

PLANNING AND HIGHWAYS (WEST) COMMITTEE

AGENDA

Tuesday 1st September, 2020 at 5.30 p.m.

This meeting will be held remotely. Joining details will be emailed to all participants.

The meeting will be livestreamed for the public to view on the Council's YouTube channel, 'sunderlandgov' at:-

<https://youtu.be/-FELCXlgLbI>

Membership

Cllrs Armstrong, Blackett, Fagan, Lauchlan, F. Miller, Rowntree (Chair), Thornton (Vice Chair) G. Walker, P. Walker

| 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 30th June, 2020 (copy attached) | 1 |
| 4. | Report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 3rd March 2020 (copy attached) | 4 |

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

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Report of the Executive Director of City Development
(copy herewith).

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

21st August, 2020

Item 3

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 30TH JUNE, 2020 at 5.30 p.m.

Present:-

Councillor Rowntree in the Chair.

Councillors Armstrong, Blackett, Fagan, Lauchlan, F. Miller, Thornton, G. Walker and P. Walker.

Chairman's Welcome

The Chairman advised that she wished to make a statement on behalf of the Planning and Highways West Committee and to take the opportunity to comment on the pandemic which had impacted greatly upon the world and our City of Sunderland.

Over 300 people had sadly passed away in our city due to the COVID-19 virus and the family and friends of those affected had our deepest sympathies.

The Chairman offered the Committee's humble thanks to all of the key workers, fellow Councillors, partners and volunteers who had supported our residents and stepped up in our time of need.

Declarations of Interest

There were no declarations of interest made.

Apologies for Absence

There were no apologies for absence.

19/02143/FUL – Demolition of existing buildings and erection of A1 foodstore, access and resurfacing works, car park, servicing and plant area and installation of ATM – Former Penshaw Motor Body Works, Penshaw Bank Top Station Road, Penshaw, Houghton-le-Spring.

The Executive Director of City Development submitted a report (copy circulated) which requested the Committee's determination of planning application 19/02143/FUL. The proposal sought to provide a modern Coop foodstore extending to 418 square metres, 13 customer parking spaces with access taken from Coxgreen Road over an area of unregistered hardstanding.

(For copy report – see original minutes)

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 asked if members had any questions or comments on the report.

Councillor G. Walker stated that he had visited the site when the plans for the proposal first became available and advised that the retaining wall between the existing site and the allotments was in a poor state of repair and in his view, the whole wall needed to be taken down and rebuilt.

In relation to the other remedial works, Councillor G. Walker referred to the tarmacked area proposed and how this would leave an untarmacked area up to the gable end of Percy Terrace and it would be much more satisfactory to have the tarmac extended to this point.

The Planning Officer advised that with regards to the retaining wall, it would be within the applicants best interests to have a retaining wall which was “sound” and whilst the Committee was restricted in just looking at land use in this instance, which was considered to be acceptable, the retaining wall was showing on the site plan and Officers could certainly mention this to the developers and pass on Councillor G. Walkers comments in that respect.

With regards to the tarmacked area, the Highways Engineer advised that when the original application was submitted, they did raise concerns over the suitability of the access, which were improved after discussions. In terms of the area Councillor G. Walker referred to, this was outside of the area the application relates but he was sure Officers could speak with the applicant to request they resurface that area also as it would be in the interests of the retail operator to tidy up the area for its customers.

The Development Control Manager read out a written statement received by the Applicant in which they stated their reasoning for bringing forward the proposal and the benefits they believed this would bring to the local area.

The Chairman thanked Members and Officers for their comments and drew the Committee’s attention to the recommendations as detailed in pages 14-17 of the report. Upon being put to the Committee the recommendation was approved unanimously and therefore it was:-

1. RESOLVED that the application be approved subject to the 12 conditions contained within the report

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

2. RESOLVED that the items for information as set out in the matrix be received and noted;

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

(Signed) C. ROWNTREE,
(Chairman)

Item 4

At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 3rd MARCH, 2020 at 5.45 p.m.

Present:-

Councillor Thornton in the Chair

Councillors Blackett, M. Dixon, Jenkins, Lauchlan, F. Miller, Speding, Turner and G. Walker

Also in Attendance:-

Councillors Heron, Johnston, N. MacKnight and Williams

Declarations of Interest

19/00102/MAV – Biffa Waste Plc, Houghton Quarry, DH4 4AU

Councillors Thornton and Turner made an open declaration in the above item as Members of Hetton Town Council but advised that they had not taken part in consideration of the application.

Apologies for Absence

Apologies for absence were given on behalf of Councillors Jackson, Potts, Scaplehorn and P. Walker

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 Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

19/00102/MAV – Variation of conditions 2 (list of approved plans), 3 (time limit for restoration of site), 10 (noise and vibration migration measures) and 21 (plant and machinery details) of planning permission ref 12/03178/FUL, to allow for a revised restoration programme for the site, an extended programme and altered phasing of works, the construction and operation of an aggregate wash plant, the re-alignment of the access road within the quarry and amendments to on-site landscaping scheme at Biffa Waste PLC, Houghton Quarry, Newbottle Street, Houghton le Spring, DH4 4AU

The representative of the Executive Director of City Development presented the application advising the Committee of the key issues to consider in determining the application, advising that the application sought to allow for a continuance of Holystone's recycling operations and the continued in-filling of the quarry void to create a revised development platform for the employment park. Members were advised that the applicant contended that current economic conditions were not conducive to the delivery of an employment park at this location at this time.

Members were reminded that at its previous meeting of the Committee the application had been deferred to allow a site visit to be undertaken. The site visit had taken place on 21st February, 2020.

The Chairman advised that there were a number of speakers for the application and invited Councillor Johnston to address the Committee.

Councillor Johnston thanked the Committee for the opportunity and advised that since the previous meeting he had continued to receive even more concerns from residents about the effect the application would have on the local area and its regeneration which even the Council's Strategic Property Manager had raised concerns that the continued operation of the facility would have a detrimental effect on the Council's intended use of the Houghton Colliery site for retail. Councillor Johnston advised that he was strongly against the application and raised the following points in his objections:-

- Paragraph 145 of the NPPF and Policy NE6 of the CSDP both refer to development in the Green Belt only being permitted where they preserve the openness of the Green Belt and are consistent with the exception list in national policy;
- The application approved in 2013 was time limited and it is arrogant that the applicants request that operations continue and automatically assume that it would be approved;
- It would be cruel to subject the residents of Houghton to another five to ten years operation on site when they have already suffered enough;
- It shows a complete lack of ambition and aspiration to better the area;
- There is no evidence to show that the employment park is not needed on site;
- Development of the site should be moving forward as previously promised;
- Are 2 jobs or 300 jobs more preferred for the area? and £2 million or £12million in investment which the Houghton Colliery development would bring;

- It is not in keeping with the dynamic, vibrant and healthy aspirations being promoted through the city plan; and
- The development would only disrupt local transport links.

In closing, Councillor Johnston commented that Members who had attended the site visit were able to witness how disruptive traffic was on the A182 and this would only continue if operations were to be extended at the site. He asked Members of the Committee to take on board all of the representations that had been made and show residents of the local area that their quality of life mattered and that redevelopment of the area was a priority for the area by refusing the application before them.

In response to a question from Councillor Dixon to the number of complainants, Councillor Johnston advised that residents complained continually to himself and ward colleagues and advised that they had met with the quarry manager to discuss the issues in relation to the roads. Residents in the area had suffered for years with the issues relating to the site but had been promised, through the 2013 planning application, that there would be an end date, with the site being developed for business units.

The Chairman then invited Councillor Heron to address the Committee who thanked Members for the opportunity to address them and advised that she had been involved with issues relating to the Houghton quarry site for some fifteen years and raised the following issues in objection to the application:-

- The state of road surfaces, only last week residents had contacted her to complain about them, sink covers being bent, pot holes, etc.
- At the site visit the road cleaning vehicle had circulated constantly but this was not the case on a day to day basis;
- The footpaths in the area were covered in mud from the site traffic;
- Lorries accessing the site do not stick to the designated routes and on the site visit Members had noted that some were not covered; and
- Complaints had been made about the developers site at Washington where crushing had caused dust which neighbouring residents had to complain about.

In closing, Councillor Heron reiterated that residents had suffered with the issues from the quarry site for long enough and had been looking forward to the regeneration of the area. The redevelopment of the Houghton Quarry site was vital to the area and communities and this application would not allow this to go ahead. She advised that residents submitted their complaints through ward Councillors and that she was the voice for those residents who objected to the application.

Councillor Miller referred to the site visit that Members had undertaken and asked if it was usual for the road sweeper to be as visible as it had been that day? Councillor Heron commented that it was not usual and that she had been surprised as usually the sweeper would simply brush the debris of the roads, yet at the site visit they had been using the water to wash also. In response to further questions from Members, Councillor Heron commented that it was quite common that HGV's were using the wrong routes and/or uncovered.

The Chairman then welcomed Councillor Neil MacKnight who wished to address the Committee.

Councillor MacKnight advised that he also spoke in objection to the application stating that there had been many complaints made to him in relation to issues around the quarry site. He estimated that over 75% of the complaints raised with him at ward surgeries were in relation to issues from the site. He raised the following issues in objection to the application:-

- The issues of vehicles using the wrong routes was a common problem;
- The quarry site and issues from it had blighted the lives of the local residents for a number of years and had never been good neighbours;
- Approval of the application would see residents facing another ten year extension to operations at the expense of the quality of life for residents;
- The detrimental impact on wildlife that the continuing operation at the site would have;
- Houghton was improving and doing well and approval of this application would set that back;
- The proposed development of Houghton Colliery Site would see over £14million investment and 300-400 jobs which would be compromised should this application be approved; and
- Holystone had advised that this application would create only 4 jobs;
- Approval of the application would make investment in the area less attractive;
- The Council's Strategic Property Manager had raised concerns over the detrimental impact approving the application would have;
- The applicant states there is no demand for the employment park on site but there is no evidence of this
- The city should and must be open for business and large scale investment;
- Biffa were not good neighbours; they used the wrong routes, caused damage to the roads and create significant issues in what is a residential area;
- The number of additional traffic movements in the report is under estimated;
- There were no enforcements made on the applicant when planning conditions have been broken; and
- The site is a blot on the landscape and a blight to residents.

In closing, Councillor MacKnight commented that approval of the application would put a massive investment into the area at risk for at least another ten years which was completely unacceptable and he asked the Committee to refuse the application.

The Chairman thanked the Councillors for their representations and invited Mr. Ryan Peddie, Holystone, to address the Committee on behalf of the applicant.

Mr. Peddie advised that he was Financial Director at Holystone and commented that this development would see a significant new investment to the area with a total value in excess of £20million, £3million of which was on site. In relation to jobs on site he explained that there were five people on site, with a further six being

introduced with the wash facility operation and the development would help safeguard another thirty local jobs.

The Committee were informed that Holystone had taken over operations on site in 2015 and that they had anticipated concerns at that time. A number of the matters which had been raised by residents predated Holystone activities and could not be considered as part of this application. Mr. Peddie stated that he was unaware of any material issues to refuse the application and advised that none had been raised during the application and consultation process.

The service provided by the site was needed in Sunderland to stop the costs for regeneration developments and projects in the area rising due to having to access a similar facility further away. He commented that Sunderland had a significant shortfall to deal with the waste which was presented on site and the continuing operation of the facility would help to reduce that shortfall by 40%.

Mr. Peddie advised Members that there were no proposals to alter the number of vehicles accessing the site and that drivers were advised to use the agreed route. There had been no evidence presented to the Committee in relation to the issue regarding mud on the road and the replacement of the rumble strip with a state of the art cleaner would help improve this even further. Since Holystone had taken over the operations on site they had only received a single complaint in relation to mud on the road which they had looked to address.

In closing, Mr. Peddie commented that a number of the issues raised by Councillors and residents related to problems that were experienced prior to Holystone having taking over the operations and the new wash plant would ensure that there was no issues around odours and/or dust. There had been no complaints received on site since 2015 and Holystone were conscientious neighbours, wanting to work with the community and residents to find agreeable solutions to any problems they faced.

In response to questions from Members, Mr. Peddie advised that the complaints that had been received were in relation to the household waste disposal operations that had taken place on site previous to the inert waste that was now being treated. The next phase of the development would see the installation of the wash plant which would also improve the processing of materials on site.

Members referred to the application considered in 2013, whereby there had been a request to extend operations on site with a time limit of five years but now the Committee were being asked to extend the length of operation even further and the applicants advised that they were proposing to extend the continuation of operation at site until they were in a position to install the development platform for the intended employment park. The application also asked the Committee to approve the new element on site of the installation of the wash plant.

Councillor Miller referred to issues relating to a similar site in the Washington area and advised that cars in the local area were covered in dust there and was informed by the applicant that the site referred to was not ran by Holystone. The process on the site at Houghton Quarry was water driven and therefore there was no dust creation and no crushing element to the process at all. Members were advised that

there was a dust monitor system in place on site, regular visits were made by the Environment Agency and that there had been no negative reports in the last five years relating to dust from the site.

Councillor Speding referred to the previous planning permission and the cubic metreage of inert materials that were expected to reach capacity at the site; the application stated that there was the expectation that a further 621 cubic metres of inert waste would be imported to the site, if approved, and he asked how this related in real time. The representative of Holystone advised that figures had been recorded from the gate receipts as to what materials were received on site and that future activity was based on this information which gives a good indication of what would be future materials delivered to site.

Members were advised that there was demand for the site and that operations worked to the maximum; with materials being received from the Sunderland area which in turn helps the regeneration in the city as developers need to have the facility. There is already a shortfall for capacity in the city and without this facility they would need to find other sites to be able to meet the regeneration requirements. If the application was not approved they felt it would have a negative impact on regeneration and other developments in the city.

The Committee were informed that any construction site would need somewhere for inert waste to go and any alternative site for this new development would have to be visible and that was why the quarry site lends itself perfectly to this development. Any developments that were currently being constructed on brownfield sites in the city needed somewhere to take their inert materials and that was what this development could continue to offer.

Councillor Speding referred to the applicants view that there was no demand at this time for the development of the employment park and referred to the comments made by the Council's Strategic Property Manager and asked for clarification on the differing of opinions. The Planning Officer advised that there were two strands to consider; firstly, the applicant contends that it is not appropriate at this time to develop the employment park but that should they continue operations they could look to create the development platform, the role of Officers was to look at the merits of the application as submitted and make recommendations in line with that, which they had done.

The other strand would be the delivery of the development at the Houghton Colliery Site which concern had been raised over. In the view of Officers there had been no evidence presented that shows that there would be a definitive link between the approval of this application that would jeopardise development on the Houghton Colliery site and therefore Officers could not make recommendations in line with those concerns.

At this juncture, and in accordance with the Council's Protocol on Development Control Matters, Officers advised Committee Members that they should undertake a balancing exercise to weigh up any significant adverse impacts against the benefits of the scheme and understand the risks of any potential contrary decision to that of the Officer recommendation which would result in a possible appeal from the

applicant and potential risk of costs to the Council. Members of the Committee would need to be able to give reasons as to their proposal for any alternative motion.

Having fully considered the issues raised by the representatives and advice given by the Officers, Councillor Speding moved an alternative motion to refuse the application for reasons in relation to the impact on the green belt, that it is not in keeping with the core strategy and development plan policies.. Councillor G. Walker duly seconded the alternative motion.

Having been put to the vote and with Members voting unanimously, it was:-

1. RESOLVED that the application be refused and the Executive Director of City Development be authorised to prepare and issue a refusal notice on this basis in consultation with the Chairman and incorporating detailed reasons of refusal based on the summary ground expressed above.

19/00783/FUL – Erection of single storey extension to front and side to form restaurant, flue to the side elevation and four additional parking spaces, (amended description) (amended plans received 30.7.19) at Sky Lounge Sports Pub, The Sky Lounge, Oxclose Road, Washington, NE38 7NL

The representative of the Executive Director of City Development presented the application and late sheet advising the Committee of the key issues to consider in determining the application.

The Officer advised the Committee that the application had previously been deferred for Members to undertake a site visit and this had taken place on 28th February, 2020. A late representation had been received and was circulated to the Committee in the late sheet which all parties were given time to consider.

Members raised concerns over the highways issues at the site and commented that they felt that the situation had been doctored when members were on the site visit to make it appear not as bad as it usually was in relation to the parking. The Highways Officer informed Members that matters of illegal parking would need to be dealt with through reports to Northumbria Police or the Council's Enforcement Officers for action.

When asked about introducing traffic regulation orders in the area, the Highways Officer commented that this could be potentially looked into but it could possibly move the problems further afield. He advised that there had been complaints received in relation to the dangerous parking issues and Officers were considering the best way to address them. In relation to the planning application the development proposed requires a further four car parking spaces to be provided on site and the applicant was willing to provide these.

The Chairman advised that there had been requests made to address the Committee and firstly welcomed Councillor Williams to the Committee. Councillor Williams thanked Members for the opportunity to address them and advised that she spoke on behalf of her constituents in objection to the application and commented

that the venue had started as a pool/snooker hall but now there were numerous adverts for events and drinks offers and only recently they had been open until the early hours in a very populated area.

Councillor Williams commented that the interior of the premises was well set out and kept but it was situated in completely the wrong place, being surrounded by residents, and any further development would just continue to add to the problems already being suffered.

There were a number of comments in support of the application which Councillor Williams took Members through and would refute as to whether it was a great asset, or if the neighbouring elderly residents would use the facilities for example. She agreed with the local authority that a lot of the concerns were in relation to the management and operation of the premises which she realised were not material planning considerations but this development was not in the best interests of the community.

In relation to the four additional car park spaces Councillor Williams advised that these were already provided in an unofficial capacity, and used, therefore there was no additional parking being installed. It was felt that the added development was overkill and not particularly needed on site. Residents already raised complaints about the timings of deliveries and waste removals and to approve this development would only exacerbate those problems.

The Chairman thanked Councillor Williams for her representations and invited Ms. Quinn to address the Committee, who advised that she was speaking in objection to the application and raised the following points:-

- The venue was not a snooker club but a glorified nightclub;
- All of the issues and concerns raised were connected and although dealt with by different departments they were linked and had a knock on effect on each other;
- If users of the facilities were given the option to eat on the premises they would continue to drink more and the issues would increase
- It was having a detrimental impact on the mental health of residents and making their life's a misery;
- The area was not the same as that which she had moved into 20 years ago;
- When issues are reported, Northumbria Police have been unable to attend and address the problem;
- People were already parking in the area highlighted for additional car parking so there were no extra spaces being provided;
- Residents had not been made aware of the site visit taking place so did not attend;
- Traffic was parked in the main street dangerously and it was an accident waiting to happen, even though people had been continually warned of the problems;
- There were bottles and glass all over and residents could not let their children play in the street for their safety; and

- There had been no interaction with the management and residents as stated.

In closing, Ms. Quinn advised that residents were fed up with the issues and problems they were living with and asked the Councillors to think of the local residents when making their decision and refuse the application.

The Chairman thanked Ms. Quinn for her representations and invited and welcomed Ms. Nicola Allan to the Committee who had requested to speak on behalf of the applicant..

Ms. Allan spoke in support of the application and commented that she could feel the frustration from residents. She explained that the venue had an established use as a snooker club and had done for many years and as such, any requests of the applicant could not be retrospective and could only be in line with the application before Members which was for a room to hold six table and chairs for dining and a new kitchen extension to the side of the property.

If there were perceived to be further issues then conditions could be put in place to control those moving forward to help improve the situation for residents but Ms. Allan commented that she concerned that there was a lack of evidence for some of the inflammatory remarks that had been made. She referred to the extensions to licensing hours and advised that having looked into this there had been four incidents since 2019 which had been granted by the Council; two for boxing events, one for the 22nd December and one for New Year's Eve.

Ms. Allan advised the Committee that the applicant had met with the Council and Northumbria Police and the area had been monitored by CCTV for nine months with no official complaints having been raised as a result of that. In relation to licensing there had been no breaches and the police were happy with the venue and its operations.

The application seeking approval was for a small restaurant area and kitchen extension, which would result in any noisy equipment being moved further away from residents. Ms. Allan asked the Committee to consider the development on its planning merit and approve the application.

In response to a query around the serving times of meals, Ms. Allan advised she did not have exact times for service, although she assumed it would be in line with the times that the venue were operating to their licensing conditions.

When asked how many users of the facilities used their vehicles to access the site, Ms. Allan advised this was not something she would know and advised that there were a number of other premises in the vicinity which could add to the parking issues in the area, it was not possible to say which vehicles were using which facility.

Having fully considered the representations Councillor Miller moved an alternative motion to refuse the application on the grounds that there were not enough parking spaces being provided and that the parking and highway concerns were detrimental

to the neighbouring school, nexus and public transport and the emergency services who also used the main route.

At this juncture, in accordance with the Council's Protocol on Development Control Matters, Officers advised the Committee of the implications of a proposed contrary decision.

The Highways Officer advised the Committee that the Council's parking policy only required the installation of an additional four spaces in line with the proposed development and explained that they could not look to request further spaces for the retrospective site. Members were then advised by the Planning Officer that the applicant had been fully compliant in the request made and to move an alternative motion would be contrary to Council policy, the Committee were not being asked to look at the use and operation of the venue but just at the planning merit of the extensions proposed in the application.

The Committee were then advised that the reasons for refusal would need to be substantiated and have evidence to support the decision or the applicant could look to appeal the decision and the Council would be at risk of costs associated with an appeal.

After consideration of the Officer's advice above, Councillor Miller withdrew her alternative motion and the Officer recommendation was put to the vote, with Members voting five in favour, two in objection and one Member abstaining, it was:-

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

Items for Information

Members having fully considered the items for information contained within the matrix, it was:-

3. RESOLVED that:-
 - A site visit be undertaken to 19/01280/FU4 – Land to the north of Mount Lane, Springwell;
 - A site visit be undertaken to 16/01581/MAW – Springwell Quarry; and
 - The items for information as set out in the matrix be received and noted.

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

(Signed) M. THORNTON,
Chairman.

Item 5

Planning and Highways West

1 September 2020

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. 16/01581/MAW
Springwell Quarry Springwell Road Springwell Gateshead
2. 19/01252/FUL
Land at Albany Park Spout Lane Washington NE37 2BZ
3. 19/01280/FU4
Land to the North Of Mount Lane Springwell Gateshead
4. 20/00376/VA3
Land west of former Washington Old School, Albert Place, Washington, NE38 7BP

COMMITTEE ROLE

The 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 (019 561 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.

