby permitted shall not commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to the development hereby permitted commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and if necessary, emergency salvage undertaken, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

24 The development hereby permitted shall not be brought into use until a report of the results of observations of the groundworks pursuant to Condition 23 has been submitted to and approved in writing by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and to comply with Policy BH9 of the adopted Core Strategy and Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE PLANNING AND HIGHWAYS WEST COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01566/FUL	Jean Stratton Potts	Agricultural land improvement and remediation of sink holes, utilising imported soil materials and creation of temporary works access.	18/08/2021	17/11/2021
Copt Hill	Land South Of Low Haining FarmStoneygateHoughton-le-Spring			
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved) (amended/updated information received October 2021).	17/11/2014	16/02/2015
Hetton	Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/00134/LP3	City Development	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
Hetton	Evolve Business CentreCygnet WayRainton Bridge SouthHoughton-le- SpringDH4 5QY			
21/01174/SUB	Gentoo Group Limited	Erection of 84 residential dwellings (Class C3)	17/05/2021	16/08/2021
Hetton	Land South West OfCragdale GardensHetton-le- HoleHoughton-le- Spring			
21/00603/FUL	Persimmon Homes (Durham)	Construction of 275 dwellings (use class C3).	22/04/2021	12/08/2021
Hetton	Land East OfNorth RoadHetton-le- HoleHoughton-le- Spring			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02551/LP3	Sunderland City Council - Housing Development	Change of use from extra care housing to 1 no. dwelling house.	12/11/2021	07/01/2022
Hetton	25 Grasmere Avenue Easington Lane Houghton-le-Spring DH5 0PW			
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land At Lambton Lane Houghton-le-Spring			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02445/FUL	Persimmon Homes Durham	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.	21/12/2017	22/03/2018
Houghton	Land North Of Coaley Lane Houghton Le Spring Newbottle			
19/01446/FUL	Karbon Homes	Erection of 36 dwellings with associated works, including relocation of a substation (additional information uploaded 07.10.2021).	24/09/2019	24/12/2019
Houghton	Land Off Hutton Close And Ninelands Houghton Le Spring			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham Company Hawthorn House Blackthorn Way Sedgelych Industrial Estate Houghton-le-			
21/01409/FUL	Russell Foster Tyne and Wear Sports Foundation	Change of use from playing fields to private garden.	02/08/2021	01/11/2021
Houghton	The Russell Foster Football Centre Staddon Way Houghton-Le-Spring DH4 4WL			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01969/FU4	Vistry Partnerships North East	Construction of three storey building to provide 72 apartments, including parking and turning space and restoration of walled garden.	04/08/2021	03/11/2021
Shiney Row	Land AtStation RoadPenshawHoughto n-le-Spring			
21/00605/OU4	C/O Agent	Application for Outline Planning Permission with all matters reserved for the erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace	16/03/2021	15/06/2021
Washington North	Land To The East OfIniniti DriveWashington			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01309/FUL	Windsor Engineering LTD	Erection of 2no. commercial units including new vehicular access and associated parking /service areas.	11/08/2020	10/11/2020
Washington North	4 Turbine WaySunderlandSR5 3NZ			