Unitary 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

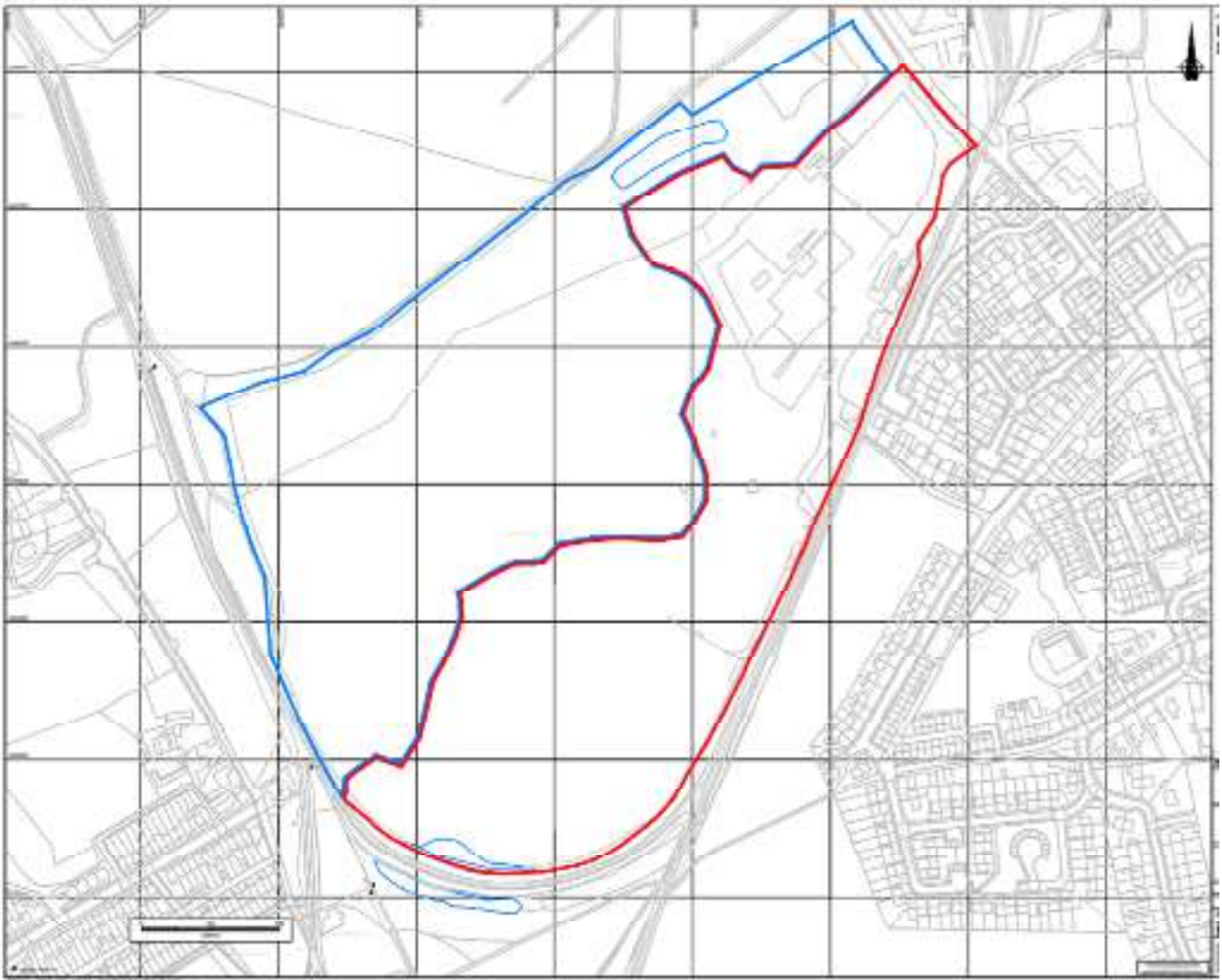
Reference No.: 16/01581/MAW Minerals- Waste (County Matters)

Proposal: The retention of the facility for the receipt, recycling, processing, storage and land filling of construction, demolition and excavation waste; storage of primary aggregate; production of concrete and associated ancillary activities at Springwell Quarry

Location: Springwell Quarry Springwell Road Springwell Gateshead

Ward: Washington West
Applicant: Thompsons Of Prudhoe
Date Valid: 13 October 2016
Target Date: 12 January 2017

Location Plan:



1 APPLICATION SITE AND SURROUNDINGS

- 1.1 The Application Site comprises an existing landfill and waste recycling facility at the former Springwell Quarry, including a parcel of land to the east formerly owned by Tarmac. The former Quarry site was 18 hectares in size, with 9 hectares having been restored to date. The Quarry was originally worked for sandstone and began being backfilled using construction, demolition and excavation waste.
- 1.2 The Application Site includes two small quarry voids (shown as Cell A and Cell B on Drawing NT11851-105 REV B 'Working Plan') which are yet to be filled to restoration levels. The applicant has continued backfilling these remaining voids and also recycles waste at the site; the recycling operations have gradually increased as the landfilling operations have decreased, in accordance with changing government policies on waste management. Current operations therefore include the receipt, recycling, processing, storage and landfilling of construction, demolition and excavation waste; storage of primary aggregate; and production of concrete along with ancillary activities.
- 1.3 The restored area of the former Springwell Quarry site is located directly to the north and west of the Application Site within the blue line shown on Drawing NT11851-102 REV C 'Site Plan'. It was infilled to restoration level and planted with trees and shrubs which are now established; there is also an informal footpath through this part of the site.
- 1.4 The Application Site is situated to the north west of the village of Springwell, with Eighton Banks immediately to the south west, Wrekenton to the north and Washington beyond the A194 to the south-east. The A1M lies to the south west with the A1M/A194/A1231 junction directly to the south of the site. The site is bordered by Bowes Railway, a Scheduled Ancient Monument along the south-eastern and southern boundaries; the Campground Waste and Recycling Centre to the north/north-west; and Springwell Road along the north-eastern boundary. The Bowes Railway line is also used as a public footpath. Bowes Railway station is located across Springwell Road directly opposite the site, to the north east, with a level crossing on Springwell Road adjacent to the Application Site entrance.
- 1.5 Residential properties at Railway Close in Springwell Village are located directly opposite the site to the south east, across the railway line; similarly residential properties in Eighton Banks are located directly opposite the site to the south west across the railway line. There are residential properties on Springwell Road opposite the site entrance. Brysons Animal Shelter is immediately opposite the site across the railway line to the south east of the site, and residential dwellings in Wrekenton, along with Fell Dyke Community Primary School, lie beyond the Campground Waste and Recycling Centre to the north.
- 1.6 The Application Site is located within the Green Belt, and almost all of the Application Site falls within a designated Wildlife Corridor. On either side of Bowes Railway line to the south/ south-west of the site, between the site and Eighton Banks, the land is designated as Springwell Ponds Local Wildlife Site, a Site of Nature Conservation Importance (SNCI). Great Crested Newt are present adjacent to the Application Site at Springwell Ponds LWS. There are no other protected and priority species or habitats present within the application boundary.
- 1.7 The north-eastern half of the Application Site adjacent to Springwell Road includes the existing office buildings, sheds and weighbridges that serve the current operations. The

remainder of the site is used for these operations, namely, the receipt, recycling, processing, storage and landfilling of construction, demolition and excavation waste; storage of primary aggregate; and production of concrete along with ancillary activities.

2 PROPOSAL

Planning History

- 2.1 The original minerals permission was granted under planning application reference 99/01816/MIN. A Review of Mineral Planning Permissions (ROMP) was undertaken by the Council in 2002 under the same reference 99/01816/MIN. The permission was issued on 15th February 2002 including the following conditions:
- To carry out the development in accordance with the conditions on the planning permission
 - To limit the amount of waste entering the quarry to 2200 tonnes a year
 - Not to carry out any operations unless all reasonable and practicable endeavours are taken to ensure that HGVs do not travel through Springwell Village and access and leave the Quarry from the north
 - To cease activities, demolish all buildings and restore the Quarry no later than 20 years from the date of consent, i.e. by 15th February 2022.
- 2.2 Under the Environment Act 1995 ROMP conditions are required to be reviewed every 15 years. Given the date of the last ROMP decision this should have taken place by 15th February 2017. However, the current application was submitted on the 13th October 2016, prior to the ROMP date.
- 2.3 The following applications are also of relevance to current established uses of the site:
- 95/00523/10 for the construction of a building and compound to be used for waste reclamation and transfer station – approved. This is the building forming the northern half of the current building complex on site; it is currently used for the storage of recycling products including plasterboard, timber and plastics.
 - 99/00604/FUL and 99/00604/LEG for the use of existing buildings for waste reclamation and transfer station – approved.
 - 07/04897/FUL for the erection of a steel framed building – approved. This is the main building on site currently used for the receipt, storage and processing of waste from construction and demolition sites.
 - 09/00558/DIS for discharge of planning condition 2 (materials) attached to planning application 07/04897/FUL – discharged.
- 2.4 All permissions granted on the site were tied to the original consent and operations are therefore currently required to cease by 2022.
- 2.5 Consideration and determination of the current Application would therefore replace the ROMP requirement and, if this Application is approved, the requirements in the current permissions for cessation of activities by 2022 would no longer apply.
- 2.6 Other cases related to this site:
- 80/2072 for the erection of shop, refreshment room and toilets – withdrawn.
 - 96/00274/10 for the construction of materials recycling facility – refused.
 - 97/01166/FUL for the resisting of materials recycling facility into existing buildings

used for stone preparation (change of use of buildings), and environmental improvements to site frontage – withdrawn.

- 99/00156/CLP for sorting of imported waste – withdrawn.
- 04/02786/ENC – deposit of non-hazardous waste into four landfill cells – observations only.

Proposed Development

2.7 The proposed development is as set out in section 4 of the Planning Statement (July 2016), section 2 of the Addendum to the Planning Statement (December 2018), and shown on Drawings NT11851-105 REV B 'Working Plan' and NT11851-106 REV C 'Site Working and Landfill Restoration Proposals' submitted with the application, namely:

- The continuation of the current recycling operations including importing, sorting, crushing and screening of non-hazardous waste to create products for onwards recycling. This includes the separating and sorting of material within an existing building on the site and the storage of certain products within the building. It also includes for the processing of construction, demolition and excavation wastes in the quarrying void or on land adjacent to the building and the storage of the secondary aggregate.
- The continuation of landfilling in Cells 1 and 2 of Phase 2 of the landfill in order to provide landfill capacity for clays and subsoils which result from the recycling and 'emergency' landfill in the case when other facilities are closed.
- The continued operation of Tyneside Minimix. This includes the storage and loading of the aggregates and mixers used to create concrete adjacent to the main building on the site, before they are loaded onto small concrete wagons to supply concrete to construction sites, typically within the regional markets.
- Importing and storage of primary aggregates such as sand and gravel for use in certain construction projects. This material is stored at the northern end of the site adjacent to the building.

2.8 For the purposes of clarity:

- The applicant is seeking permission to continue recycling operations in perpetuity.
- The applicant intends to recycle construction, demolition and excavation waste to produce secondary aggregate for use in construction projects (which the applicant supplies to the construction industry) or recycle for onwards recycling;
- The secondary aggregate is generated following a waste sorting process where inert material including bricks, concrete, subsoils and clays are removed from imported waste and then crushed to form a secondary aggregate. It may also arise from imports of inert waste tipped directly on to the site, which are crushed along with the sorted material. This secondary aggregate may be used as fill or base layers in other construction projects and is stored on site before being exported by the applicant for such purposes;
- The storage of products within the building includes recycled construction, demolition and excavation waste which has been through an initial sorting process and needs to be stored for onwards recycling (e.g. plasterboard and timber);
- The proposal is to landfill clay, sub soils and fine materials resulting from the applicants recycling operations, this is material which is cannot be recycled. The applicant proposes that between 2-3,000 tonnes of waste will be disposed of annually, in landfill Cells A and B as shown on Drawing NT11851-105 REV B 'Working Plan';

- The Applicant also notes the landfilling is to continue to provide “*‘emergency’ landfill in the case when other facilities are closed*” – this is understood to be for construction, demolition and excavation (CD&E) waste only;
- The soil screening plant that was located immediately to the south of the existing processing building at the time of submission of the application has been moved to the west of the processing building (including static and semi-static items of processing plant, i.e. soil screen and excavator, and all tipping/loading operations), as shown on Drawing NT11851-105 REV B ‘Working Plan’.

2.9 The proposal includes a number of mitigation measures, as set out in section 4 of the Planning Statement (July 2016) and section 2 of the Addendum to the Planning Statement (December 2018) submitted with the application, namely:

- The management of the restored northern part of the quarry;
- A proposal to construct a screening bund around the south of the site in order to prevent views into the quarry from the Bowes Railway and act as a noise buffer to assist in mitigating the noise from the quarry (as shown on Drawing NT11851-106 REV C ‘Site Working and Landfill Restoration Proposals’);
- Blocking up of the large openings on the east elevation of the processing building with corrugated sheeting and, where an entrance/exit is required, roller shutter doors;
- Fitting of a roller shutter door to the main entrance/exit into the processing building on the south elevation. The applicant states that when the machinery inside the building is operational the roller shutter doors are closed, and they are only opened to allow for delivery of waste and removal of recycled material from the building;
- Enclosing the hoppers for storing aggregate associated with the concrete mixing plant to the north of the building, to prevent wind blowing dust towards the adjacent residential properties;
- Enclosing the shoots that transfer the aggregate from the hoppers into the ready-mix vehicles with a ‘sock’, to prevent wind blowing dust towards the adjacent residential properties;
- Locating the crushing plant in the quarry void to the south of the site at a lower land level in order to assist in noise mitigation; and
- Retention of the bund that was originally constructed around the soil screen when in its previous location immediately to the south of the existing processing building.

3 PUBLICITY AND CONSULTEES

3.1 398 neighbour notification letters were issued on 19.10.2016 and a site notice was displayed on 20.10.2016. A press notice was placed on 24.10.2016

3.2 The following consultees were consulted on the application:

- Network Management
- Cllr Bernard Scaplehorn
- Cllr Dorothy Trueman
- Cllr Henry Trueman
- Environment Agency
- Historic England

- Natural Heritage
- Environmental Health
- Planning Implementation
- Southern Area Command – Police
- Gateshead MBC Planning
- Flood and Coastal Group Engineer
- Tyne and Wear Archaeology Officer
- HHW Chair And Vice Consultation
- Planning Policy

4 REPRESENTATIONS

Consultation Summary

- 4.1 Following the publicity exercise outlined in Section 4, 74 objections were received from 70 individuals/groups and 1 comment was received neither objecting to nor supporting the proposed development. The objections included a standard letter signed by 24 individuals. Copies of all the comments received can be viewed at: <https://www.sunderland.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=OCS7I4BB01600> and are summarised below.

Objections

- 4.2 69 objections were submitted against the application from members of the public, including a representation from Springwell Village Residents Association and a standard objection letter signed and submitted by 25 residents. The objections focus on impacts associated with dust, noise, traffic, mud on road and footpaths, and impacts on heritage assets.
- 4.3 In regards to dust, concerns were raised by objectors that the dust emissions are a risk to public health, the content of emissions is unknown, and dust emission levels are unacceptable. An objector also notes concerns about the impacts of emissions from HGVs on people's health. Also in regards to public health, one objector notes that there is an impact on the mental wellbeing of residents as a result of the combined effects of noise, mud on the roads and increased traffic over an extended period of time. Objectors mention that air borne debris is a cause for concern and that air quality is affected by dust emissions. One objector also raises concerns that the air quality plan is inadequate and the assessment has not been completed accurately. Local residents state that dust pollution to properties means they are unable to enjoy their gardens due to dirt and dust, and they cannot open their windows. They also note that their gardens, windows and cars are constantly covered in dust and need to be washed frequently. Objectors therefore request that various restrictions are put in place at the Application Site, including dust monitoring, dust suppression measures, and measures to reduce dirt.
- 4.4 As far as noise is concerned, objectors state that there is noise from increased traffic, unacceptable noise levels from operations on the Site, and noise being generated outwith approved working hours. Residents in close proximity mention they are unable to enjoy their gardens due to the noise levels nor can they open their windows, and that operational noise can be heard indoors with all the windows and doors closed. Residents note that they have problems sleeping due to noise, as well as vibration; objectors also state that there is too much noise and vibration from heavy vehicles and plant moving

about. Concerns were raised regarding noise monitoring locations not being taken from representative locations, the length of time noise was monitored for, the time of year monitoring was undertaken, and the noise model itself.

- 4.5 In relation to traffic, objectors state that there is increased traffic associated with the proposal. Another notes that traffic is being diverted from Springwell Village through other local estates which suffer from the volumes of site traffic passing through, and one objector states that HGVs are affecting traffic flow through the village. One objector raises concerns about the narrow access, and cites damage to the building opposite the entrance of the quarry occurring as a result of HGVs accessing the site. Another states that the speed limit should be reduced to 30mph.
- 4.6 Objectors specifically raise concerns regarding mud on the roads and pavements, stating that the paths are dangerous and unusable, as well as noting there is litter in the surrounding area. Concerns are raised that accidents may occur due to the state of the roads, and objectors state that dirt on the highway and footpaths causes the village to suffer. Residents raise concerns that debris and mud on the main road represent a danger to motorists, buses, and could cause accidents to happen, and that the current wheel washing/ road cleaning arrangements are inadequate.
- 4.7 Some objectors raise concerns that concrete production is a new activity and will result in increased traffic, noise and pollution.
- 4.8 Objectors raise concerns about the impacts on the Bowes Railway (SAM) both now and in the future. One objector states that the proposal is “*an eyesore*” in too close proximity to the Railway. Traffic is highlighted by one objector as causing “*significant structural damage*” to the railway buildings, and another notes that granting permission would allow adverse impacts on the Bowes Railway to continue as a result of heavy waggons, vibrations and dust levels. (An objector also refers to Grade 1 buildings, although it is noted that there are none in the vicinity of the site).
- 4.9 Visual amenity is also noted by objectors as cause for concern. Objectors refer to storage piles being higher than expected, causing an eyesore and obstructing previously clear views. One objector questions the height of the restored areas, suggesting they are higher than approved as they are above the level of the existing land. Another states that the lighting on site affects their property.
- 4.10 In terms of policy compliance, one objector states that the proposal will be contrary to UDP Policy relating to the Green Belt as it will prevent protection of the Green Belt and impact on the visual amenity of the Green Belt; cause a loss of amenity due to landscape and visual impacts; and there are no special circumstances that outweigh the harm to the Green Belt. Another states that the proposals do not represent sustainable development in accordance with the NPPF. An objector also states the proposal will be contrary to UDP policies relating to local amenity and paragraph 7 of the NPPW, as it will not make a positive contribution to the local area.
- 4.11 One objector notes that there will be cumulative impacts arising from a combination of the various operations at the Application Site and the adjacent recycling facility at the Campground site, which has not been considered under the EIA Directive. In this regard it should be noted that the Applicant has set out considerations as to whether the proposal constitutes EIA Development in Section 1.2 of the Planning Statement (June 2016) which concludes the proposal does not require EIA. The Council agree with these considerations.

- 4.12 One objector raises concerns about site drainage, citing potential impacts on ecology as a result of silt and debris draining into local ponds. Another states that the lighting on site will affect wildlife in the area.
- 4.13 Objectors also raise concerns about losing the approved restoration proposals if the current uses are allowed to continue, which would adversely affect the landscape, prevent the use of the site by members of the public, adversely affect the amenity of the village, and would be contrary to the NPPW. One objector notes that as the amount of landfill material that is being produced is negligible, there is a potentially indefinite timescale for the current activities to cease which is “*very worrying*” for the future of the village.
- 4.14 Objectors note that it is inappropriate for such uses to be taking place in the village of Springwell. A number of objectors state that the village would be more pleasant if the operations were to cease, and many question the appropriateness of operations continuing when the village is growing and more residents will come into close proximity with the operations.
- 4.15 Objectors variously suggest that the site is therefore wound down or that the application is reviewed in a set time period, or that an end date is set for operations to cease, to secure final restoration of the site for the benefit of the village.
- 4.16 Concerns are also raised regarding the Applicant’s ability to abide by planning restrictions and Environment Agency Permit requirements, as well as the ability of the Council and the Environment Agency to request compliance. Concerns raised include those in relation to noise, dirt on the roads, wheel washing, use of overloaded skips, and hours of operation (objectors state that works commence prior to 7am and take place overnight). An objector queries how the Applicant will ensure that only non-hazardous material is handled on site. Objectors submit that multiple complaints have been made by residents regarding breaches of these restrictions and that the Environment Agency have required the operator to take action, which has only occurred after complaints have been made. One objector expresses concern that metal is being recycled and sludge being emptied into the quarry from a road sweeper. Another requests that a restriction is placed on overnight working on any grant of planning approval.
- 4.17 A number of objectors state that public consultation had not been properly carried out.
- 4.18 One objector sets out concerns that the currently permitted operations have resulted in the sterilisation of safeguarded minerals at the site.
- 4.19 An objection was also submitted by GVA on behalf of Hellens Group, who object on the basis that previous consents included a time limit; the Taylor Wimpey development has now been built and continuation of quarry operations is no longer acceptable in this context; the ongoing impact on the local community and the potentially harmful cumulative effects of this; and the fact that residents are suffering from noise, dust and traffic impacts exacerbated by the fact that operations are not being undertaken in accordance with previous conditions. The objection also notes that as the minerals allocation is out of date as no quarrying is taking place the site should be restored as per the conditions on existing consents, and states the proposal constitutes EIA development and no Screening has been undertaken. In this regard it should be noted that the Applicant has set out considerations as to whether the proposal constitutes EIA Development in Section 1.2 of the Planning Statement (June 2016) which concludes the proposal does not require EIA. The Council agree with these considerations.

Comments

- 4.20 One comment was submitted noting that lorries should be washed down to keep the road between the quarry and the Springwell Inn cleaner; and questioning why it is necessary to infill and level the quarry site 5m above the surrounding land level and to deposit waste on former farm land to a level approaching 6m, which the commenter notes is about the height of the Bowes Railway embankment. The commenter makes an observation that the Council must receive landfill tax, and there has been only one occasion when money was donated to the village to construct a park. They conclude with no objections but state that they “*would like to see an end to the dumping of waste and the landscaping of the areas already used*”.

Local Councillors

- 4.21 No response received.

Environment Agency

- 4.22 The Environment Agency responded on 10 November 2016 with no objections, however they provided advice in relation to matters controlled through the Environmental Permitting regimes for the site, as follows:
- 4.23 Groundwater – the Environment Agency state that groundwater monitoring and pollution control should be addressed through the EPR Permit. The Environment Agency still recommend that pollution prevention conditions are imposed on any grant of planning permission, similar to Conditions 25 (pollution control arrangements) and 26 (bulk fuel/chemical storage) of the existing permission. (It has since been confirmed by the Applicant’s Agent that the requirements of the original Condition 25 are now covered by the landfill Permit for the site, which requires the Applicant to update their Hydrological Risk Assessment every four years).
- 4.24 Waste Management Permit – the Environment Agency note that the site operates under an Environmental Permit issued to the applicant in 1999. The Environment Agency state that there are currently (at the time of the response in 2016) amenity issues associated with dust and noise emissions, and a Noise Management Plan and Air Quality Plan have therefore been submitted and at the time of the response were under review by the Environment Agency. The Environment Agency also notes issues with the size of waste piles which were being addressed through the Permit regime, and state that the applicant was asked to produce a Fire Prevention Plan in this regard.
- 4.25 Other Permits - the Environment Agency note that the applicant holds other Permits for this site including for operational and a non-operational landfill sites.

Historic England

- 4.26 Responded on 07 November 2016. Historic England confirm that the setting of the Bowes Railway Scheduled Ancient Monument (SAM) “*will be impacted by both the construction of a new bund along the southern edge of the existing quarry, and the continued use of the quarry beyond 2022*”, in terms of the bund screening views north from the railway line beyond the Application site and the continuation of the proposals impacting on the setting of the SAM for a longer period of time than previously permitted.

- 4.27 Historic England states that the impacts are not likely to cause substantial harm to the setting, nor significance, of the SAM. Reference is therefore made to para 134 (NB this is now para 196) of the NPPF which states that any less than substantial harm needs to be balanced against the public benefits of the proposal, and it is the duty of the Local Authority to do this in order to establish whether there is sufficient justification for the proposal to offset the harm caused.

Natural Heritage

- 4.28 The Council's Senior Ecologist responded on 18 November 2016 providing comments on the Great Crested Newt (GCN) Survey and Preliminary Ecological Appraisal (PEA).

- 4.29 In regard to the GCN Survey the Ecologist stated that further information and clarification was required in relation to:

- "...understanding the long term impacts namely the potential hydrological effects and how they will be addressed";
- "...the proposed monitoring strategy"; and
- "...species mix and establishment and the maintenance of the seeded area is needed to help understand the viability of the proposed compensation strategy".

- 4.30 In regard to the PEA the Ecologist stated that further information and clarification was required in relation to:

- What additional surveys have been carried out, as indicated in the PEA, in relation to breeding birds/reptiles/water voles and any others recommended in addition to the GCN surveys;
- Whether any detailed water vole surveys took place as the hydrological effects referred to in relation to GCNs could have impacts on any water vole population that may be present; and
- "A detailed management plan regarding habitat enhancement works is required".

- 4.31 Updated reports were then submitted in 2018 comprising of:

- Ecological Appraisal, Springwell Quarry August 2018 Final by E3 Ecology Ltd Revision 4
- Great Crested Newt Survey, Springwell Quarry August 2018 Final by E3 Ecology Ltd Revision 3
- Management and Maintenance Plan, Springwell Quarry January 2017 Draft E3 Ecology Ltd Revision 1

- 4.32 The Ecologist was re-issued with these on 23.01.2020 and provided an updated response on 27.01.2020 which confirmed that further information and updated surveys were required in regard to water vole; great crested newts; monitoring of the ponds/ Local Wildlife Site; reference to updated NPPF and Core Strategy Policies; and the management and maintenance plan for the site, as well as to confirm any changes in species or habitats since the field work was originally undertaken.

- 4.33 Further information was therefore provided on 05.03.2020 as follows:

- Springwell Quarry Ecology Appraisal – March 2020
- Springwell Quarry Great Crested Newt Survey – February 2020
- Management and Maintenance Plan for Springwell Quarry – February 2020

- 4.34 The applicant's agent also confirmed that this information included an area to the south of the site which will be excluded from future operations, and an updated 'Site Plan' (Drawing no. NT11851/102 Rev C) was provided in this regard showing a 'Southern Pond Area'. This area includes the ponds containing great crested newts and is delineated to show that no works will take place, to ensure that there will be no impact on hydrology and that the ponds themselves are not disturbed.
- 4.35 Further amendments were also submitted including an updated 'Site Working and Landfill Restoration Proposals' plan (Drawing no. NT11851/106 Rev C), to alter the proposed screening bund so that the existing drainage ditch to the east of the pond would not be impacted; and a new drawing entitled 'Pond/Wetland Area Cross Section' (Drawing no. NT11851/107 Rev A), showing details of the pond and wetland area.
- 4.36 The Council's Ecology Team reviewed the submitted information and sent a holding response on 15.04.2020: following discussion with the Applicant's Ecologist, they were awaiting additional detail regarding great crested newts. This information was subsequently provided on 04.05.2020:
- Springwell Quarry Great Crested Newt Survey – May 2020
- 4.37 Following this, an updated report including the results from the remaining newt surveys along with agreed measures was also submitted:
- Springwell Quarry Great Crested Newt Survey – July 2020
- 4.38 The Council's Ecology Team responded to this information on 14.08.2020, confirming no objections subject to the inclusion of conditions on the planning application to ensure the protection of biodiversity and protected species, including requirements for a licence from Natural England for Great Crested Newts; a Biodiversity Construction Environmental Management Plan; an Ecological Design Strategy; and a Biodiversity Management Plan.

Environmental Health

- 4.39 Environmental Health responded on 07 December 2016 setting out a number of queries relating to the nature of waste accepted at the site; measures proposed to manage dust emissions; how long it would take to infill Cells 1 and 2 with the current rate of landfilling (2-3,000 tonnes per year); EA Permit requirements; number of HGV movements; and the specifics of noise and dust monitoring and assessment of noise and dust impacts.
- 4.40 The Applicant subsequently provided further information and a meeting was held to discuss the queries raised.
- 4.41 Environmental Health subsequently provided a final consultation response on 15 January 2020. This set out a number of recommended conditions for dealing with noise emissions from the site, and a condition to implement the submitted Dust Management Plan.

Planning Implementation

- 4.42 No response received.

Southern Area Command – Police

4.43 No response received.

Gateshead MBC Planning

4.44 Gateshead Council responded on 9 November 2016 confirming they have no comments to make on the application.

Flood and Coastal Group Engineer

4.45 The Flood and Coastal Team responded on 25 October 2016 with no objections, although they suggested the Environment Agency were consulted in relation to discharges to groundwater.

Tyne and Wear Archaeology Officer

4.46 The Tyne and Wear Archaeology Officer responded on 03 November 2016 confirming they have no comments on the application. The Officer notes that *“the quarry already exists and will have already destroyed any buried archaeological remains within its footprint”*.

HHW Chair and Vice Consultation

4.47 No response received.

Transportation Development

4.48 Transportation Development responded on 9th April 2019 stating the following:

“The operating times and routing for HGV vehicles should remain should as existing should planning approval be granted”.

4.49 A further response was received on 22.01.2002 following reconsultation on this application. The Engineer requested inclusion of a condition to enable the submission and agreement of an Operational Management Plan to include (but not be limited to) control of HGV routeing; maintenance of the adopted highway access, kerbs, footways and verges; control measures for the removal of mud and debris on the highway; and maintenance of highways drainage.

4.50 The response confirmed that the proposed change in lifespan and end use of the site brought about by this application makes the Plan a key requirement. It also confirmed that the Highways Authority have had to plan to resurface the carriageway earlier than necessary as well as undertake additional road gully cleaning as a result of the HGV movements associated with the site causing increased wear and tear etc.; therefore, a financial contribution may form part of the measures to be secured by the Operational Management Plan.

5 POLICY

Legislation, Planning Policy and Guidance

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 set out the legal requirement for determining planning applications, namely that *“the determination must be made in accordance with the plan unless material considerations indicate otherwise”* with the “plan” being the development plan documents, taken as a whole. The development plan is therefore the statutory starting point for decision-making. Planning policies and decisions must also reflect relevant international obligations and statutory requirements, as set out below.
- 5.2 Consents can be subject to conditions, provided that they meet the six tests detailed in Chapter 9 of this Report, whilst Section 106 of the Town and Country Planning Act 1990 (as amended) allows obligations to be entered into which restrict the development or use of land, require specified operations or activities to be carried out, require land to be used in any specified way or require sums to be paid to the local authority (i.e. a “Section 106 Agreement”); the latter mechanism should only be used where it is not possible to address unacceptable impacts through a planning condition and where all of the following tests are met:
- a) *necessary to make the development acceptable in planning terms;*
 - b) *directly related to the development; and*
 - c) *fairly and reasonably related in scale and kind to the development.*
- 5.3 The Town and Country Planning (Consultation) (England) Direction 2009 also requires the local planning authority to consult the Secretary of State before granting planning permission for certain forms of development, including certain Green Belt development. As the proposal is considered to represent inappropriate development in the Green Belt the Secretary of State will be notified on 6th February.

National Planning Policy Framework

- 5.4 The primary national policy as it relates to this application comprises the revised National Planning Policy Framework (NPPF) (February 2019) and the National Planning Policy for Waste (NPPW) (October 2014).

National Planning Policy Framework

- 5.5 A revised version of the National Planning Policy Framework (the “NPPF”) was updated on 19 February 2019, replacing the original version published in March 2012 and the July 2018 revision. It is noted that this application was submitted when the 2012 version of the NPPF was extant; therefore the Applicant provided an update in December 2018 setting out whether they consider the July 2018 version affects any of the conclusions of the submission.
- 5.6 The NPPF does not change the statutory status of the development plan as the starting point for decision making, but it is a material consideration and confirms, in paragraph 4, that it should be read in conjunction with the Government’s Planning Policy for Waste.

When making decisions on applications for these types of development, regard should also be had to the content of the NPPF, where relevant.

- 5.7 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, with the objective to meeting the needs of the present without compromising the ability of future generations to meet their own needs. To this end, paragraph 8 sets out three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

***“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

***a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

***an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating.”*

- 5.8 One of the key aspects of the NPPF is the presumption in favour of sustainable development as set out in paragraph 11, which, for decision-taking, means:

- c) *“approving development proposals 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 this Framework 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 this Framework taken as a whole.”*

- 5.9 The policies referred to in d) I., as set out by footnote 6, comprise:

- habitats sites (and those sites listed in paragraph 176) designated as Sites of Special Scientific Interest;
- land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- irreplaceable habitats;
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and
- areas at risk of flooding or coastal change.

- 5.10 The remaining chapters of the NPPF which are considered to be of relevance to the current proposal are referenced in Chapter 7 of this Report.

National Planning Policy for Waste

- 5.11 The National Planning Policy for Waste (2014) (the “NPPW”) sets out detailed waste planning policies. The Government expects that all Waste Planning Authorities have regard to the policies of this document when discharging their responsibilities in relation to waste management.
- 5.12 Of particular importance are the requirements set out by the NPPW to identify need for waste management facilities and to identify suitable sites and areas. To this end, paragraph 7 advises Waste Planning Authorities, when determining waste planning applications, to:
- *“only expect Applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, Waste Planning Authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;...*
 - *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
 - *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
 - *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
 - *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.”*

Local Policy

Core Strategy and Development Plan

- 5.13 The Council’s Core Strategy and Development Plan was adopted in January 2020. The following policies are considered to be applicable to this Application:
- H1 – Quality of Life and Amenity
 - NE1 – Green and Blue Infrastructure
 - NE2 – Biodiversity and Geodiversity
 - NE6 – Green Belt
 - NE9 – Landscape character
 - WWE6 – Waste Management
 - WWE7 – New Waste Facilities
 - WWE8 – Safeguarding Waste Facilities
 - WWE9 – Open Waste Facilities

- M4 – Restoration and aftercare
- BH7 – Historic Environment
- BH8 – Historic Designations
- BH9 – Development Affecting a Scheduled Ancient Monument
- ST2 – Local Road Network

5.14 The requirements set out in these policies are discussed in detail in Chapter 7 of this Report.

Unitary Development Plan

5.15 Alongside the adoption of the Core Strategy a number of policies from the Council's Unitary Development Plan (the "UDP"), adopted in 1998, have been retained. The following 'retained' UDP policies are of relevance to this Application:

- EN10 – Compatibility of Development with the Environment
- B12 – Scheduled Ancient Monuments (designations only)
- CN23 – Wildlife Corridors (designations only)
- T16 – Railway Routes
- EC8 – Tourism (designations only)
- WA23 – Springwell Quarry

5.16 These UDP policies are discussed in detail in the relevant sections of Chapter 7 of this Report.

6 ISSUES FOR CONSIDERATION

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

- Principle of Development
- Location of Development within the Green Belt
- Restoration and Aftercare
- Noise and Vibration Impacts
- Dust Impacts
- Impacts on the Bowes Railway Scheduled Ancient Monument
- Impacts on Ecology
- Transport Impacts
- Landscape and Visual Impacts

Principle of Development

6.2 The proposal is for the continuation of operations which currently take place at the Springwell Quarry site.

6.3 At the current time the site is the subject of permission 99/01816/MIN, referred to by the Applicant as the "Minerals Permission". This permission was granted on 15th February 2002 as a Review of Minerals Planning Permission under the Environment Act 1995, which requires a review of conditions attached to minerals permissions every 15 years. The grant of permission includes a S106 Legal Agreement which, alongside a number of

other covenants, states that the quarrying and backfilling activities at the site shall cease not later than 15th February 2022 and the Quarry shall then be restored in accordance with the approved scheme.

- 6.4 Prior to this date, under the Environment Act 1995 an application should have been submitted to the Council for a Review of Minerals Planning Permission. However, given the changing nature of operations at the site the Application subject of this Report was submitted in 2016 for determination and, if granted, would replace the current Minerals Permission.
- 6.5 This application, if granted, would also replace and thereby consolidate previous applications granted on the site to facilitate the change in operations from quarrying and backfilling to waste reclamation, recycling and transfer (as per applications 95/0566; 99/00604/FUL and 07/04897/FUL). All of these permissions also require these uses to cease not later than 15th February 2022.
- 6.6 The application is for the proposed uses to continue in perpetuity. There is therefore a need to review the principle of the proposed uses of the land continuing beyond the previously approved period. Consideration must also be given to whether it is in principle acceptable to not complete the restoration of the quarry; this is discussed in detail in a later section of this Report.
- 6.7 The following policies are relevant to the principle of continuing the receipt, recycling, processing, storage and land filling of construction, demolition and excavation waste at the site, alongside the storage of primary aggregate, production of concrete and associated ancillary activities:
- UDP Policy EN10 – Compatibility of Development with the Environment
 - Core Strategy Policy WWE6 – Waste Management
 - Core Strategy Policy WWE7 – New Waste Facilities
 - Core Strategy Policy WWE8 – Safeguarding Waste Facilities
 - Core Strategy Policy WWE9 – Open Waste Facilities
- 6.8 'Retained' UDP Policy EN10 states that all *"all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood"*. Given the current relevant policies, and in the absence of an up to date Site Allocations DPD, the Development Plan is silent in regards to the use of the site other than 'retained' UDP Policy WA23, which states that the Application Site would *"continue to provide high quality building stone and, as working proceeds, will be subject to progressive reclamation...[and] should be reclaimed to a visually acceptable landform. Afteruses could include recreation or woodland"*.
- 6.9 Evidently this policy is no longer relevant in regard to the continued quarry operations as these have ceased; as set out in The Unitary Development Plan Policy Review Policy WA23 is retained as *"it is necessary to retain the policy to ensure that the agreed restoration works are complete"*. The matter of restoration and aftercare is addressed in more detail in the following section. In regard to the use of the site, therefore, given the current and proposed continuation of current uses it falls for the principle of development on this site to be considered in relation to the relevant Core Strategy Policies for waste management operations, namely Policies WWE6, WWE7, WWE8 and WWE9. Concrete

production is assessed in relation to the associated impacts, namely noise and dust, which are discussed in later sections of this Report in relation to Policy H1.

- 6.10 The requirements in Policy WWE6 of the Core Strategy relate to waste recovery, including recycling, and are therefore relevant in the determination of this Application. Policy WWE6 states that:

Development that encourages and supports the minimisation of waste production, and the re-use and recovery of waste materials including, for example, re-cycling, composting and Energy from Waste will normally be supported. Proposals for waste management facilities to deal with waste arisings will be encouraged based upon the following principles:

- 1. managing waste through the waste hierarchy in sequential order. Sites for the disposal of waste will only be permitted where it meets a need which cannot be met by treatment higher in the waste hierarchy;*
- 2. promoting the opportunities for on-site management of waste where it arises and encouraging co-location of waste developments that can use each other's waste materials;*
- 3. ensuring new waste developments are located and designed to avoid unacceptable adverse impacts on landscape, wildlife, heritage assets and amenity;*

- 6.11 Policy WWE7 relates to new built waste facilities. The Application falls to be considered under this Policy by virtue of the fact that it removes the end date previously set for cessation of activities and restoration of the site, thus continuing operations and built form on a site which would otherwise have been restored and can therefore be considered as 'new' elements. Policy WWE7 states:

Development for new built waste facilities should be focused on previously developed employment land (excluding land within Primary Employment Sites) and will be required to meet the following criteria:

- 1. demonstrate the need for the facility, if there is a clear conflict with other policies of the Development Plan;*
- 2. all waste processes and operations must be contained, processed and managed within buildings unless there are acceptable operational reasons why these processes cannot be contained within buildings;*
- 3. proposals must accord with all other policies in relation to the protection of the environment and public amenity or demonstrate that other material considerations outweigh any policy conflict;*
- 4. consideration will be given to the potential impacts of waste management proposals from:*
 - i. harmful materials entering the public highway;*
 - ii. generation of odours, litter, light, dusts, flies, rodents, birds and other infestation;*
 - iii. noise, excessive traffic and vibration;*
 - iv. risk of serious fires through combustion of accumulated wastes;*
 - v. harm to water quality and resources and flood risk management;*
 - vi. land instability;*
 - vii. land use conflict; and*

viii. where necessary, mitigation measures should be identified to ameliorate any negative impacts to an acceptable level.

6.12 Policy WWE8 states that *“The council will safeguard all existing waste management sites within Sunderland from inappropriate development in order to maintain existing levels of waste management capacity”*.

6.13 The Core Strategy makes it clear that open waste operations include aggregate recycling facilities. Policy WWE9 ‘Open Waste Facilities’ is therefore considered to be of relevance to this Application as parts of the Application Site which are not within buildings are used and proposed for screening and crushing of construction and demolition materials, storage of reclaimed products and soils recycling (as noted on submitted Drawings NT11851-1065 REV B ‘Working Plan’ and NT11851-106 REV C ‘Site Working and Landfill Restoration Proposals’).

6.14 Policy WWE9 states that:

- 1. Development for new open waste management facilities will be permitted where:
 - i. the waste site allocations and existing waste facilities are shown to be unsuitable and/or unavailable for the proposed development;*
 - ii. a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative area of Sunderland; and*
 - iii. it is demonstrated that the site is at least as suitable for such development as Site Allocations, with reference to the overall spatial strategy and site assessment methodology associated with the Development Plan.**
- 2. Where acceptable, proposals should be located at or on:
 - i. redundant farm land (in the case of green waste and/or biological waste); or*
 - ii. demolition and construction sites, where the inert waste materials are to be used on the construction project on that site; or*
 - iii. existing permitted waste management sites or co-located with other waste management development; or*
 - iv. the curtilages of Waste Water Treatment Works (in the case of biological waste); or*
 - v. mineral and landfill sites where waste material is used in conjunction with restoration or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation; or*
 - vi. areas of previously developed land; or*
 - vii. employment areas that are existing or allocated in the Development Plan for general industry (B2) and storage and distribution (B8), with the exception of Primary Employment Areas, the Port of Sunderland or the IAMP, where waste development will not be supported.**
- 3. Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the other policies in the Development Plan. Such locations will be considered less favourably than those set out within this Policy.*

6.15 In general it can be seen that these policies promote sustainable waste management solutions, which deal with a proven need or capacity gap, and which are located on sites that are considered to be suitable for such operations.

- 6.16 In regards to sustainable waste management the Application promotes the management of waste through the waste hierarchy, prioritising reuse and recycling before disposal; and co-location of ancillary operations is evident on site with Tyneside Minimix.
- 6.17 As far as a proven need for the facility, the Applicant has stated that the waste will come from within the City and the North East region, although principally the Tyne and Wear Authority areas. Primarily the application site serves Sunderland, Gateshead and South Tyneside, with some limited waste imports from markets to the north of the River Tyne/ Northumberland (these are limited due to 2 other operators with similar facilities being located north of the Tyne and therefore serving the majority of the market in the north of the region). In a letter dated 25 April 2018 the Applicant's Agent, referring to the Council's own "*Waste Arising and Capacity Requirements*" Report (July 2017), states that "*that the majority of CD&E and HCl waste is dealt with at 3 large sites that can centralise facilities, recycle the waste, with a view to producing a variety of products to be sold into the market*" and that "*As Springwell Quarry is one of 3 large sites in the Tyne and Wear area operated by one of the 2 main operators, its loss will have a major impact on the recycling of CD&E/ and HCl waste in this area*".
- 6.18 It is therefore considered that there is a need for a facility such as that proposes at the Application site, to deal with waste arisings from Tyne and Wear. Although this is not just within Sunderland, it is considered to comply with the general approach of the Core Strategy Policies, particularly when noting the site is dealing with CD&E waste and the majority of policies are more suited to municipal waste streams, which are more sustainably dealt with within a local area.
- 6.19 Furthermore, Policy WWE8 confirms that existing sites should be safeguarded to maintain existing levels of waste management capacity. The Application Site is identified in the Council's Waste Arisings and Capacity Requirements Report (July 2017) as an existing waste management site for aggregate recycling and treatment and non-hazardous landfill, although according to current consents these uses should cease by 2022. However, given the evidence submitted with the Application in regards to the importance of the site in dealing with CD&E waste in the region, it is reasonable to conclude that the site should be retained to maintain the required levels of waste management capacity, in keeping with Policy WWE8.
- 6.20 With regard to the suitability of this site, it is an existing permitted waste management site, although consideration must be given as to why these permitted operations should continue on this particular site, beyond the previously imposed deadline for cessation of activities and subsequent restoration of the site. The Applicant has submitted information to demonstrate why there are no other sites available for the proposed operations, in the "*Assessment of Sites within the Tyne and Wear area for the relocation of Springwell Quarry*" (April 2018). The submissions state that no alternative sites are suitable or available for this proposed development and it has been confirmed by the Council's consultant Urban Mines that this document "*adequately demonstrates that there are no suitable alternatives for the operations outside of the Green Belt*".
- 6.21 Consideration of whether the site is at least as suitable for development of site allocations leads to consideration of the suitability of the site in relation to locational matters. In this regard Policy WWE7 states that previously developed employment land should be used for *new* waste management facilities, although WWE6 relating to *waste recycling* is less prescriptive, and WWE9 indicates that former mineral/landfill sites are appropriate for the location of *open* waste management facilities. Generally, therefore, given the mix of uses on the Application Site, the former quarry use, the proposal to

continue landfilling in the remaining quarry voids, and the use of existing waste infrastructure, it is reasonable to conclude that this site is as suitable for waste management as any site that would be taken forward through the formal Site Allocations process.

- 6.22 More specifically, Policy WWE7 requires waste management facilities to use buildings to contain, process and manage waste processes and operations unless operational reasons dictate otherwise. The Application site is considered to be compliant in this regard as those processing operations which generate dust and noise are contained within buildings, as shown on Drawings NT11851-105 REV B 'Working Plan' and NT11851-106 REV C 'Site Working and Landfill Restoration Proposals'. Soil recycling, along with screening and crushing of construction and demolition materials, takes place outside, as the nature of the plant used requires these processes to take place outside. Screening bunds also form part of the mitigation at the site to semi-enclose these operations and minimise noise and dust emissions.
- 6.23 It is also necessary to consider the suitability of the site in terms of impacts on residential amenity, landscape, heritage, ecology, impact on the public highway, noise and vibration, dust, and traffic in accordance with Policy H1, '*Quality of Life and Amenity*', and the relevant criteria in Policies WWE6 and WWE7. These matters are covered in more detail in the following sections of this Report. In general however, upon review of these matters it can be seen that the operations on site do not give rise to any impacts that would suggest the site is unsuitable for the continuation of current activities, as proposed in this Application.

Location of development within the Green Belt

- 6.24 The site is located within the allocated Green Belt on land north of Washington, as shown on the Core Strategy Proposals Map. Core Strategy Policy NE6 sets out the purposes of the Green Belt as follows:
- i. check the unrestricted sprawl of the built up areas of the city;*
 - ii. assist in safeguarding the city's countryside from further encroachment;*
 - iii. assist in the regeneration of the urban area of the city;*
 - iv. preserve the setting and special character of Springwell Village and Newbottle Village; and*
 - v. 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".*
- 6.25 Core Strategy Policy NE6 states that inappropriate development will not be approved except in very special circumstances; although development which is consistent with the exception list set out in National Policy will be permitted (paragraph 145 of the NPPF), subject to all other criteria being acceptable. Paragraph 10.34 confirms that "*most forms of development are considered inappropriate in the Green Belt, national planning policy lists certain exceptions which are not inappropriate*". These exceptions are set out in paragraph 145 of the NPPF, where new buildings are concerned, and paragraph 146 for other operations.
- 6.26 In regard to paragraph 145, the Applicant submits that the final criterion is relevant to this proposal, namely: "*Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have greater impact on the openness of the*

greenbelt and the purpose including land within it than the existing development". In regard to paragraph 146, the Applicant states that the proposed screening bund would comprise engineering operations which would not impact on the openness of the Green Belt nor conflict with the purposes of including land within it, and is not therefore in itself inappropriate development in the Green Belt.

- 6.27 It is however considered necessary to review the proposal, particularly the associated buildings, in relation to the context of a site which should have been restored by 2022. In this regard the proposed development is not considered to be development of a nature which is set out in the exception list set out in National Policy (paragraph 145 of the NPPF) and does introduce a 'new' element of built development into the Green Belt.
- 6.28 The Council are therefore of the view that the proposal constitutes inappropriate development in the Green Belt, contrary to Policy NE6. The Council therefore requested that the applicant demonstrated 'very special circumstances' to allow the site to continue to operate beyond 2022, in accordance with Policy NE6.
- 6.29 Firstly, the Applicant was asked to identify and assess whether there is another site outside the Green Belt, where the proposed operations could be relocated to after 2022. The Council and consultants Urban Mines agreed a scope for this exercise, which is presented in the '*Scoping exercise in relation to a Site Search Assessment to establish if there is an alternative location for the operations at Springwell Quarry*' document dated July 2017. The site search exercise was subsequently undertaken and is presented in the '*Assessment of Sites within the Tyne and Wear area for the relocation of Springwell Quarry*' report. On review of this document the Council's consultant, Urban Mines, are in agreement with the Applicant that there are no other sites outside the Green Belt which the Applicant could be expected to move the established operations to.
- 6.30 Secondly, consideration must be given to other circumstances which are considered to outweigh the potential harm caused by inappropriate development in the Green Belt. As a starting point and as confirmed in documents submitted with this Application, Thompsons of Prudhoe have developed the current waste recycling facilities at the Springwell Quarry site over the last 40 to 50 years. It currently represents the company's main operational facility for recycling CD&E waste, being very well located as it is on a site with direct access to the local market for disposal of CD&E waste to the south as well as easily linking to the east, west and north. It is also worth noting that the Applicant identifies (in the site search document) the importance of the site as a 'one stop shop', where customers operating within Sunderland, Gateshead and South Tyneside are able to deposit excavation waste for recycling and pick up aggregates for further operations at the same time. This type of co-location and the re-use of waste materials, in this case the re-use of secondary aggregates produced from the recycling process on site, is promoted in Core Strategy Policy WWE6 and represents sustainable re-use of waste, moving it up the waste hierarchy in accordance with the NPPW.
- 6.31 In terms of the specific case for retaining this site, an 'Amended Green Belt Assessment' (December 2018) was submitted by the Applicant, containing an updated case of very special circumstances to demonstrate why the proposal should be approved. The Applicant confirms that Springwell Quarry is only 1 of 3 main sites in Sunderland for recycling CD&E waste, as set out earlier in this Report and repeated here: in a letter dated 25 April 2018 the Applicant's Agent, referring to the Council's own "*Waste Arising and Capacity Requirements*" Report (July 2017), states that "*that the majority of CD&E and HCl waste is dealt with at 3 large sites that can centralise facilities, recycle the waste, with a view to producing a variety of products to be sold into the market*" and that "As

Springwell Quarry is one of 3 large sites in the Tyne and Wear area operated by one of the 2 main operators, its loss will have a major impact on the recycling of CD&E/ and HCl waste in this area”.

- 6.32 On the basis of the above and the figures set out in the “*Waste Arising and Capacity Requirements*” Report (July 2017), it is considered that there is evidently a need for a facility such as that proposed at the Application site, to deal with CD&E waste arisings in a sustainable manner from Tyne and Wear. The site is well established in providing a regional facility for recycling of CD&E waste, alongside secondary aggregate production and the Tyneside Minimix facility, which serve customers including a large proportion of utility companies in their demolition and construction projects across Sunderland, Gateshead and South Tyneside.
- 6.33 Furthermore, it is evident that the refusal of planning permission would result in there being insufficient capacity for CD&E waste in the region to be dealt with through recycling and re-use; this would be contrary to the aims of Core Strategy Policy WWE8. It can also reasonably be concluded that refusing this application could push CD&E waste either lower down the waste hierarchy at alternative regional disposal facilities, and/or require it to be transported longer distances to be deposited at a similar facility to that currently offered at the Application Site, both of which would be contrary to the aims of the NPPW.
- 6.34 It is therefore considered that very special circumstances do exist, and the proposal does comply with the requirements of the NPPF and Core Strategy Policy NE6 in regards to justification of inappropriate development in the Green Belt as a result of a case of very special circumstances.

Restoration and Aftercare

- 6.35 ‘Retained’ UDP Policy WA23 states that this site would “*continue to provide high quality building stone and, as working proceeds, will be subject to progressive reclamation...[and] should be reclaimed to a visually acceptable landform. Afteruses could include recreation or woodland*”. As set out in The Unitary Development Plan Policy Review, Policy WA23 is retained as “*it is necessary to retain the policy to ensure that the agreed restoration works are complete*”.
- 6.36 Core Strategy Policy WWE9 states that “*mineral and landfill sites where waste material is used in conjunction with restoration or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation*” are suitable for open waste management facilities including aggregate recycling.
- 6.37 Detailed requirements for aftercare are also set out in Core Strategy Policy M4. This states that “*Development for minerals extraction and temporary waste management facilities will be granted where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long term management, including the management, treatment and monitoring of surface water, leachates, ground waste landfill gases, engineering containment systems below and above ground in compliance with the relevant waste permit to deposit waste*”. This Policy requires restoration plans to be submitted with the planning application which reflect the proposed after-use, and Appendix 5 of the Core Strategy sets out 24 ‘*Issues to be addressed through restoration*’.
- 6.38 Although the proposal is for operations to continue in perpetuity, the policy steer is to secure restoration both in relation to this particular site (as per retained UDP Policy

WA23) and in relation to the nature of the waste operations on a former landfill/quarry site (as per Core Strategy Policies WWE9 and M4).

- 6.39 At the Application Site any material which cannot be recycled is currently used to backfill the quarry void which will ultimately contribute towards the restoration of these areas. Submitted Drawing NT11851-106 REV C 'Site Working and Landfill Restoration Proposals' provides the proposed levels, contours and screening bund to be erected along the southern boundary on completion of the landfilling activity. Further details of these restored areas can be secured by condition.
- 6.40 However, no restoration plan has been submitted for the remainder of the site within the red line boundary. Although as set out above the principle and location of development on this site is considered to be acceptable, it is not unreasonable to consider a scenario where the waste recycling operations may cease at some point in the future. It would not be acceptable for these to cease and the site to not be restored, given the status of the site being a former quarry/landfill site with a previous requirement for complete restoration, and the policy background. Therefore, there is a need to secure restoration and aftercare of the site in the event that the proposed operations do cease. In this regard it is considered appropriate to request that a restoration and aftercare scheme is submitted by condition, if operations cease, in order to ensure that the development would comply with UDP Policy WA23 and Core Strategy Policies WWE9 and M4.

Noise and Vibration Impacts

- 6.41 Core Strategy Policies WWE6 and WWE7 require waste management developments to avoid unacceptable impacts on amenity and give consideration to potential noise impacts. Policy HS1 requires all new developments to not result in unacceptable adverse impacts on noise and vibration, which would include the waste operations, concrete production, and ancillary activities proposed to continue on this site.
- 6.42 Objectors stated that noise and vibration are a cause for concern and result in adverse impacts on local residential amenity.
- 6.43 In their consultation response of 07 December 2016, the Environmental Health Officer raised a number of queries relating to the specifics of noise monitoring and how the assessment of noise impacts had been undertaken.
- 6.44 The majority of these queries were answered by the Applicant's Agent by email dated 08 December 2018 and a meeting was held subsequently to discuss the remaining matters.
- 6.45 Environmental Health subsequently provided a final consultation response on 15 January 2020. This set out a number of recommended conditions for dealing with noise emissions from the site.
- 6.46 Noise monitoring is undertaken at the site; the monitoring locations are as set out on submitted Drawing NT03216-104 REV A 'Environmental Monitoring Plan'. There are however no submitted details confirming how future measurement of site noise levels will be undertaken per the recommendations in the submitted Noise Assessment, nor what measures are to be taken should noise monitoring indicate that noise levels have unacceptably increased such that they would affect residential amenity. Furthermore, the Environment Agency noted in their response that there were (at the time of responding) amenity issues associated with noise emissions, requiring a Noise Management Plan to

be submitted which at the time of the response was under review by the Environment Agency.

- 6.47 It is therefore considered appropriate to implement the conditions recommended by the Environmental Health Officer, which are to set noise limits for site emissions based on the levels identified in the submitted Noise assessment; require a validation exercise to confirm these levels are being met; and, in the event that these levels are shown to be exceeded and/or a substantiated complaint is received further mitigation measures need to be put forward by the operator for the agreement of the Waste Planning Authority.
- 6.48 Furthermore, the Applicant's Noise Assessment (Addendum dated January 2019) identifies a number of mitigation measures, including the proposed screening bund to the southern boundary, concluding that if these are implemented "*noise from site operations will be effectively controlled at source and therefore the impact upon noise sensitive receptors minimised as much as practicable*". These mitigation measures can be secured by a planning condition, as requested by the Environmental Health Officer.
- 6.49 With appropriate mitigation and monitoring in place, the Application is considered to comply with Core Strategy Policies H1, WWE6, WWE7 and paragraphs 170 and 180 of the NPPF.

Dust Impacts

- 6.50 Core Strategy Policies WWE6 and WWE7 require waste management developments to avoid unacceptable impacts on amenity and give consideration to potential dust impacts. Policy HS1 requires all new developments to not result in unacceptable adverse impacts on air quality, which would include the waste operations, concrete production, and ancillary activities proposed to continue on this site.
- 6.51 Objectors stated that dust impacts are a cause for concern and result in adverse impacts on local residential amenity and public health.
- 6.52 In their consultation response of 07 December 2016, the EHO raised a number of queries relating to the specifics of dust monitoring and how the assessment of dust impacts had been undertaken.
- 6.53 The majority of these queries were answered by the Applicant's Agent by email dated 08 December 2018 and a meeting was held subsequently to discuss the remaining matters. Environmental Health subsequently provided a final consultation response on 15 January 2020. This set out a condition to implement the submitted Dust Management Plan.
- 6.54 A Dust Management Plan was submitted as it is in place at the site as part of the waste management Permit and has been submitted with this Application. The Plan confirms that the waste management Permit does not require dust monitoring to be undertaken, although the landfilling Permit does; dust monitoring is therefore undertaken at the site. Dust monitoring locations are as set out on submitted Drawing NT03216-104 REV A 'Environmental Monitoring Plan'. Mitigation is proposed and the Environmental Health Officer has confirmed they have no objections to the proposal subject to the Dust management Plan being implemented.
- 6.55 However, the Dust Management Plan does not include measures to be taken should dust emissions increase. An Air Quality Management Plan (June 2016) was submitted with

the application, which does outlining a number of general measures that could be taken should dust emissions increase. It does not however include any specific triggers for when these measures should be put in place.

- 6.56 Furthermore, the Environment Agency noted in their response that there were (at the time of responding in 2016) amenity issues associated with dust, requiring an Air Quality Plan to be submitted which at the time of the response was under review by the Environment Agency.
- 6.57 It is therefore considered appropriate to condition a requirement for the applicant to submit a Dust Monitoring and Mitigation Plan to outline what baseline dust emissions are acceptable, where the dust monitoring locations will be, how frequently dust monitoring will be undertaken, what increase in dust levels are considered to have an unacceptable impact on residential amenity, and what measures will be put in place if such an increase occurs.
- 6.58 With appropriate mitigation and monitoring in place, the Application is considered to comply with Core Strategy Policies H1, WWE6, WWE7 and paragraphs 170 and 180 of the NPPF.

Impacts on the Bowes Railway Scheduled Ancient Monument

- 6.59 As outlined in Chapter 2 of this Report, Bowes Railway is a Scheduled Ancient Monument in close proximity to the Application Site (as designated by retained UDP Policy B12). The UDP notes that *“Opened in 1826, it is the world's only standard gauge, rope hauled railway, part of which was designed by George Stephenson. It is a Scheduled Ancient Monument. The area around the museum has benefited from environmental improvements such as car parking and open space provision as part of a reclamation scheme. Facilities include a small shop and refreshment room”*.
- 6.60 The Core Strategy states that great weight will be given to the conservation of heritage assets (Policy BH7); development affecting the setting or heritage assets *“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”* (Policy BH8) and *“Development which adversely affects the archaeological interest or setting of a Scheduled Ancient Monument (or nondesignated heritage asset of equivalent significance) will be refused planning permission unless wholly exceptional circumstances exist that satisfy the requirements of the NPPF”* (Policy BH9).
- 6.61 With specific regard to new waste developments, Core Strategy Policy WWE6 states that they should be *“located and designed to avoid unacceptable adverse impacts on...heritage assets”*.
- 6.62 Objectors highlighted the potential impacts on the SAM, stating concerns about visual impact and damage to the SAM as a result of proximity of traffic, HGVs, vibration and dust.
- 6.63 Historic England advised that there is ‘less than substantial’ harm to the SAM, as set out in Section 5 of this Report. In this case the harm that is caused therefore needs to be weighed up against the public benefits of the scheme, in accordance with paragraph 196 of the NPPF, to confirm whether exceptional circumstances exist to justify approval of the application.

- 6.64 In this regard a Heritage Statement was submitted with the application, confirming that there would be no direct impacts on the SAM, although there would be indirect impacts on its setting. The indirect impacts relate to the proposal for the screening bund to be erected around the south-eastern edge of the site (see Drawing No NT11851-106 Rev C 'Site Working and Landfill Restoration Proposals'). The Applicant submits that the screening bund would prevent views of the site from the Railway Line along a 150m section, but even in the short term when it is just a constructed bund (i.e. with no landscaping) that *"will not have an overall adverse impact on this heritage asset"*. In the long term, once the bund is landscaped, the Applicant submits that *"the construction of the screening mound may actually improve its setting and the enjoyment of users of the Line as it would be of landscape areas rather than the operational quarrying void"*.
- 6.65 It is evident that less than substantial harm will be caused to the setting of the Bowes Railway SAM. In contrast, the proposed screening bund is of benefit as it will reduce potential noise, dust and visual impacts to adjacent residents as well as to members of the public using the Bowes Railway line footpath. The screening bund is therefore considered necessary in the public interest, and on balance is considered to outweigh the level of harm caused to the setting of the SAM.
- 6.66 Also and as set out earlier in this Report in relation to the principle of development, there are exceptional reasons to approve the proposal in the interests of providing continued sustainable waste management facilities which assist in the movement of waste up the waste hierarchy. There is clearly a benefit in retaining this site as 1 of the 3 largest sites in the region for managing CD&E waste, as to do otherwise could reasonably be assumed to push such waste to be dealt with either lower down the waste hierarchy and/or to be transported longer distances to be deposited at a similar facility to that at the Application Site, both results which would be contrary to the aims of the NPPW.
- 6.67 On balance the proposal is therefore considered to be in keeping with paragraph 196 of the NPPF, and can be seen to comply with Core Strategy Policies BH7, BH8, BH9 and WWE6(3), and paragraph 196 of the NPPF.
- 6.68 Furthermore, retained UDP Policy EC8 states that the Council will safeguard tourist attractions and refuse proposals which would have an adverse impact on tourist attractions. The current operations have no impact on Bowes Railway as a tourist attraction and this will not change with the continuation of these operations. It is also noted that Bowes Railway were consulted on the application but did not respond. The proposal is therefore considered to comply with retained UDP Policy EC8.

Impacts on Ecology

- 6.69 The Site is within a Wildlife Corridor, adjacent to Springwell Ponds SNCI, and Great Crested Newt are known to be present at Springwell Ponds.
- 6.70 Retained UDP Policy CN23 states that proposals within Wildlife Corridors will be encouraged to conserve and improve the environment.
- 6.71 Core Strategy Policy NE1 confirms that *"To maintain and improve the Green Infrastructure Network through enhancing, creating and managing multifunctional greenspaces and blue spaces that are well connected to each other and the wider countryside, development should...iii. support the management of existing wildlife corridors, including reconnecting vulnerable and priority habitats (see policy NE2)"*.

- 6.72 Policy NE2 states that, where appropriate, development must demonstrate how it will:
- i. *“provide net gains in biodiversity; and*
 - ii. *avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy”.*
- 6.73 Policy NE2 goes on to state that *“4. development that would adversely affect a Local Wildlife Site or Local Geological Site, either directly or indirectly, will demonstrate that: i. there are no reasonable alternatives; and ii. the case for development clearly outweighs the need to safeguard the intrinsic value of the site;... 6. development proposals that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor”.*
- 6.74 Core Strategy Policy WWE6 requires waste developments to be *“located and designed to avoid unacceptable adverse impacts on...wildlife”.*
- 6.75 An Ecology Report and Great Crested Newt Surveys have been undertaken by the Applicant, who submits that *“it is not considered that the continued operation of the site will have an adverse impact on any existing wildlife or wildlife habitats”.* The Applicant also suggests the proposed screening bund may assist in preventing Great Crested Newts from entering the site from the adjacent Springwell Ponds, as well as providing additional habitat for this species.
- 6.76 A Management and Maintenance Plan has also been submitted for the restored areas to the north and east of the application site, which the Applicant states is *“to maintain and enhance the previous restored areas to the benefit of the wildlife in the area”.*
- 6.77 Following a series of consultation responses and dialogue with the Applicant, updated surveys and ecological protection, management and enhancement measures were submitted. The Council’s Ecologist has confirmed they have no objections to the application subject to ensuring the protection of biodiversity and protected species, through a licence from Natural England for Great Crested Newts; a Biodiversity Construction Environmental Management Plan; an Ecological Design Strategy; and a Biodiversity Management Plan, all of which should reflect the proposed mitigation and management measures submitted to date.
- 6.78 Overall it is considered that subject to securing the mitigation measures outlined in the submitted ecological documents, via the ecological conditions requested by the Council’s Ecologist, and the protection of the ‘Southern Ponds Area’, the proposal would be in compliance with retained UDP Policy CN23; Core Strategy Policies NE1, NE2 and WWE6; and paragraphs 175 and 176 of the National Planning Policy Framework.

Transport Impacts

- 6.79 Core Strategy Policy ST(2) states that *“To ensure that development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that: ... vi. they will not create a severe impact on the safe operation of the highway network; resulting in potential risk to all highway users with specific consideration given to vulnerable road users”.*

- 6.80 In their consultation response Transportation Development request that “*The operating times and routing for HGV vehicles should remain should as existing should planning approval be granted*”.
- 6.81 Requirements relating to HGV movements form part of the Legal Agreement attached to planning permission 99/01816/MIN. The Legal Agreement states the landowner is “*Not to carry out any stone winning, masonry production or backfilling at the Quarry unless all reasonable and practical endeavours are taken to ensure that all heavy goods vehicles (except for supplier’s delivery vehicles, vehicles travelling to or from the adjacent ready mixed concrete plant, refuse collection vehicles operated by or on behalf of the Company and any vehicles with an origin or destination within the area shown hatched black on plan number SQWRTS/05 attached hereto) leaving the Quarry travel northwards along Springwell Lane (B1288), turn right on to Leam Lane (B1288) and then either directly on to Felling By-Pass (A184) or on to New Road (A195) and thence to the (A194M) motorway and all such heavy goods vehicles travel to the Quarry by the reverse route*”.
- 6.82 This Legal Agreement will be retained alongside any grant of planning permission and no additional planning conditions are therefore required. However, the above wording does need to be updated to reflect the current activities on the site and the fact that HGVs arrive associated with the import of CD&E waste as well as the export of material for onward reuse and/or recycling, and to secure a routeing plan.
- 6.83 It is therefore considered that, subject to a Deed of variation to update the S106 Legal Agreement, the proposal is in accordance with Core Strategy Policy ST2 and paragraph 108 of the NPPF.
- 6.84 It is also noted that there will be no impacts on the existing use of the railway as a pedestrian footpath around the site, which accords with retained UDP Policy T16.

Landscape and Visual Impacts

- 6.85 Core Strategy Policy WWE6 (3) requires waste developments to avoid unacceptable impacts on the landscape. Core Strategy Policy NE9 requires developments to be in keeping with the landscape character for any particular area by taking the key characteristics, assets, sensitivities and vulnerabilities into account, as set out in the City’s Landscape Character Assessment.
- 6.86 Objectors stated that the operations at the site have an impact on visual amenity and the landscape, including due to the height of stockpiling which was said to be visually intrusive.
- 6.87 Stockpiling is controlled through the Environmental Permit and the Environment Agency note in their consultation response that, although there were issues at the time of responding (2016), the Applicant had been issued with an Action Plan to require them to address waste management and reduce waste piles. Any future breaches of waste stockpiling procedures in this regard would be dealt with by the Environment Agency rather than through planning controls.
- 6.88 In terms of the nature of operations, the existing site includes the restored landform to the west (within the blue line boundary shown on Drawing NT11851-102 REV C ‘Site Plan’), which is raised above the level of the Application Site due to landfilling, and which comprises woodland and grassland. The site operations are at a lower level and do not,

therefore, obstruct or impose on any wider views from the south/east, including views from Springwell Village and the Bowes Railway line.

- 6.89 Furthermore, as previously set out, the Application includes a new screening bund which is proposed along the south eastern edge of the existing quarry. This would be viewed from the south of the site, in the context of the existing landform to the north; the Applicant submits that the intention of this bund, as well as providing a noise and dust screen, is to improve the visual appearance of the site.
- 6.90 Finally, in regards to landscape character, the City's Landscape Character Assessment (September 2015) identifies the area which the Application Site falls within as the Coalfield Ridge. Key characteristics include the prominent sandstone outcrop to the north west (Springwell Rise Landscape Character Area), the "*industrial heritage of railways and quarrying*"; it is also stated that the "*elevated position provides long open views across adjacent areas*". The proposed retention of operations at the Application Site is not considered to have any impact on Springwell Rise or on existing views, other than screening immediate views of the operations once the screening bund is erected as discussed above, and is generally in keeping with the industrial landscape heritage of the area and specifically this former Quarry site.
- 6.91 As a whole therefore, the proposals are not considered to have an unacceptable impact on the landscape nor are they found to be visually unacceptable. The proposal is therefore considered to comply with policies NE9 and WWE6 (3) of the adopted Core Strategy and paragraph 127 of the National Planning Policy Framework.

7 CONCLUSION AND RECOMMENDATION

- 7.1 This Application proposes the retention of the existing facility at Springwell Quarry for the receipt, recycling, processing, storage and land filling of construction, demolition and excavation waste; storage of primary aggregate; production of concrete and associated ancillary activities
- 7.2 In regards to the principle of development, a number of Core Strategy policies set out criteria relating to the various waste operations proposed to continue on site including waste recycling (WWE6) and aggregate recycling (WWE9) and apply to both existing (WWE8) and new sites (WWE7). All of these policies and associated criteria have been reviewed due to the mix of uses on site and the fact that these operations are both existing, having been in operation for a number of decades, and new by virtue of the fact that the proposal will result in the retention of buildings and operations on a site which would otherwise have been restored by 2022.
- 7.3 In general, these policies support development of the nature that is proposed. The proposal represents a sustainable waste management solution, which deals with a proven need for CD&E waste within the region, and which is located on a site that is generally considered to be suitable for such operations.
- 7.4 The location of these operations in the Green Belt has also been assessed in regard to whether a case of very special circumstances exists to justify the harm caused by the otherwise inappropriate nature of this development in the Green Belt. The value of the site in providing an important facility for sustainably managing, including recycling and

reusing a large proportion of, CD&E waste cannot be ignored; it is also considered that closure of the site as a result of refusing the application would detrimentally affect capacity for the sustainable management of CD&E waste within the region. In this regard it is found that very special circumstances exist to outweigh any harm caused to the Green Belt, and the continuation of the operations on site is justified in keeping with the approach set out in Core Strategy Policy NE6.

- 7.5 The matter of restoration and aftercare has also been considered in relation to retained UDP Policy WA23 and Core Strategy Policies WWE9 and M4. It is considered appropriate to secure further details of both the restoration of the landfill cells and the final restoration of the entire site, if there were to be a situation where the operations did permanently cease.
- 7.6 The impacts of the operations in relation to noise and dust have been reviewed and the waste management elements of the proposal have been found to be in accordance with the relevant criteria in Core Strategy Policies WWE6 and WWE7. The proposed concrete production and ancillary operations have not given rise to any cause for concern in the assessment of the proposal in relation to amenity impacts, and the proposal is therefore found to be in keeping with Core Strategy Policy H1.
- 7.7 Although there are no direct impacts on the Bowes Railway Scheduled Ancient Monument, impacts on its setting have been identified. These impacts relate to the visual screening of the railway by the proposed screening bund, which has been assessed as causing less than substantial harm. On balance the harm that is caused is found to be outweighed by the public benefits of approving the proposal, namely to provide a screening bund to reduce potential noise, dust and visual impacts from operations on residents and also on members of the public using the Bowes Railway line footpath, and to ensure the continued sustainable management of CD&E waste in the region by virtue of approving the Application.
- 7.8 Ecological impacts have been assessed and a variety of measures to secure habitat creation and management, as well as the management of protected species including Great Crested Newt and reptiles, are included in the Application. The value of the Wildlife Corridor is therefore retained and there are no unacceptable impacts on ecology, including on Springwell Ponds SNCI. The proposal is therefore in accordance with retained UDP Policy CN23 and Core Strategy Policies NE1 and NE2.
- 7.9 Transport matters have not given rise to any cause for concern, subject to updates being requested to the existing S106 Legal Agreement to reflect the current activities on the site and the fact that HGVs arrive associated with the import of CD&E waste as well as the export of material for onward reuse and/or recycling, and to secure a routeing plan. Measures are also required to reduce the spread of dust, debris and mud from the site onto the public highway. A Deed of Variation and appropriate conditions are proposed to secure these measures, such that the proposal will not adversely affect the local highway network in keeping with Core Strategy Policy ST2, as well as reducing the impacts on residential amenity as per Core Strategy Policies H1, WWE6 and WWE7.
- 7.10 Finally, the landscape and visual impacts of the proposal have been found to be acceptable and not out of context with the Landscape Character Area in which the Application Site sits; in keeping with Core Strategy Policies WWE6 and NE9.

7.11 **RECOMMENDATION:** It is therefore recommended that the application be **APPROVED**, subject to a Deed of Variation to the current Legal Agreement and the Conditions set out in Section 8 of this Report.

8 CONDITIONS

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

The proposed conditions are as follows:

1. Approved Plans/Documents

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

- NT11851-102 REV C Site Plan
- NT11851-105 REV B Working Plan
- NT11851-106 REV C Site Working and Landfill Restoration Proposals
- NT11851/107 REV A Pond/Wetland Area Cross Section

Reason: In order to ensure that the development accords with the scheme as approved.

2. Waste deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 0700-1800 Monday to Friday and 0700-1300 Saturday.

Reason: In order to protect the amenity of nearby residential receptors and to comply with policies WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

3. Hours of operation

Except in emergencies to maintain safe working, or with the prior written approval of the Waste Planning Authority, none of the permitted operations including heavy goods vehicles entering or leaving the site shall take place outside the hours of 0700-1800 Mondays to Fridays and 0700-1300 on Saturdays. No site operations shall take place on Sundays or on public holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out of essential maintenance to plant and machinery outside these hours.

Reason: In order to protect the amenity of nearby residential receptors and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

4. No Hazardous Waste

Only non-hazardous waste, construction, demolition and excavation waste shall be accepted onto the site for landfilling, recycling, processing and storage.

Reason: In order to ensure that the development accords with the scheme as approved.

5. Processing Building

Machinery inside the Processing Building as marked on Drawing NT11851-106 REV C 'Site Working and Landfill Restoration Proposals' shall only operate when the roller shutter doors are closed. The roller shutter doors shall only be opened to allow for delivery of waste and removal of recycled material from the building.

Reason: In the interests of reducing noise impacts and thereby protecting residential amenity, and to comply with policies WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

6. Vehicle Sheeting

All vehicles leaving the site transporting potentially dusty materials shall be securely sheeted to prevent dust emissions and spillage.

Reason: In order to comply with policies H1, WWE6, WWE7 and ST2 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

7. Maintenance of Public Highway

Measures shall be employed at all times to ensure that the public highway is kept clean and free from mud and other deleterious material originating from the site, including:

- i) Wheel cleaning facilities shall be provided and shall be maintained in effective working order at all times.
- ii) Should mud or other deleterious material be deposited on the highway it shall be removed immediately.

Reason: In order to comply with policies WWE7 and ST2 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

8. Noise Levels

Noise from site operations shall not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (as set out in Condition 3) at the nearest noise-sensitive property as identified in the submitted Noise Assessment Report.

Reason: To protect the amenity of nearby residential receptors and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

9. Total Noise Levels

Notwithstanding the requirements of Condition 8 above, the total noise from site operations shall not exceed 55dB(A) LAeq, 1h (free field) at the nearest noise sensitive property.

Reason: In order to protect the amenity of adjacent occupiers and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

10. Noise Mitigation Measures

The mitigation measures documented in the Noise Assessment, with the exception of the Screening Bund, shall be implemented on site within 3 months of the date of any granted consent and maintained for the lifetime of the development.

Reason: In order to protect the amenity of adjacent occupiers and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

11. Noise Validation Exercise

Within 3 months of the date of any granted consent, a noise validation exercise shall be undertaken to substantiate the assumptions made in the Noise Assessment and demonstrate compliance with Conditions 8 and 9 above at the receptor locations identified in the noise impact assessment.

In the event that this exercise shows that the total noise from site operations exceeds the limits contained in Conditions 8 and 9 above, the Operator shall then identify further mitigation measures in order to ensure compliance for the consideration and written approval of the Waste Planning Authority.

The approved mitigation measures must be put in place in accordance with a timescale to be agreed in writing by the Waste Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details

Reason: In order to protect the amenity of adjacent occupiers and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

12. Noise Complaints

Should the Council, as the Waste Planning Authority, receive noise complaints that are subsequently substantiated by the Waste Planning Authority in respect of the onsite operations hereby approved within 12 months of the date of this notice, then on written notification of this to the Operator, the Operator shall submit a noise assessment within 28 days of this written notification in accordance with a methodology to be agreed in writing by the Waste Planning Authority Planning Authority.

In the event that this assessment shows that the noise limits referred to in Conditions 8 and 9 are exceeded, the Operator shall then identify further mitigation measures in order to comply with these limits for the consideration and written approval of the Waste Planning Authority.

The approved mitigation measures must be put in place in accordance with a timescale to be agreed in writing by the Waste Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In order to protect the amenity of adjacent occupiers and to comply with policies H1,

WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

13. Screening Bund

Within 6 months of the date of this notice details, including the length, width and composition of the 3m high screening bund proposed around the southern edge of the quarry, in the location shown on approved Drawing NT11851- 106 Rev B 'Site Working and Landfill Restoration Proposals', shall be submitted to and approved in writing by the Waste Planning Authority. The bund shall be erected within 24 months of the approval of the details as shown on approved Drawing NT11851- 106 Rev 5 'Existing Working Plan'.

Reason: In order to minimise impacts on views from the Bowes Railway Line, to mitigate noise from the screening and crushing of construction and demolition materials, to protect and enhance vegetation in the area, and to comply with policies WWE6, WWE7, BH6 and BH8 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

14. Dust Management Plan

Within 6 months of the date of this permission an updated Dust Management Plan shall be submitted to and approved, in writing, by the Waste Planning Authority. The Dust Management Plan shall take account of the monitoring required by Condition 8 above; outline acceptable levels of dust emissions at these locations and outline what mitigation measures will be taken if these dust emission levels are found to be exceeded.

The approved mitigation measures must be put in place in accordance with a timescale to be agreed in writing by the Waste Planning Authority if these levels are exceeded on any monitoring occasion.

Reason: In order to protect the amenity of adjacent occupiers and to comply with policies H1, WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

15. Hard surfacing

Within 6 months of the date of this permission a plan showing the area to the east and south of the 'Processing Building' shown on approved Drawing NT11851- 106 Rev C 'Site Working and Landfill Restoration Proposals' to be covered and surfaced with tarmac or an alternative sealed surface shall be submitted to and approved in writing by the Waste Planning Authority. The area shall be hard surfaced within 12 months of the date of the approval of the submitted plan.

Reason: In order to minimise noise and dust emissions to protect the amenity of adjacent occupiers and to comply with policies WWE6 and WWE7 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

16. Bulk Fuel/Chemical Storage

Any bulk fuel/chemical storage facilities shall be bunded to contain spillages and leaks (i.e. the bund volume shall be at least 100% of the capacity of the largest storage tank). Bund walls and floor areas shall be impermeable to water and oil and there shall be no drain for the removal of contained liquids. Any bund contents shall be bailed or pumped out under manual control and disposed of safely. All filling and distribution valves, vents and sight glasses associated with storage tanks shall be located within the bunded area. The discharge of such sorted materials to

any settlement pond, ditch, stream, watercourse or culvert shall not be permitted.

Reason: To prevent any adverse impacts on water quality and to comply with policy WWE7 of the adopted Core Strategy and paragraph 170 of the National Planning Policy Framework.

17. Natural England Licence

No development of the screening bund to the south of the site, as shown on Drawing NT11851-106 REV C 'Site Working and Landfill Restoration Proposals', shall commence in any circumstances unless the Waste Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In order to protect local populations of Great Crested Newts and to comply with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

18. Biodiversity Construction Environmental Management Plan

No development, ground works or vegetation clearance shall commence until a Biodiversity Construction Environmental Management Plan for both development and mitigation measures has been submitted to and approved in writing by the Waste Planning Authority, which shall include the following details:

- a) Risk assessment of construction activities which are potentially damaging to biodiversity.
- b) Method statements including physical measures and sensitive working practices to avoid or reduce impacts during construction.
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists will be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) The position and specification of protective fences, exclusion barriers and warning signs.

The approved Biodiversity Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to ensure appropriate biodiversity protection measures and to reduce the impacts of construction on biodiversity, and to comply with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

19. Ecological Mitigation and Method Statements

No development, ground works or vegetation clearance shall commence until a detailed ecological design strategy (EDS) setting out ecological mitigation and method statements, is

submitted in writing for approval by the Waste Planning Authority. The EDS must address the compensation measures mentioned in:

- GREAT CRESTED NEWT SURVEY SPRINGWELL QUARRY July 2020 Final Revision 7 by E3 Ecology Limited
- Management and Maintenance Plan for Springwell Quarry – Draft February 2020, Revision 2 by E3 Ecology Limited

The EDS will include the following details:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used for all ecological mitigation and enhancement features, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works will mitigate the impact in advance of them happening on site.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.
- k) Details of reporting monitoring of great crested newts to the Waste Planning Authority.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter for a minimum of 20 years.

Reason: In order to ensure appropriate habitat management and to enhance the value of the site for local populations of Great Crested Newts and to comply with policy WVE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

20. Biodiversity Management Plan

No development, ground works or vegetation clearance shall commence until a Biodiversity Management Plan (BMP) has been submitted to, and be approved in writing by, the Waste Planning Authority. The BMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery together with the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The BMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. It will include additional measures that will be implemented if populations of great crested newt are not increasing in line with agreed targets; for example, a target meta population of > 50 GCN peak count by year 7.

Reason: In order to ensure appropriate habitat management and to enhance the value of the site

for local populations of Great Crested Newts and to comply with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

21. Ecology surveys

Should the development hereby permitted not be delivered within 2 years of the date on this permission, updated ecological surveys including great crested newt and water vole surveys, will need to be undertaken and submitted to the Waste Planning Authority to inform any mitigation and management measures submitted pursuant to conditions 18, 19 and 20 above.

Reason: In order to inform appropriate biodiversity protection measures and habitat management and to comply with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

22. Southern Pond Area

No works will take place in the area outlined in purple on Drawing No. NT11851-102-C 'Site Plan'.

Reason: In order to protect Great Crested Newts, their habitat and avoid any impacts on hydrology, in accordance with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

23. Vegetation Clearance

If at any time vegetation clearance or tree felling is required this shall be undertaken outwith the bird nesting season (March to August inclusive), unless a checking survey is undertaken by a suitably experienced ornithologist to confirm the absence of active nests. The results of the checking survey must be retained in writing and made available to the Waste Planning Authority on request.

Reason: In order to avoid impacts on nesting birds and to comply with policy WWE6 of the adopted Core Strategy and paragraphs 175 and 176 of the National Planning Policy Framework.

24. Invasive Species

Should Cotoneaster be found to be present on site details of the working methods and timescales for the removal of Cotoneaster, to be employed to prevent the spread of these non-native species, shall be submitted to the Waste Planning Authority for approval. These working methods shall subsequently be implemented as approved.

Reason: In order to prevent the spread of invasive species and to comply with policy WWE6 of the adopted Core Strategy.

25. Landfill Restoration

Within 6 months of the date of this notice a restoration and aftercare scheme for the remaining landfill voids, shown as Cells A and B on Drawing NT11851-106 REV C 'Site Working and Landfill Restoration Proposals' shall be submitted to and approved in writing by the Waste Planning Authority. The scheme should provide details of current and proposed landfilling rates, confirmation of the end date for landfilling activities and timescales for restoration of Cells A and B following completion of the landfilling activities.

Reason: In order to ensure appropriate implementation and aftercare of the proposed landfill

restoration strategy and to comply with retained policy WA23 of the Unitary Development Plan and policy M4 of the adopted Core Strategy.

26. Final Site Restoration

No later than 6 months following the permanent cessation of all activities within the red line boundary, as shown on approved Drawing NT11851-102 REV C 'Site Plan', a restoration plan for all areas within the red line boundary shall be submitted to and approved in writing by the Waste Planning Authority. The plan should include timescales for restoration, and should include details of final site levels, planting and public access routes. The plan shall be implemented as approved.

Reason: In order to ensure appropriate restoration and aftercare of the site in future and to comply with retained policy WA23 of the Unitary Development Plan and policy M4 of the adopted Core Strategy.

27. Operational Management Plan

Within 6 months of the date of this decision notice an Operational Management Plan should be submitted to the Waste Planning Authority for approval. The management plan should include but not be limited to the following:

- Control of HGV routing (inbound and outbound)
- Maintenance of the adopted highway access
- Control measures for removal of mud and debris deposited on the highway
- Maintenance of highway drainage
- Timescales for implementation

The plan should be implemented as approved.

Reason: In order to comply with policies WWE7 and ST2 of the adopted Core Strategy and paragraph 180 of the National Planning Policy Framework.

9 EQUALITY

- 9.1 An equality impact assessment has been undertaken during the detailed consideration of this application which demonstrates that due regard has been given to the duties placed on the Council, as Local Planning Authority (the "LPA"), as required by section 149 of the Equality Act 2010.
- 9.2 As part of the assessment of the application, due regard has been given to the following relevant protected characteristics:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.

- 9.3 The LPA is committed to:
- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.4 In addition, the LPA, in the assessment of this application 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:
- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - 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; and
 - 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.
- 9.5 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.
- 9.6 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:
- tackle prejudice; and
 - promote understanding.
- 9.7 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.

Reference No.: 19/01252/FUL Full Application

Proposal: **Construction of 76 dwellings, provision of open space and associated infrastructure. (Amended description, updated plans & reports)**

Location: Land at Albany Park Spout Lane Washington NE37 2BZ

Ward: Washington North

Applicant: Mr Steve Jackson

Date Valid: 31 July 2019

Target Date: 30 October 2019

PROPOSAL

The amended application proposes 76 homes on land at Albany Park, Washington.

The site is to be served by a single vehicular access from Spout Lane to the south east and it would result in the clearance of the existing fire damaged club house, dilapidated spectator stands and badly damaged perimeter fencing.

The proposal is to deliver a mixture of housing types including bungalows, two-bedroom, three-bedroom and four bed properties. All new dwellings would be affordable with 21 homes (28%) being affordable rent and 55 homes (72%) being rent to home buy.

The application proposal initially proposed 82 homes but has been amended during the consideration of the application. Following the submission of amended plans and updated information in March of this year the application was subject to an additional round of public and consultee consultation.

Site

The site is just over 2ha and lies to the east of Albany Park in the centre of Washington.

To the south is an extra care apartment block for over 55s, to the north and east dense woodland with the A1290 running to the north and housing beyond; whilst to the west is the parkland of Albany Park.

The site is a privately-owned football ground which was until about seven years ago the home of Washington Football Club (FC) who vacated the site being unable to fund the rent and expenses associated with the ground. Some informal youth games were played on the ground just under five years ago and since then the ground has remained derelict with the clubhouse increasingly becoming an eyesore and problem for residents.

The application submission has been supported by:

- Plans and particulars;
- Planning Statement;
- Affordable Housing Statement;
- Design and Access Statement;
- Transport Assessment and Travel Plan;

- Community Statement following community consultation;
- Preliminary Ecological Appraisal;
- Breeding Bird Survey;
- Bat Survey Report;
- Biodiversity Metrics Report and associated information;
- Tree Survey and Arboricultural Impact Assessment;
- Phase 1 & 2 Geo-Environmental Site Investigation & Risk Assessment;
- Noise Assessment;
- Construction Environmental Management Plan;
- Flood Risk Assessment.

REPRESENTATIONS

The application has been subject to two rounds of public consultation and has been advertised as a departure.

Following the publication and erection of press and site notices, and neighbour notifications to the surrounding community there was one letter of support received from Cllr Kelly, as Ward Cllr, during the application's first round of public consultation. However, the correspondence also highlighted issues round access, land locking of possible future sites and that any Section 106 monies should be invested in Albany Park.

In terms of the access into the site and whether it land locks any future development and as will be discussed in the highway engineering considerations, the existing access is being utilised as part of the development proposal. This is considered to be the most efficient and least impactful route given the fact that the site is constrained to the north and east by a plantation woodland embankment; to the south by pedestrian access into Albany Park, which is a Public Right of Way; and, to the east by Albany Park itself.

Regarding Section 106 and any contributions, these matters will be detailed in the principle of development, natural heritage and Section 106 sections of this report. In summary however, the Applicant has agreed to a financial contribution of £100,000 that will be directed towards the enhancing the ecological and recreational opportunities within the Park.

Consultees

Education - Based on the development of 76 homes, Education have requested a total of £323,864 towards primary (including nursery), secondary and special needs provision.

Highways – Transportation Development have confirmed they have no objection.

Natural Heritage – subject to the application proposal demonstrating biodiversity net-gain there is no objection in principle to the application.

Public Protection & Regulatory Services – have confirmed that subject to the imposition of the standard land contamination, noise and construction management conditions there is no objection.

Landscape Services – no objection subject to conditions agreeing the detail of the proposed landscaping.

Lead Local Flood Authority – no objection subject to the approval of the agreed details and imposition of a verification condition.

Northumbrian Water – insufficient detail with regards the management of foul and surface water from the development. A condition has therefore been requested that a prior to construction above ground floor level a detailed scheme of foul and surface water must be agreed with the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Sport England – have objected to the development as they consider it will result in the loss of a playing field and that no replacement provision is proposed. Sport England have also advised that they will be prepared to consider the payment of a commuted sum of £100,000 toward the creation of a replacement ground and on the proviso that this is directed to Washington Association Football Club's proposal at the Northern Area Playing Fields, which is pending consideration via application ref. 20/00839/FU4.

Clinical Commissioning Group (CCG) - on behalf of the CCG and during the application's first consultation period, where the application proposed 82 dwellings, a request for £47,700 was received. The information was limited but reference was made to the "cost of constructing primary healthcare facility in Sunderland".

LEGISLATION, PLANNING POLICY AND GUIDANCE

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

Planning policy background

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Development Plan

The Council adopted the Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document should be used when considering development proposals. It should also be noted that whilst the CSDP should be used as the starting point, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations Plan. A full schedule of policies which have been saved is contained within Appendix 1 of the CSDP.

CONSIDERATIONS

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

1. Principle of development;
2. Highway engineering considerations;
3. Healthy and safe communities, including ground conditions and noise and vibration;
4. Design and layout;
5. Natural heritage, landscaping/ arboriculture and drainage considerations;
6. Viability and Section 106 considerations.

1. Principle of development

The application site is designated as open space over one hectare in the Unitary Development Plan (UDP) by saved policy L1 and it contains 1 adult football playing pitch, as recognised in the Council's Playing Pitch Plan 2018. Saved UDP policy L7 states that the site should be retained in its existing use and that permission for other uses will only be granted when certain criteria can be met, including alternate provision of a similar scale and quality or that there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

CSDP Policy NE4 sub-section 4 requires the application to either: be accompanied by an Open Space Assessment clearly demonstrating the open space provision is surplus to requirement; provide replacement open space locally prior to the development commencing or make an agreed contribution to the Council to provide such open space provision.

NPPF Paragraph 97 similarly states that "...existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

Planning Policy colleagues consider the application to meet the criteria of Policy NE4 and NPPF paragraph 97 by providing an open space assessment, however they note that the assessment does not acknowledge the open space requirements of Policy NE4 and the conclusion of the assessment must be given careful consideration, particularly in terms of on-site provision open space or suitable alternatives.

Planning Policy colleagues also note the site is not currently in use and that the Council's Greenspace Audit and Report 2018 describes the site as an urban site within an area of greenspace abundance. This Report also suggests that housing on the site could be acceptable subject to Sport England's approval. Planning Policy recommend that consideration should be given to the relative harm caused by the loss of the open space and playing pitch within an area of greenspace abundance versus the benefits on offer from a development that would consist entirely of affordable homes.

A key factor to weigh in the planning balance is that Sport England (SE) have effectively maintained their statutory objection to the development in both consultation exercises. SE consider the development to prejudice, or lead to the loss of use, of land used as a playing field or has been used as a playing field in the last five years. The proposal will result in the complete loss

of the playing field and the facilities associated with its level of play and that no replacement provision is proposed.

SE has stated that it does not accept the Planning Statement's evaluation that the spare capacity in terms of adult playing pitches in the City following, in part, the Parklife Programme, coupled with the site's lack of use, translates into a site that is surplus. SE have also highlighted that the existing football pitch could be re-marked to accommodate junior or mini-soccer pitches or an adult or junior rugby pitch, which have identified shortfalls in a preceding Assessment Report to the Sunderland Playing Pitch Plan 2018. It is also considered premature to factor in the facilities brought about by the Parklife Programme, as the impact of the nine new Artificial Grass Pitches will not be known until they have been in operation for at least two years.

Notwithstanding, SE have also highlighted that Washington FC, who previously played at the site, has now aligned itself with Washington Association FC and that between them they hold FA Charter Standard Community Club status i.e. they provide playing opportunities for all ages and formats of the game and are ran by one club committee. Washington FC are at present playing their home games outside of the Town at Ferens Park in Durham and for the club to grow following its recent merger, they are looking to move back to the Town and reconnect with the local community.

SE have therefore confirmed that they would be prepared to consider the payment of a commuted sum from the Applicant to enable the creation of a replacement ground for Washington AFC at the Northern Area Playing Fields (NAPF), which is presently being considered via planning application ref. 20/00839/FU4. This application proposal not only involves improvements to the existing pitch at the NAPF but also incorporates spectator stands and flood lighting columns, which are exactly the type of facilities that would be lost at Albany Park.

SE have also drawn attention to their engagement with Washington AFC in the development of their proposals and have highlighted that funding from the Football Foundation is based on the surety that the commuted sum from the Albany Park housing development will be in place. SE has therefore confirmed that should the Applicant agree to provide a commuted sum of £100,000 and that this is directed towards the 20/00839/FU4 proposal then they would withdraw their statutory objection.

Furthermore, as SE's policy exception E4 has a timing element it will be, in this instance, the signing of the Section 106 that would enable SE to remove its objection. It is also SE's preference, as a minimum, that the commuted sum be payable prior to the commencement of development and that they would wish to see the replacement ground passed as ready for use prior to the occupation of the first dwelling at Albany Park.

As will be discussed in the subsequent Viability and Section 106 section of this report the Applicant has agreed to pay the full amount in terms of the commuted sum and that this financial obligation will be payable prior to the commencement of development. However, given that application ref. 20/00839/FU4 is, at the time of writing this report, still pending consideration, it is considered appropriate that reference within the Section 106 Agreement be directed toward the replacement of a football ground that is, at least, of equivalence (e.g. including standing and floodlight) within the Washington Area rather than focused solely towards the Washington FC's proposal, particularly as this does not benefit from planning permission.

It is also considered onerous to the Applicant of the Albany Park application to restrict the occupation of their development to the realisation of a replacement facility. Consequently, even though the Applicant has agreed to pay the £100,000 in the form of a commuted sum towards a

replacement sports facility, for the purposes of considering the application Officers are viewing SE's objection over the loss of the playing field as one that remains outstanding.

Weight is nevertheless being given to SE's position and it is therefore considered that the obligation should be directed towards the delivery of a playing pitch and facility of equivalence, as a minimum. It is clear that in the event that Washington FC are successful in gaining permission that the facility as is proposed would clearly align with what is being lost at Albany Park and being located within the Washington area and in relative close proximity to the application site, would be an appropriate site and scheme on which to direct the financial obligation. It is also considered appropriate to caveat within the first year of its identified six year spend window, that the sum should be directed towards a Community Sport Club and then only to the Council to spend should a Community Sport Club and appropriate scheme not be forthcoming.

In addition, as will be discussed in the Viability and Section 106 section of this report, the Applicant, Karbon, are gravely concerned that if the application does not appear before Members for their determination at this committee then the very competitive tender price, which it currently benefits from, would be lost and that this loss would place further pressures on the viability of the scheme and its ability to pay any Section 106 contributions. Weight is therefore being given to this position and it is therefore considered that the proposed approach is the most reasonable route through which to account for the loss of the existing playing field.

Weight is also being given to the fact the application will consist entirely of affordable homes, with 21 homes (28%) being affordable rent and 55 homes (72%) being rent to home buy. This level of affordable homes far exceeds the 15% required by policy H2 of the CSDP, while the bungalows and larger family homes on offer aligns with the Sunderland Housing Market Assessment.

Policy NE4 of the emerging CSDP requires all major residential development to provide a minimum of 0.9ha of greenspace per 1000 bedspaces on site unless a financial contribution for the maintenance or upgrade of neighbouring existing greenspace is considered more appropriate. If this greenspace is not proposed on-site, a contribution must be sought to contribute to neighbouring greenspace(s) and a justification must be provided by the Applicant as to why this approach is more appropriate.

Washington North Ward has a high provision of amenity greenspace as set out in the Greenspace Audit. However, it has below average outdoor play provision, low provision of natural and semi-natural greenspace and below average formal park access. Furthermore, as will be discussed in the subsequent Natural Heritage and Landscaping section of this report, in view of the loss of the open space and trees at the site; the need to deliver biodiversity enhancements; and, given the recreational pressures that would be brought about the proposed housing, a financial obligation of £100,000 is considered to be the most appropriate route through which to satisfy the various policy requirements as well as delivering a viable 100% affordable housing scheme. The financial contribution would be directed towards a landscaping led scheme that will enhance the ecological and recreational opportunities and quality of the parkland in Albany Park.

Conclusion

The application proposes 76 affordable homes which will contribute towards the Council's target of a minimum of 745 net additional dwellings per annum and the provision of affordable housing. It is also noted that developing the site would result in the loss of open space, including 1 adult football pitch. Officers have approached the consideration of the principle of development and land use policy considerations with the view that SE's objection remains outstanding, particularly as the Section 106, as proposed, would not directly align with their stated requirements on how the agreed obligation should be spent.

Weight is also given to the fact that the Applicant has been able to secure a very competitive tender price which enables this 100% Affordable Housing scheme to deliver a significant proportion of the planning obligations that has been requested of it.

In conclusion, it is considered that on balance the application proposal is acceptable in respect of its open space and playing field considerations and that subject to the completion of the proposed Section 106, as described above, the development is acceptable in principle and in respect of its land use policy considerations.

2. Highway engineering considerations

A focus of the NPPF (Paragraph 108) is on sustainable transport, with planning applications needing to ensure that impacts on the transport network in terms of capacity, congestion and highway safety are acceptable. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CSDP policy ST2 states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must demonstrate 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 requires that development should provide safe and convenient access for all road users; should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. Development should incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network; and include a level of vehicle parking and cycle storage in accordance with the Council's parking standard.

The submitted Transport Statement has analysed and highlighted that the site is in a sustainable location; local amenities are accessible by walking, cycling and public transport.

The proposed development will utilise the well-established existing site access, which served the needs of Washington Football Club and the influx of players and spectators' vehicular arrival and departures. Nevertheless, the access will be widened to 5.5m and incorporate a kerbline radius of 10m, with dropped kerbs on both sides of the bellmouth and dropped kerbs to the north of the access point to enable pedestrians to cross Spout Lane towards the subway below Vermont.

The development proposal incorporates 2m footways throughout with connections to Spout Lane and the Public Right of Way running parallel to the southern boundary. All newly constructed footpaths and kerbs would have level access approaches with drop kerbs and tactile paving at crossing points, thereby ensuring the development complies with the Equality Act 2010.

Given the singular point of egress and access the layout incorporates turning heads to enable the commodious movement of traffic, including refuse HGVs. Each property will benefit from at least

one in-curtilage space, with visitor parking and double width driveways/ tandem parking providing additional space for visitors. The Council's highway engineers have confirmed that the level of private and visitor parking is acceptable and in accordance with the Council's parking guidance.

In terms of the area's accident history the Transport Assessment highlights that there are no discernible patterns of accidents at any junctions or carriageways in the vicinity of the development. It was noted that the two slight collisions occurred dating back to March 2015 and August 2016 but that these were the result of driver/ road user error.

The Transport Assessment, at the request of the Council's Highway Engineers, assessed the junction at the Spout Lane/ Vermont junction. This included a 'Do Nothing' scenario with base flows to 2025 and a 'Do Development' scenario with the development's traffic added to the 'Do Nothing' scenario. The junction modelling work indicated that the junction will operate well within both scenarios, with no queuing on any arms and thus, it was concluded that the impact of the development's related trips to be negligible.

The proposed development will entail proposed new adoptable highway as well as alterations to existing highways, as such, the Developer will be required to enter into an Agreement with the Council under Sections 38 and 278 of the Highways Act 1980. These requirements are noted in the Transport Assessment, however, for completeness, should Members be minded to approve, this can be relayed via an informative on the decision notice.

In conclusion, following the submission of amended plans and updated information the Council's highway engineers have confirmed that they have no objections to the development. Consequently, given the site's sustainable transport location it is considered that the application is acceptable and in accordance with CSDP policies ST2 and ST3.

3. Healthy and safe communities, including ground conditions and noise and vibration

The NPPF, at Paragraph 180, seeks to ensure that development proposals should not contribute to unacceptable levels of noise and that they reduce to a minimum, potential adverse impacts.

Paragraph 178 requires decision taking to ensure the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, whilst Paragraph 179 highlights that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

CSDP Policy HS1 requires development to take account of the amenities of adjoining properties and incorporate remediation and management measures. Policy HS2 requires that any noise generating development close to noise sensitive uses will be assessed to determine the impact on existing uses. Policy HS3 seeks to ensure appropriate remediation is undertaken when developing contaminated land.

- Noise

In their initial consultation response in September 2019 Environmental Health recommended that the application submission should be supported by a noise assessment to determine whether the level of noise from the A1290 would likely give rise to complaints from the nearest noise sensitive receptor. Consequently, as part of the amended proposal a Noise Assessment was submitted in support of the application.

The Noise Assessment was based on a noise survey of road traffic (6 & 7 February), with measurements taken from the north eastern apex of the site. The Assessment has concluded that no noise mitigation measures are required for any of the garden areas, as the noise levels comply with the relevant British Standard 8233:2014. Mitigation measures have been advised for the Plots along the north and eastern boundaries of the development. These measures being specific glazing and ventilation, as detailed in Table 7 of the Assessment.

On the review of the Noise Assessment Environmental have confirmed that they have no objection to the development in respect of noise considerations subject to a condition requiring the development to be built in accordance with Table 7 of the report. Consequently, should Members be so minded it is recommended that this requirement should be ensured by virtue of an adherence condition.

Construction Environmental Management Plan

In their initial consultation response Environmental Health requested that a Construction Environmental Management Plan (CEMP) condition be imposed to include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. Again, as part of the amended submission, the Applicant submitted a CEMP document detailing impacts and how they would be managed in respect of noise and vibration, and dust including track out. Comments are still awaited from Environmental Health in respect of the submitted CEMP, however, should further information be required it is considered that this aspect of the development could be subject to an appropriately detailed pre-commencement condition.

- **Ground conditions**

The application submission has been supported by a Remediation Strategy to provide detail for the remediation works in order to mitigate actual and potential environmental risks and enable construction of the development. The Strategy also attempts to demonstrate that upon completion of the remediation works the site will be suitable for its proposed end use with respect to human health and environmental receptors, whilst ensuring that construction workers are not put at an unacceptable short-term risk during the proposed redevelopment of the site. The Remediation Strategy was informed by a Phase 1 & 2 Site Investigation (report dated 30 August 2019).

The submitted reports have been assessed by Environmental Health throughout the consideration of the application proposal. At each stage further detail and clarification has been requested of the Applicant's GeoEnvironmental Consultant, which culminated in email correspondence from the Consultant on the 17 July 2020.

The site is the former football club grounds and comprises the football pitch, club house, associated seating, outbuildings and car park and an area of grassed open space to the north (which may have been a training ground). The site is now disused and overgrown. The site was undeveloped and greenfield until 1919 when a marked depression of potential infilled Made Ground is noted. It became a football ground in the 1930's and retained the same use until its more recent closure. From previous site investigations limited contamination above acceptable levels for a residential end use for Arsenic, Copper, Lead and Nickel were noted in the Made Ground.

There is limited or no industrial usage of the site and no previous building development. The potential contaminants may arise from previous demolitions on the site and limited use as parking areas etc., associated with limited depths of general Made Ground, in this regard the contaminants of concern are generally heavy metals, metalloids, asbestos, general inorganics

and PAH, TPH screening suites to determine potential contaminants within the Made Ground and the potential effects on a residential end use.

In addition, a gas assessment is to be undertaken to determine potential of gas generating material within the areas of deeper Made Ground.

Following completion of the conceptual site model the following analytes were tested for as part of the initial Phase 2 report.

- pH, Asbestos, Heavy Metals, Metalloids, General Inorganics, TPH, PAH

The Consultant confirms that following the comments received from Environmental Health the additional analytes will be tested for as part of an additional site investigation ensuring a robust testing suite has been applied at the Site.

- Volatile BTEX fraction with aliphatic and aromatic fractions of TPH separately
- Calorific Value of potential ash deposits within Made Ground
- Soils Vapour analysis – we will utilise a PID meter on the excavated samples

The Consultant has also confirmed that a review shall be undertaken as to whether a change in levels is proposed as part of the development and ensure adequate testing is scheduled to allow both the site in its current form and following any reduced level dig undertaken to expose underlying strata.

Regarding Ground Gas the Consultant has confirmed that a further 3 no. rounds of gas monitoring will be completed to inform the gas regime risk analysis and consider any potential level changes in the analysis, this will equate to 9 rounds in total.

Following the updated reports and email correspondences, EH have confirmed that the application submission is satisfactory in terms of demonstrating the suitability of residential development at the site. Given that it has been agreed that further site investigation is necessary and, in the event that Members are minded to approve, it is recommended that the standard land contamination conditions be attached to any consent.

In conclusion, the application submission has been assessed in respect of its potential impacts on the amenities of the area and whether there are any noise sensitivity issues whilst also demonstrating the site is suitable for redevelopment. It is considered that subject to the conditions detailed above the application is acceptable and in accordance with CSDP policies HS1, HS2 and HS3.

4. Design and layout

CSDP policy BH1 seeks to achieve high quality design and where possible incorporate sustainable design and construction methods (policy BH2), whilst policy BH3 seeks to ensure existing and proposed areas of public realm are well designed and accessible.

The site entrance has been designed to utilise the existing entrance from Spout Lane with the proposed dwellings facing towards the entrance to create an attractive entrance and street scene. Dwellings within the development face inwards in response to the site constraints i.e. the embankment that surrounds the northern and eastern boundary, which ensures the development

will benefit from inherent natural surveillance to all the pedestrian routes, thereby creating a safe and secure feel.

The proposed layout is such that each home will benefit from its own private driveway with most having space for two vehicles. It is noted that each property will benefit from reasonably sized front and rear garden areas and, in conjunction with the internal roads being built to adoptable standards, a good degree of spacing between properties is therefore achieved. The layout is considered to account for the Council's spacing standards, thereby ensuring a good level of amenity for the proposed residents. The nearest interfacing property to the development is the three-storey extra care facility to the south. However, a spacing of around 29 metres is achieved which is considered appropriate in terms of ensuring a good level of residential amenity for both the existing and prospective residents.

Within the development the turning head arrangements not only provide the space within which refuse vehicles can manoeuvre safely they also, by virtue of the surrounding proposed properties, help to define the self-contained nature of the development. A defining characteristic that is also aided by the retention of the screening around the northern and western boundaries, whilst the landscaping along its eastern boundary helps to assimilate the development with the parkland of Albany Park.

The design of the proposed units through their use of additional architectural detailing, such as stone effect window cills and canopies, and by the development's use of a limited palate of materials and window types, ensures the proposed elevational treatments sits well within an area defined by a predominance of red brick housing.

In terms of the development's sustainability credentials the Planning Statement highlights that the various measures will be explored in order to reduce carbon emissions and promote the efficient use of energy and natural resources. Amongst the measures suggested includes a 'fabric-first' approach; use of porous paving and surfaces; low carbon lighting, energy controls and management; as well suitable facilities and storage for recycling and waste.

In conclusion, it is considered that site provides for a sustainable development opportunity and will contribute to the provision of a balanced mix of housing size, type and affordability in the area. The density and spacing of the development, as well as the proposed house-types, will provide for a good quality form of development both in terms of its residential and visual amenity. The proposal is therefore considered to be acceptable and in accordance with local planning policy.

5. Natural heritage, landscaping/ arboriculture and drainage considerations

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible (Paragraph 170). It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats (Paragraph 174). When determining any planning application Paragraph 163 requires the decision maker to ensure that flood risk is not increased elsewhere, whilst Paragraph 165 seeks to ensure that major development proposals incorporate sustainable drainage systems.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of

greenspaces. Policies WWE3 and WWE4 seek to protect the quantity and quality of surface water and groundwater bodies.

- **Natural heritage**

The application submission has been supported by habitat and species checking surveys, including breeding bird and bat surveys.

The main ecological impacts of the scheme will be the loss of greenspace, which although primarily managed as amenity grassland until recently, includes significant areas of more diverse habitats of long-established scrub with scattered trees, broad-leaved woodland and marginal, semi-natural grassland habitats. The development proposals have sought to retain some of the boundary woodland although opportunities for ecological mitigation within the site are restricted by the overall loss of greenspace on the site. The residual impacts of developing the site are such that there will be a small but permanent net loss of green space which cannot be mitigated for.

The Bat Surveys recorded no emergences from the on-site structures, while surveys indicated that the site is of local value to bats, being used by small numbers of common pipistrelles and noctule for commuting and foraging, with the tree line at the south of the site providing good opportunities. The Bird Surveys confirmed two priority species on site with the potential for others. Bird activity was focused along the western boundary with previous nesting activity confirmed, along with the potential for priority species to breed on site in the buildings and scrub habitats. The ecology work supporting the submission also highlight a potential presence of priority invertebrates and small mammal species.

Following this extensive survey work the planning application, at the request of the Council's Natural Heritage team, has submitted a Biodiversity Metrics Report in order to detail how the development proposal will deliver 10% biodiversity net gain, which will be a forthcoming requirement via the Biodiversity and Geodiversity Supplementary Planning Document. The Metrics Report details proposals for habitat creation within the site as well as off-site at Albany Park which, given it is parkland that is immediately adjacent and in public use, is considered a suitable location for such off-site mitigation.

In terms of habitat creation on-site this will be delivered via landscaping proposals within the development, including 0.16 hectares of open space to the north, west and southern boundaries. Net gain will also be delivered via the use of species-rich grass mixes, including native, species-rich hedgerows and street trees. In order to provide 10% biodiversity net gain, the Metrics Report and accompanying information details how the proposed £100,000 financial contribution can be used to realise and enhance 2.2 hectares of amenity grassland and lowland meadow and 1.5 hectares of woodland within Albany Park. The Council's Landscaping team have reviewed the submission and are satisfied that a suitable scheme is achievable and, in the event Members are minded to approve the application, this financial obligation will be delivered via the proposed Section 106 Agreement.

In addition, bat roost features, such as bat bricks and bat tiles, are being proposed for 25% of the dwellings, as are permanent integrated bird box features; and it also proposed that all boundary and internal fences will include hedgehog highways at the base of each fence. Section 7 of the Report also details the scope of a biodiversity management and monitoring plan to ensure the identified net gains are achieved and maintained throughout the life of the development. Consequently, should Members be minded to approve, these measures, as well as the landscaping scheme, shall be required and agreed via suitably worded conditions.

- **Landscaping and arboriculture**

Following comments from the Council's Landscape Architect and Natural Heritage teams the amended submission has been supported by a Pre-development Tree Survey and Arboricultural Impact Assessment (AIA).

The survey highlights that the tree cover within the site is limited to trees around the periphery and includes occasional trees on the southern boundary, an outgrown hedge on its western boundary, and a dense plantation of trees between the site and adjacent highway to the north and east.

The AIA confirms that a number of trees from within the site will be lost to allow for demolition, construction and appropriate post-construction cohabitation. The tree loss amounts to 13 Category B trees of moderate quality and 7 trees of low quality. In mitigation the AIA highlights that all the moderate Category B trees highlighted for removal are located along the front line of the much larger Tree Group 3 i.e. the woodland to the northern boundary. The removal of these trees should therefore have a limited aesthetic impact with no visible change expected when seen from outside of the site as they are obscured by the dense trees along the roadside and banking.

Trees removed on the southern boundary are all categorised as being of low quality and self-seeded that require removal for lack of arboricultural value and/ or poor form, whilst the AIA notes that it may be appropriate to undertake some replacement planting of better quality tree stock to provide valuable canopy cover in the future.

Another conflict was identified during the assessment of the initially proposed scheme, which indicated crowns of overhanging trees close to the proposed boundary fences and into the garden areas. The design evolution and reduction to 76 homes has increased these clearances, thereby providing increased garden space and allowing greater ambient light levels to habitable spaces. It will still be necessary to prune back some overhanging branches to provide adequate clearance to the new fence-lines and provide clear and open garden space and as such, the AIA has suggested that this could be agreed and implemented via a suitably worded Arboricultural Method Statement. This condition could also consider how any retained tree within and around the site will be suitably protected while constructing the development.

Following the receipt of the amended submission the Council's Landscape Architects queried whether some of the trees identified for removal were off-site i.e. within the northern plantation abutting the A1290. The Applicant and Agent responded via discussion confirming that most of the trees identified for removal were within the site and their removal was needed to ensure successful cohabitation with the proposed dwellings.

It was noted that the tree plan at Plot 18 indicated three trees (T40, 41 and 43) identified as being removed within Albany Park. Consequently, the agreement of the landowner, in this case the Council, would be required; and that on further review of Plot 18 relative to these trees is such that their removal may not strictly be needed. It is therefore recommended that these detailed aspects could be resolved by a suitably worded condition prior to any works commencing at Plot 18.

Landscaping comments were also received in respect of the proposed landscaping within the development site and that any proposal should seek to increase tree planting within the open space and garden areas of the development. Again, it considered reasonable and appropriate, should Members be minded to approve, to include a landscaping condition that will require the detailed proposals to be agreed. Furthermore, and in addition to the management and monitoring of the biodiversity net gain measures condition, the standard 5-year landscaping maintenance condition should also be included.

- Drainage

The submitted Flood Risk Assessment confirms that the site is located entirely within Flood Zone 1 and as such, the type of development proposed is appropriate to its location. Surface water overland flows are shown as a potential risk. These risks relate to low lying areas and drainage features located on the boundaries. The low-lying area which is not positively drained will be removed following construction. The boundary drainage features will be managed by raising the finished floor levels a minimum of 450mm above existing boundary ground levels in the relevant areas.

Other flood risks have been reviewed and are either of low risk or, based upon the proposed site layout, will be in areas that can be managed and therefore have a low risk of flooding to the proposed development. The Flood Risk Assessment and supporting information confirms that the surface water run-off will be restricted to Greenfield rates of discharge, whilst there will be no risk of flooding to others based on the recommendations proposed as part of the development.

The Lead Local Flood Authority have reviewed the submission and have confirmed that the application proposal is acceptable and that the agreed details should be included in any decision notice via the approved plans condition, whilst a verification condition has also been requested to ensure the agreed details are constructed and implemented. This further to the Northumbrian Water's requested condition, as stated in the consultee section of this report.

In conclusion, the ecological appraisal and survey reports are considered to suitably qualify the site and that the biodiversity metrics report has demonstrated that through on-site and off-site enhancement works, the latter delivered via a financial contribution; and in conjunction with the details submitted demonstrating that the application will achieve green field run off; and, that the proposed development can co-habitat the space in terms of the surrounding trees; the application proposal is considered to be acceptable and in accordance with relevant CSDP policy.

6. Viability and Section 106 considerations

As set down in statute by Regulation 122(2) of the Community Infrastructure Regulations 2010; Paragraph 56 of the National Planning Policy Framework (NPPF) instructs that obligations can only be sought where they meet all the following tests:

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

It is also important to note that in view of the full affordable housing nature of the development and the resultant impact this has on the economics of the development, the application submission has been supported by a Viability Assessment.

The Assessment has been submitted to demonstrate that the viability of the development is such that it cannot meet all the financial obligations being requested of it.

The submitted Viability Assessment has, on behalf of the Authority, been the subject of an external review by an appropriate chartered body, which has confirmed that the application proposal can support £348,000 in terms of financial contributions.

Consequently, in view of the viability of the development, Officers are proposing that the financial contribution aspects of the planning obligations be split and allocated as follows:

1. £148,000 towards Education;
2. £100,000 towards Albany Park; and,
3. £100,000 to Sport

1. Education

In view of the reduction from 82 to 76 dwellings colleagues in Education have revised their education requirement to £323,864. This contribution is focused towards primary and secondary requirements and has been requested in view of the family homes being brought about by the development.

The figure has been calculated based on the Department for Education cost per place ratio with the Sunderland weighting applied and the number of 2, 3 and 4 bed housing that it is proposed.

In view of the viability considerations and in order to ensure the application proposal considers its other impacts it is proposed that £148,000 should be directed towards education provision, as described above.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

2. Albany Park

The application proposal involves the loss of trees and brings about new recreational pressures from the proposed homes on Albany Park and surrounding woodland.

The application proposal involves the loss of open space, whilst CSDP policy NE2 seeks net gains in biodiversity; and policy NE4 seeks to protect and conserve the quality, community value, functionality and accessibility of greenspaces in the City.

Consequently, £100,000 has been identified for enhancing and mitigating the ecological and recreational effects of the development. The Biodiversity Metric Report and accompanying information has provided robust and detailed evidence to ensure it meets the CIL tests and that it will successfully realise the required mitigation. In conclusion, the financial contribution would be allocated towards designing and completing an appropriately designed landscaping led scheme that will be focused on enhancing the ecological and recreational opportunities of the parkland in Albany Park.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

3. Sport

As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as the site has been used as a playing field in the last five years, Sport England are a statutory consultee.

In their consultation responses Sport England have maintained their objection and are opposed to the granting of planning permission as they consider the proposal will result in the loss of the playing field and that no replacement provision is proposed.

However, following discussions with the Football Association, Sport England have advised that they will be prepared to consider the payment of a commuted sum of £100,000 toward the

creation of a replacement ground. Sport England have further advised that Washington AFC's proposal for the Northern Area Playing Fields should be the replacement facility where the contribution should be directed. This facility has been identified as it not only mitigates the loss of the playing field but also compensates for the loss of the standing areas.

Nevertheless, given that Washington AFC's proposal is pending consideration via application ref. 20/00839/FU4 and as such, does not benefit from planning permission, it is not considered appropriate to direct the contribution to a development that Members of this Committee are yet to consider and determine. It is also noted that the level of obligation on offer is only possible due to a very competitive tender price, which would be jeopardised if there were any further delays to the consideration of the application.

It is therefore considered appropriate in this instance to refer in the proposed Section 106 Agreement that the financial obligation should be directed toward the replacement of a football ground that is, at least, of equivalence (e.g. including standing and/ or floodlighting) within the Washington Area. It should also be written into the Agreement that it should be directed towards a Community Sports Club within the first year of a six year spend period, and then only to the Council should a Community Club and appropriate scheme not be forthcoming. The allocation of the commuted sum will be administered by the Council's Culture and Events Directorate.

It is therefore considered that the Section 106 should allocate £100,000 towards the loss of the playing field, spectator stands and floodlighting.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

4. Affordable housing

It is noted that the development is proposing to deliver 100% affordable housing, which has factored within the planning balance of the application proposal. Consequently, to ensure that affordable housing is delivered at the site the Applicant has proposed in their heads of terms confirmation that 21 homes (28%) will be affordable rent and 55 homes (72%) rent to home buy.

It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

Lastly, on behalf of the Clinical Commissioning Group and during the application's first consultation period, where the application proposed 82 dwellings, a request for £47,700 was received by the Authority. A brief breakdown was provided stating that the figure was based on the cost of constructing a primary healthcare using examples of costings involved in 6no. GP surgery extensions nationwide, and then adjusted for its location. However, in view of the limited information received and lack of certainty of how and where the contribution would be directed, coupled with the confirmed viability considerations involved in the development of this 100% affordable housing scheme; it is considered that insufficient evidence has been provided and that this request fails test (c) fairly and reasonably related in scale and kind.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

CONCLUSION

The application is considered to be acceptable in respect of its land use, natural heritage, design, highway and drainage engineering considerations, whilst the submission has demonstrated that through the use of appropriate conditions it should ensure a healthy and safe environment in both the construction and operational phases of the development. Significant weight is being given to the 100% affordable housing on offer within the development and the ability of the development to deliver a significant proportion of Section 106 being requested of it, particularly in view of its viability considerations.

It is therefore considered that the application is acceptable and is recommended for approval subject to the conditions detailed in the main body of the report and listed below; and subject to the completion of the Section 106 Agreement.

RECOMMENDATION:

Members are recommended to **Approve** the application, subject to the completion of the Section 106 and subject to the draft conditions listed below:

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

The proposed conditions are as follows

Conditions:

1. Three Years

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development shall be carried out in complete accordance with approved plan(s) as detailed below:

Location Plan, Dwg 001 Rev A received July 19;
Existing Site Layout, Dwg 003 received July 19;
Proposed Levels, Dwg D100 Rev A received March 2020;
Proposed Site Layout, Dwg 002 received March 2020;
Engineering Layout, Dwg D001 Rev B received March 2020;
Pumping Station Layout & Details, Dwg S001 Rev A received July 2019;
Substation, Dwg PL_001 received July 2019;
Bungalow, Dwg 000 received July 2019;
Type B1;
Type 2, Dwg PL-001 received July 2019;
Type 3, Dwg PL-001 received July 2019;
Type C1, Dwg PL-001 received July 2019;
Type 4 House Type, Dwg PL-001 received March 2020;
Type 5, Dwg PL-001 received July 2019;
Type 7;
Type 9;
Type 10a;

Type 10b;
Single Garage, Dwg 101 received July 2019;
Travel Plan, doc ref. 200312-784-TP v1 received March 2020;
Surface Water Maintenance Management Plan, ref. 1970
/RWO/SuDS.1, Version 1, August 2020;
Flood Routing Plan, Dwg D204 Rev B received August 2020;
Proposed Drainage, Dwg D200 Rev C received August 2020;
Surface Water Management Plan, Dwg D901 received August 2020.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason:

To ensure the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. Site Investigation

No development shall commence on each phase of the development until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on that phase of the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

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

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - 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 for each phase shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason:

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

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

4. Detailed Remediation Scheme

No development shall commence until a detailed Remediation Scheme to bring that phase of the development to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason:

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

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

5. Implementation of Approved Remediation Scheme and Verification of Remedial Works

The Approved Remediation Scheme 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 a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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

6. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land

Contamination CLR11” and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

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

7. CEMP

No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- I. Traffic management, traffic routes of plant and heavy goods vehicles;
- II. Parking of vehicles of site operatives and visitors;
- III. Loading and unloading of plant and materials;
- IV. Storage of plant and materials used in constructing the development;
- V. Erection and maintenance of security hoarding;
- VI. Measures to ensure public highway remains sufficiently clean of dirt;
- VII. Measures to control the emission of dust, dirt and other airborne pollutants;
- VIII. Scheme for recycling/ disposing of waste resulting from demolition and construction works;
- IX. Measures to control noise and vibration;
- X. Communication plan for liaising with the public.

Reason:

In order to protect the amenity of the area and to comply with CSDP policies HS1 and HS2.

8. Arboricultural Method Statement

No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include all tree protection measures as well as the methods of construction for any works to be undertaken within the crown spread of any retained trees on site and off site. Thereafter the development shall be constructed in complete accordance with the agreed details.

Reason:

In order to ensure that no damage is caused to trees during construction work and to comply with CSDP policy NE3.

9. Northumbrian Water

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason:

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

10. Materials

No above ground construction shall commence until schedule and samples of the materials to be used in the construction of all the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policy BH1, the development hereby approved respects and enhances the best qualities of the locality and achieves a high quality of design.

11. Boundary Treatments

No above ground construction shall commence until a scheme for the boundary treatments of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how it accords with and implements Section 6.3 of the Spout Lane Biodiversity Metrics Report (August 2020) received 14 August 2020. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual and residential amenity, and to ensure good arboriculture and enhance on-site ecology, in accordance with CSDP policies BH1, NE2 and NE3.

12. Section 6 Biodiversity Net Gain

No above ground construction shall commence until a scheme for on-site biodiversity net gain of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how it accords with and implements Section 6.0 of the Spout Lane Biodiversity Metrics Report (August 2020) received 14 August 2020. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interests of nature conservation and enhancement and to accord with CSDP policy NE2.

13. Section 7 Biodiversity Management and Monitoring

No above ground construction shall commence until a Biodiversity Management Plan for the development site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate and implement the recommendations of Section 7.0 Biodiversity Management and Monitoring Plan of the Spout Lane Biodiversity Metrics Report (August 2020). Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interest of nature conservation and enhancement and to accord with CSDP policy NE2.

14. Landscaping

Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate. The scheme shall also demonstrate how it accords with and implements Section 5.0 of the Spout Lane Biodiversity Metrics Report (August 2020) received 14 August 2020.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

15. Landscaping 5 years

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

Reason:

To protect and enhance the character of the site and the area, and ensure its appearance is satisfactory and to comply with CSDP policies BH3, NE1, NE2 and NE3 of the CSDP.

16. SUDS

Prior to first use of the development, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification reports 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 organisations, adoption & maintenance.

Reason:

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with CSDP policy WWE3.

17. Noise Assessment mitigation

The development hereby approved shall be carried out in complete accordance with Table 7 and Figures 4 and 5 of Noise Assessment (ref. NJD19-0137-001R) dated February 2020 and received 23 April 2020.

Reason:

To ensure a satisfactory level of amenity, in accordance with CSPD policy HS2.

18. Vegetation Clearance

All vegetation clearance works shall be undertaken outside of the bird nesting season of April to August inclusive. If it is considered necessary to undertake the works during the bird nesting season, the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safeguard the birds affected.

Reason:

To ensure a satisfactory form of development and to comply with CSDP policy NE1.

| | |
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| 3. | Washington |
| Reference No.: | 19/01280/FU4 Full Application (Reg 4) |
| Proposal: | New service reservoir with underground water mains connections to the Carr Hill water main and Derwent Main, an underground overflow connection to the combined sewer network, a new access road from Mount Lane, a single storey kiosk building with associated parking, landscaping works and fencing. (Updated Plans and Reports received 26 & 30 March) |
| Location: | Land to the North Of Mount Lane Springwell Gateshead |
| Ward: | Washington West |

| | |
|---------------------|------------------------|
| Applicant: | Northumbrian Water Ltd |
| Date Valid: | 25 September 2019 |
| Target Date: | 25 December 2019 |

PROPOSAL

The application seeks full planning permission for the construction of a new Service Reservoir with underground mains connections to the Carr Hill and Derwent Mains. The Applicant is Northumbrian Water Limited (NWL) and the application has been submitted on their behalf by Lichfields, as Agent.

A service reservoir is a reservoir that stores drinking water.

The application proposal involves:

- Service Reservoir;
- associated underground connections to the Carr Hill water main and Derwent Main;
- underground overflow connection to the combined sewer network;
- access road from Mount Lane;
- single storey kiosk building; and
- associated parking, landscaping works, sustainable drainage and fencing.

The planning application has been supported by:

- Environmental Statement (ES) and Supplementary Environmental Statement;
- Site Location Plan;
- Application Drawings;
- Planning Statement supported by 18 September 2019 Agent correspondence;
- Statement of Community Involvement;
- Design and Access Statement;
- Flood Risk and Drainage Assessment;
- Phase 1 Geo-Environmental Desk Study Report;
- Phase 1 Habitat Survey.

Site

The application site is 6.4ha and located to the south of Springwell within the adopted Tyne and Wear Green Belt. The proposed Service Reservoir is located to the north of Mount Lane, on land that is presently used to graze horses. It is bound to the north by agricultural land, to the south by Mount Lane; to the east by Broom Court; and to the west by Fernhill Farm equestrian centre.

To the south of Mount Lane, a triangular parcel of land has been included within the application site to allow for an underground connection to the Derwent trunk main. This land is currently in use as agricultural land, with a hedgerow crossing to the south in a west to east direction with agricultural land, stables and sheds to the south, east and west.

The main site falls from approximately 150 metres AOD at its western extent to the north east and south east, at a gradient of 0.05 (5 in 100). The lowest point of the site is in the south eastern corner, at approximately 127m AOD.

The existing access into the area identified for the Service Reservoir is via two gates along Mount Lane. The Planning Statement confirms there are no highways or other public rights on site. The closest residential properties are Fernhill Farm to the west, Mount Lodge, immediately to the south of Mount Lane, and Mount Cottage and Broom Court immediately to the east.

The water main connection to the Carr Hill trunk main crosses over agricultural land to the north of Fernhill Farm, the Bowes Railway line, which is a Scheduled Monument, further areas of agricultural land, the garden of a domestic property, local footpaths and the Waggon Inn car park. It is this western part of the development proposal i.e. to the west of the Bowes Railway, that lies within Gateshead and as a consequence, an accompanying Environmental Impact Assessment application was submitted to and approved by Gateshead Council on the 11 June 2020, please see Gateshead Council ref. DC/19/00798/FUL.

Proposed Development

The application proposal is for a new Service Reservoir with underground water mains connections to the Carr Hill water main and Derwent water main and an underground overflow connection to the combined sewer network. The proposal requires a new access road from Mount Lane, a single storey kiosk building with associated parking, landscaping works and fencing.

The Service Reservoir would comprise the construction of two regular reinforced concrete covered compartments, with a total volume of 64.1ML. The compartments are to be buried with grass covered earth embankments on all sides and an earth covered roof topped with grass.

The access from Mount Lane will run to the east of the Service Reservoir in a northerly direction. The access road has been designed to accommodate the largest vehicles that would be associated with the operation and maintenance of the Service Reservoir. The submitted Planning Statement explains that although this will mostly involve smaller vehicles HGV access is required and as such, the access road has been designed to accommodate larger vehicles, up to the size of a tanker. Nevertheless, due to the nature of the development, once operational there will be minimal traffic movements associated with the Service Reservoir. All operational parking can be accommodated on site.

At the hammerhead to the north east of the Service Reservoir there will be a single storey kiosk structure for operational and maintenance staff. The dimensions of the kiosk building are 4.8m (high) x 6m (long) and 4m (wide). The kiosk structure will be constructed from stone, with a tiled roof and black guttering and rain-water pipes. It will have a single security door with ramped access on its western elevation and a powder coated steel louvre on the eastern elevation.

To accommodate the two tanks the application proposal is seeking to excavate a total spoil volume of approximately 94,000m³ (10,200m³ of topsoil and 82,200m³ of rock). The application submission has assumed that all the spoil will be removed from the site and processed by Springwell Quarry and that the infill material required to create the embankment will also be imported from the Quarry. The estimated volume of infill material is estimated to be 32,000m³ (20,000m³ of stone to back fill behind the reservoir structure and 10,200m³ of topsoil).

Following the construction of the compartments the site would then be re-graded so that it would have the appearance of a flowing terraced landform. The earthworks will be top soiled and seeded with grass, along with native planting incorporated mainly around the southern and eastern boundaries. The main Service Reservoir site will be enclosed by a 2.4m high welded perimeter mesh fence with access gate for site operatives and maintenance personnel.

- Operational Design, Servicing and Design Life

Once operational the Service Reservoir will be maintained in accordance with the requirements of the Reservoirs Act 1975. The Enforcement Authority that oversees compliance with this legislation is the Environment Agency.

The Reservoirs Act 1975 requires the Service Reservoir to be designed, or construction supervised, by an Engineer on the appropriate panel. Following construction, another Panel Engineer will inspect the Service Reservoir within three years. During the life of the structure, a member of the Supervising Engineers panel will be retained to carry out regular inspections, typically every year.

Additional inspections will also be completed every 10 years by the Inspector Engineer or at a more frequent interval if recommended in the previous inspection report. The Service Reservoir will also be designed and constructed in accordance with the Construction (Design and Management) Regulations 2015 and all other relevant health and safety legislation. The construction and operation of the Service Reservoir is designed to prevent failure and there will be fixed inspection times to ensure this will be the case.

The Service Reservoir will be designed to have a minimum lifespan of around 60 years, although NWL have no plan to decommission it after this time. The Applicant considers that the rationale for constructing the Service Reservoir at the site will not diminish and indeed, with a likelihood that the existing population centres will see additional growth, the requirement for the facility will strengthen over time. As is a standard feature of service reservoirs, the Springwell Service Reservoir will be constructed in two halves which will allow it to remain in partial operation should maintenance be required on the other half.

Approved development within Gateshead Council's administrative area

An application for the “...*Laying of underground water mains connections to the Carr Hill water main (in connection with construction of a new service reservoir with underground water mains connections to the Derwent Main, an underground overflow connection to the combined sewer network, a new access road to Mount Lane, a single storey kiosk building with associated parking, landscaping works and fencing that are to be dealt with by Sunderland Council)*”, was determined by Gateshead Council's Planning and Development Committee on the 10 June 2020. As with the application now before Members the submission was also supported by an Environmental Statement.

The approved development relates to an existing pipeline that runs along Galloping Green Road and Sandy Lane. The proposal is to make a new connection in the area immediately to the front of the Waggon Inn that will run in a south easterly direction for 100m where it then turns east to follow the line of the bridleway, crosses over agricultural land to the north of Fernhill Farm and over the boundary into main portion of the site that is within Sunderland. The existing pipeline down Sandy Lane will be left in situ but will be made redundant.

The above development was formally granted planning permission on the 11 June 2020 subject to five conditions:

1. Developed in accordance with Plans and Particulars;
2. Commenced within 3 years;
3. All works, demolition and ancillary operations, including use of equipment and deliveries shall be carried only between 08:00 and 17:00 Mondays to Fridays and 09:00 and 13:00 Saturdays, and on Sundays and Public Holidays no noise generating construction activities;

4. Detailed landscaping scheme to be agreed; and
5. Agree schedule of landscaping maintenance for a minimum period of 5 years.

Need for the development

The planning submission explains that there is a shortage of service reservoirs within NWL's network with others due to be decommissioned.

Mosswood Water Treatment Works, which is located to the west of Consett, treats water from Derwent Reservoir and approximately half of its output feeds by gravity into the Derwent Pipeline. The area fed by this pipeline begins at Springwell and includes Washington, South Shields, Jarrow, Hebburn and north Sunderland.

At present, there is very limited storage within the system so that even a relatively short interruption of supply from Mosswood could endanger supplies to over 52,000 residents. There are links to other water sources that could minimise such effects, however this would depend upon the general supply situation at the time and the length of the interruption. Consequently, to provide maximum benefit to most people the new Service Reservoir needs to be located upstream of the first significant pipeline off-take i.e. within and around the Springwell area.

The Planning Statement explains that the new Service Reservoir will strengthen and future-proof NWL's existing network, which directly serves around 125,000 customers, whilst contributing to the improved resilience of the wider water network, a network that serves the wider Wearside and South Tyneside areas, thereby benefiting a further 480,000 customers.

Environmental Statement

As the application proposal involves the construction of a 61.4ML bicompartiment Service Reservoir with associated connections to the Carr Hill and Derwent water mains, on a site exceeding 1.0 hectares, it falls within part 10 (i) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs). Part 10(i) relates to 'Dams and other installations designed to hold water or store it on a long-term basis' where the site area exceeds 1 hectare. The EIA Regs confirm that development falling within Schedule 2 may comprise EIA development if it is likely to have significant effects on the environment by virtue of its nature, size or location.

Following a request by the Agent, on behalf the Applicant, two Scoping Opinions to identify matters that should be covered within an emerging Environmental Statement (ES) were requested of and provided by Sunderland Council in late 2018 and early 2019 (please see 18/0136/SCO and 18/02232/SCO respectively). The Scoping Requests were supported by extensive information and subject to external and internal consultation with various technical bodies. The second Scoping Request was submitted following further survey work undertaken by the project team and an amendment of the connecting pipeline route to avoid sensitive ecological receptors.

The Non-Technical Summary to the ES explains that the EIA has been carried out to consider the likely significant effects that may arise during the construction and operation of the proposed service reservoir and associated infrastructure. The EIA has also considered the relationship of the development to other emerging schemes in the area and nearby sensitive receptors, including Bowes Railway Scheduled Monument, residents and sites designated for their ecological importance. The following have been included as topic areas within the ES:

- Biodiversity;

- Heritage and Ecology;
- Air Quality;
- Noise;
- Landscape and Visual;
- Traffic and Transportation;
- Water and Flood Risk; and,
- Ground Conditions.

The ES has been prepared in accordance with the requirements of the EIA Regulations and with reference to best practice including that published by the Institute of Environmental Management and Assessment. The assessment includes consideration of relevant policy and legislation and the technical assessment of each topic area follows a consistent approach and format:

1. Review of relevant policy and legislation;
2. Confirmation of assessment methodology, consultation undertaken and how that assessment relates to the standard significance criteria;
3. Consideration of the baseline conditions;
4. Identification of potential effects and a prediction of the significance of effects;
5. Scope for incorporating mitigation measures to avoid, reduce, remedy or compensate for any identified effects; and
6. Identification of any effects remaining after mitigation.

CONSULTEES

National Planning Casework Team
 Northumbrian Water
 Fire Prevention Officer
 Environment Agency
 Gateshead MBC
 North Gas Networks
 The Highways England
 Gateshead MBC
 Natural England
 Network Rail
 Northumbria Police
 Network Management
 Environmental Health
 Flood And Coastal Group Engineer
 Tyne And Wear Archaeology Officer
 English Heritage
 Northern Electric
 NE Ambulance Service NHS Trust
 Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.05.2020**

REPRESENTATIONS

The application has been subject to two rounds of public consultation and has been advertised as a departure, affecting the setting of the adjacent designated heritage asset (Bowes Railway) and land owned by the Council, and that it has been accompanied by an ES.

Following the two rounds of public consultation there have been 21 representations received with 3 identified as being neutral, 4 in support and 14 in objection. The comments received have been summarised as follows:

1. Principle of development:

- Support the development as it will secure future water supply;
- Proposal could be constructed outside of the Green Belt; it is important to protect good agricultural land particularly in view of Brexit;
- The boundary of the development covers part of a privately-owned property.

Response:

Relative to the consideration of the application these matters will be discussed in the 'principle of development' and 'landscape and visual impact' sections of this report.

Regarding the land ownership issue, which was received from the detached dwelling to the south-east of the site, the Agent has confirmed that a notice was served on Newton Moor Construction when the application was submitted. Any potential works within this very south-eastern corner of the site are considered to be minimal and may not be required and realised. In addition, any works undertaken on third party land will be a matter for NWL and the relevant landowner to consider.

2. Visual amenity and landscaping:

- It will screen the proposed housing site to the north with green mounding and a reservoir is preferable to housing;
- Height of the retaining wall to the south of the site, at 8-10 metres, seems exceptionally high and although there are plans for the wall to be mounded, terraced and grassed there is a fear that it will be out of character with the surrounding area;
- Landscaping to southern edge should be denser whilst the fence is too high and obtrusive;
- Requests to have sight of a maintenance plan for upkeep of landscaped areas;
- Fencing to the east of the site should be moved further westwards towards the reservoir to provide better screening for residents;
- Modifications to the southern boundary treatment should be demanded and hedgerow retained;
- The Applicant should take every possible measure to protect the corridor, habitats and encourage use of the site by wildlife.

Response:

As will be discussed in the 'landscape and visual impact' section of this report a detailed scheme of landscaping will be secured via condition. A condition will also be proposed for the management of the landscaped areas following implementation, including the replacement of any landscaping that becomes diseased, damaged or dies within that period. Beyond this the landscaping will be maintained by NWL as part of the Service Reservoir's management and maintenance operations.

Regarding the other matters raised and where relevant to the consideration of the application these will be considered within the 'natural heritage' and 'landscape and visual impact' sections of the report.

3. Highways:

- Access road is too close to Broom Court and it should be located further west;
- Concern that the access road will be used for a proposed housing site to the north;
- Have the highways department carried out research on Mount Lane to ascertain whether the road can withstand use by heavy vehicles and if not, will any remedial work be undertaken before planning permission is given;
- Concerns over heavy traffic at the bottom of Broom Court;
- Assurances that Mount Lane will be cleaned regularly;
- Will consideration be given to pedestrians, cyclists and horse riders on Mount Lane;
- Object to the access road being any larger than a single lane and that access should be restricted by a locked gate to deter use by the general public.

Response:

The Agent has responded by highlighting that the route into the site for construction will utilise the existing access and vehicle routing within the site will be designed so that it does not impede the construction of the Service Reservoir whilst reducing impacts, as far as possible, on nearby properties. The detailed plans submitted for approval identify the position of the access road once the Service Reservoir is operational. Again, this has been designed to utilise the existing access, whilst the level of operational vehicle movements is minimal, being limited to weekly maintenance visit and scheduled maintenance.

Inter-visibility between Broom Court and the proposed access road is achievable and departing/ arriving private vehicles to Broom Court, which serves six private dwellings, should have ample time to see and react to construction traffic. The Agent also highlights that construction traffic will be spread as evenly possible throughout the day to minimise impacts on the highway network, as well as being restricted to avoid the AM peak hour.

In so far as the comments received about proposed housing to the north the Agent confirms that the ES did not consider the development of that land as it is not 'reasonably foreseeable' i.e. it is not under construction and does not have planning permission. It will be for any future housing planning application on that site to demonstrate its acceptability.

Regarding the queries in respect of whether the road can withstand use by heavy vehicles and as discussed in further detail in the subsequent 'highway engineering considerations' section, a condition has been requested by the Council's Engineers to include a pre- and post- development road condition survey on Mount Lane. This will ensure that the road surface will be in the same condition as when initially surveyed – or improved – after the construction phase. Any damage caused by construction traffic will be remediated by NWL.

A Construction Traffic Management Plan will also consider construction traffic routes, site access, vehicle size, type and frequency and mitigation measures including delivery times and driver training to ensure speeds remain slow in order to minimise potential impacts on other road users and receptors.

The other concerns raised above and where relevant to the consideration of the application will be discussed further in the 'highway engineering considerations' section of this report.

4. Construction impacts:

- Concerns about building works - stress, dirt and noise associated with a two-year construction programme;
- Concerns over damage to properties during excavation and the need for assurance that any damage caused would be paid by NWL;
- Have been assured by NWL that no explosive methods will be used but would like this to be in the planning approval.

Response:

The Agent has responded by highlighting that the construction methodology set out in ES Chapter 4 confirms that the rock will be excavated using 'Excavators' and 'Rock Breakers' and that no explosive methods will be used.

In terms of the potential for vibration and as will be discussed in the 'Healthy and safe communities' section of this report, the proposed mitigation measures will require all construction plant identified as potential sources of vibration to consider the locations of the residential properties that border the construction site and operate these on a lower exciter system or as static rollers to reduce amplitude. Implementing this measure reduces the vibration level to a minor (not significant) impact. The ES therefore establishes that there should be no damage to properties as a result of the construction of the Service Reservoir.

The Agent has also re-iterated the proposed mitigation measures that will ensure that any residual effects with regards to dust, dirt and PM10 are negligible. The measures will be confirmed via a proposed Construction Environmental Management Plan (CEMP) condition and will include:

- Ensuring an adequate water supply for effective dust/ PM10 suppression;
- Dampening down of haul routes with fixed or mobile sprinkler systems, or mobile water bowzers; and
- Implementation of a wheel washing system.

Additionally, a Stakeholder Communications Plan, which again will be required by way of condition, will outline the community engagement that will be undertaken prior to works commencing and will provide the name and contact details of the person(s) accountable for dust and air quality issues to the local community.

5. Drainage:

- Concerned that the SUDS ponds at the southern edge will cause flooding onto Mount Lane;
- There should be adequate piping to ensure flooding does not occur on adjacent land;
- Hope that Mount Lane will receive adequate drainage solutions after construction is completed.

Response:

The Agent responded by highlighting that the SuDS drainage basin has been designed to provide protection up to the 1 in 100-year storm event plus 40% uplift accounting for climate change. Consequently, there is designed capacity in the basins to accommodate surface water runoff. The Agent has also highlighted that there will be an on-going maintenance plan of the drainage basins, which will be the responsibility of NWL. These measures will ensure that the proposed development will not increase the risk of flooding to the surrounding properties.

CONSULTEE RESPONSES

Environment Agency

Environment Agency confirmed they have no objection to the application.

Natural England

Natural England considers the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

NWL

NWL assessed the impact of the proposed development on their assets and capacity of their network to treat the anticipated flows arising from the development and confirmed they have no comments to make.

Tyne and Wear Fire and Rescue Service

The Fire Authority have no objections subject to provisions detailed in an accompanying standardised report, which pertain to matters controlled by Building Regulations B5 and the erection of buildings.

Highways England

Highways England have no objection subject to their proposed Construction Traffic Management Plan condition being attached and that any submission is considered in consultation with Gateshead Council and Highways England.

Network Rail

Network Rail confirmed no observations to the application proposal.

Northern Gas Networks

Northern Gas Networks (NGN) confirmed no objection. They also highlighted that there may be apparatus in the area that may be at risk during construction works and as such, require the promoter of the works to contact NGN directly to discuss their requirements in detail.

Historic England

Historic England confirmed no objection to the application subject to a condition being imposed that requires the submission and approval of the final methodology for the tunnelling beneath the Bowes Railway and an advisory note reminding the Applicant of the need to obtain Scheduled Monument Consent for the tunnelling works.

Tyne and Wear County Archaeologist

Detailed comments were received from the Tyne and Wear Archaeology Officer which will be discussed in further detail in the subsequent built heritage section of this report.

To summarise, the Tyne and Wear Archaeology Officer confirmed that due to the presence of potential later prehistoric to Roman archaeology, conditions pertaining to excavation and recording, reporting, publication and a watching brief conditions are required.

Council Built Heritage

The Council's Built Heritage Officer confirmed a no objection to the proposal subject the imposition of the archaeological conditions, as well as conditions covering the agreement of the details of the mesh fencing to the boundary and sample of all external materials of the kiosk building.

Council Transportation Development

Following the submission of the Supplementary Environmental Statement the Council's Highway Engineers confirmed a no objection to the application subject to their Construction Management Plan condition being imposed.

Council Environmental Health

Following the submission of the Environmental Statements and additional information in respect of the geo-environment the Council's Environmental Health (EH) service confirmed no objection subject to the imposition of conditions pertaining to a Construction Environmental Management Plan, Dust Management Plan and Stakeholder Communications Plan, as well as the suite of the standard land contamination conditions. These will be discussed in further detail in the subsequent Healthy and safe communities section of this report.

Council Natural Heritage

In their consultation response the Council's Natural Heritage team confirmed a no objection to the proposal. Their comments will be discussed in further detail in the subsequent natural heritage section of this report.

LEGISLATION, PLANNING POLICY AND GUIDANCE

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

Planning policy background

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Development Plan

The Council adopted the Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document should be used when considering development proposals. It should also be noted that whilst the CSDP should be used as the starting point, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations

Plan. A full schedule of policies which have been saved is contained within Appendix 1 of the CSDP.

CONSIDERATIONS

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

1. Principle of development;
2. Highway engineering considerations;
3. Healthy and safe communities, including ground conditions, noise and vibration and air quality;
4. Built heritage considerations;
5. Natural heritage and surface water drainage considerations; and
6. Landscape and visual impact considerations.

1. Principle of development

The application site is located within the adopted Tyne and Wear Green Belt.

Paragraph 133 of the NPPF confirms that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

CSDP Policy NE6 highlights that the five purposes of the Green Belt are effectively designed to check the unrestricted sprawl of the existing built-up areas of the City and confirms that inappropriate development should not be approved except in 'Very Special Circumstances'. NE6 1.iv seeks to preserve the setting and special character of Springwell Village. In terms of assessing whether an application proposal represents inappropriate development the supporting commentary to the policy directs the reader to national planning policy.

Like Policy NE6, Paragraph 143 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. When considering any planning application, Paragraph 144 requires local planning authorities to attribute substantial weight to any harm to the Green Belt. Very Special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 advises that the construction of new buildings to be inappropriate unless one of the exceptions, as detailed, are met; whilst Paragraph 146 highlights that, on the proviso that openness is preserved and there is no conflict with the purpose of the Green Belt, other forms of development can also not be considered inappropriate.

In terms of classifying the development relative to the exceptions as detailed in Paragraphs 145 and 146, it is considered that as the proposed reservoir has a ground floor, side walls and a roof it is effectively a building and as such, the exceptions detailed in Paragraph 145 is the relevant test on which to consider the application. On review of the exceptions listed in Paragraph 145 it is considered that the proposed reservoir development does not fall into any of the exception categories and as a consequence, the application proposal is considered to represent inappropriate development and will need to demonstrate Very Special Circumstances, as per Paragraph 144.

- **Very Special Circumstances**

In order to demonstrate Very Special Circumstances the Agent submitted correspondence, dated 18 September 2019, explaining in detail the reasons for the application submission.

Service reservoirs store drinking water to smooth the daily variation in water use and ensure its continued availability, particularly in the event of short-term problems, such as a major pipework failure. Wearside and South Tyneside has a shortage of service reservoirs with some reservoirs due to be decommissioned. NWL are concerned that even a relatively short interruption of supply from Mosswood would endanger the water supply to over 52,000 residents in Springwell, Washington, South Shields, Jarrow, Hebburn and north Sunderland.

The ES and 18 September 2019 correspondence highlight the locational requirements behind the siting of the proposed Service Reservoir at the application site. It explains that the Service Reservoir needs to be located at a certain height, where it is low enough for water to reach it by gravity flow but high enough so that it can service a large area. As the topography of Wearside falls to the coast the Service Reservoir needs to be located west of Springwell, whilst also near to the existing Derwent North and Car Hill pipelines, thereby ensuring that it will be downstream of high-risk crossings of the A1 and the East Coast Mainline.

The planning submission also highlights the various options and locations that have been considered, which included expanding or rebuilding existing reservoirs. These options were ultimately discounted owing to a combination of ground conditions, land ownership and land availability issues. Another option looked at upsizing the onsite storage at Mosswood and duplicating the existing main to the required areas. This option was discounted in view of the prohibitive costs of duplicating the network over a stretch of 30km, whilst alternative sites were considered but again were ruled out due to on-site constraints.

Of the sites reviewed the application proposal was chosen because it does not include any Public Rights of Way; it has good connections to the existing trunk main and drainage system; and, its elevation does not require additional works in the wider distribution network. In summary, the siting of the Service Reservoir at the application site delivered the optimum benefit while minimising environmental impacts.

Officers therefore note the application proposal is needed to strengthen and future proof NWL's existing network in the area, which directly serves around 125,000 customers. The new Service Reservoir will enable NWL to provide improved resilience to the water networks' wider area, thereby benefiting a further 480,000 customers. It is also noted that the requirement to locate the development in the Green Belt has been influenced by engineering and topographical factors and that it has followed an alternative site assessment process. It is therefore considered that these factors represent a unique set of circumstances that significant weight is attached to and which are considered to clearly demonstrate the proposal's Very Special Circumstances.

As discussed further in the Landscape and Visual section of this report, it is considered that the design of the scheme has been carefully evolved to preserve the openness of the Green Belt and the surrounding area. In particular, it is noted that the proposal involves partially setting the reservoir chambers into the ground and that the proposed regrading, top-soil and seeding works are designed to integrate the structure into the landscape, thereby limiting impacts on the landscape and retaining the level of openness currently experienced at and from the site.

It is also noted that other development is required i.e. the fencing immediately surrounding the reservoir site and the ancillary kiosk building. These ancillary elements of built development,

which are integral to the safe operation of the development proposed, are limited to the extent that they are not considered to greatly impact the openness of the Green Belt.

In conclusion, the application proposal is considered to represent Very Special Circumstances and that the openness of the Green Belt is reasonably safeguarded by virtue of the various embedded mitigation and design measures within the development project. The following sections of this report now go onto the detail and consider the various site-specific issues and environmental impacts ('any other harm') arising from the development.

2. Highway engineering considerations

A focus of the NPPF (Paragraph 108) is on sustainable transport, with planning applications needing to ensure that impacts on the transport network in terms of capacity, congestion and highway safety are acceptable. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CSDP policy ST2 states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must demonstrate 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 requires that development should provide safe and convenient access for all road users; should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. Development should incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network; and include a level of vehicle parking and cycle storage in accordance with the Council's parking standard.

The Council's highway engineers in Transportation Development issued an initial response to the application in August 2019 which precipitated the submission of additional information by the Applicant in March of this year. On both occasions consultations were undertaken with Gateshead Council (GC) and Highways England (HE).

Initially Transportation Development queried whether the site access and access road would be able to accommodate large vehicles passing one another. The updated submission has therefore been supported by a swept path analysis that demonstrates how the proposed road will be able to accommodate larger vehicles, whilst additional details have been provided in terms of how HGV arrivals and departures will be managed through the construction phase of the development.

Furthermore, by widening the bend in the internal access road at its north east corner the updated road design ensures that the main-stay of operational traffic i.e. the light vehicular traffic associated with ad-hoc maintenance and weekly monitoring visits, will be able to pass one another within the site should that eventuality arise. The Agent has also highlighted that when the Service Reservoir is in operation HGVs will only visit the site on an infrequent basis (for example, once every five years) and that they would be able to pull directly off Mount Lane into the site.

During construction, which is anticipated to last for approximately 37 months, the largest vehicle trip generating activity will be the topsoil removal from the reservoir area and transportation of this material to the storage area (Springwell Quarry). The Traffic and Transportation Chapter anticipates a maximum of 60 loads per day during this stage, programmed to occur in Months 2 and 3 of construction. A maximum of 50 movements per day has also been stated to occur during the sandstone excavation phase i.e. during Months 4 – 12. The Traffic and Transportation Chapter also highlights that due to the nature of activities and phasing simultaneous construction activities is unlikely to occur. It has also been noted by the ES that Springwell Quarry currently operates on a 5.5 day working week; Monday to Friday 07:00 – 17:00 and Saturday 07:00 – 12:00.

Following an assessment exercise based on established guidance contained in Guidance Notes No. 1: Guidelines for the Environmental Assessment of Road Traffic (GEART) (Instituted of Environmental Assessment, 1993), the Traffic and Transportation Chapter of the ES considers the impact of the development on the following environmental effects:

- Severance;
- Driver delay;
- Pedestrian delay;
- Pedestrian fear and intimidation;
- Pedestrian amenity, and
- Accidents and safety.

Utilising data from a variety of sources, including HE's Webtris data base and Personal Injury Accident data, the ES identified that the HGV flows associated with construction would, without mitigation, result in significant effects on:

- Springwell Road (between Mount Lane and the B1288); and
- Leam Lane (between New Road and Springwell Road).

However, it was also highlighted that the increase in terms of the amount of traffic on these roads was calculated by the order of 3%.

Following consultation with the highway authorities during the course of pulling together the ES, as well as during the course of the application submission, the Agent has suggested a condition be included that explicitly states that HGVs shall avoid routing the Lingey Lane/ Leam Lane (B1288)/ New Road signalised junction during the AM peak period (08:00-09:00). This junction is within Gateshead and GC have advised that this junction currently experiences capacity issues during this period.

The application submission also proposes a Construction Traffic Management Plan (CTMP) in order to minimise the impact of construction traffic on the road network and to ensure the safety of workers and other road users. In view of the proposed construction route, one that traverses the local highway network of Sunderland and Gateshead, as well as the Strategic Road Network, the ES recognises that the CTMP should be prepared in agreement with SCC, GC and HE. With the implementation of the proposed mitigation measures and the details to be agreed by that condition, the ES considers the level of effect from traffic arising from the development in terms of its construction is negligible.

In terms of the representations received and the request that the access road be moved closer to the Reservoir and away from residential properties, the Agent has confirmed that the access route into the site for construction vehicles will utilise the existing site access. The Agent has also highlighted that the submitted plans detail the position of the access road once the Reservoir is in operation, which again has been designed to utilise the existing access, while the limited

vehicular movements associated with the operational phase of the Reservoir will limit the impacts on residential amenity. The Agent has also advised that vehicle routing within the site for construction purposes will be designed so that it does not impede the construction of the service reservoir whilst also reducing impacts, as far as possible, on nearby properties.

Following the updated submission, as detailed above, colleagues in Transportation Development have advised that in the event that Members are minded to approve a CTMP condition should be imposed that requires its details to be agreed prior to the commencement of the development. Both GC and HE have also responded by requesting similarly worded conditions.

To conclude, the ES and updated information has demonstrated that the application proposal, subject to the imposition of the requested conditions, has satisfactorily accounted for its impacts on the environment and local community and, in accordance with local and national planning policy, the application is acceptable in terms of its highway engineering considerations.

3. Healthy and safe communities

The NPPF, at Paragraph 181, requires development to comply with relevant air quality limit values or national objectives for pollutants, whilst Paragraph 180 seeks to ensure that development proposals should not contribute to unacceptable levels of noise and that they reduce to a minimum, potential adverse impacts.

Paragraph 178 requires decision taking to ensure the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, whilst Paragraph 179 highlights that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

CSDP Policy HS1 requires development to take account of the amenities of adjoining properties and incorporate remediation and management measures. Policy HS2 requires that any noise generating development close to noise sensitive uses will be assessed to determine the impact on existing uses. Policy HS3 seeks to ensure appropriate remediation is undertaken when developing contaminated land

The ES contains chapters covering noise, air quality and ground conditions and supporting surveys and reports in the Appendices. The ES has been subject to review by both the Environment Agency (EA) and Environmental Health (EH). Following initial comments received from EH an updated submission was received in March of this year which, again, was subject to consultation with EH and the EA.

- Ground Conditions

The ES chapter on Ground Conditions was informed by a Phase 1 GeoEnvironmental Desk Study, which was updated during the consideration of the application submission, and a Preliminary Risk Assessment.

A Phase 1 report describes the potential contaminants at a proposed development site, whilst a Preliminary Risk Assessment establishes whether there are any potentially unacceptable risks arising from contamination.

The application submission's Phase 1 report highlighted an expectation that the site will contain a range of potential contaminants associated with Made Ground, including possible demolition rubble and off-site landfill. These are expected to include: asbestos; heavy metals; total petroleum

hydrocarbons; polyaromatic hydrocarbons; and ground gas (carbon dioxide, methane). However, as there are no known groundwater abstractions and given the site does not lie within a source protection zone groundwater sensitivity was characterised as low, as was surface water sensitivity in view the absence of significant watercourses.

The Ground Conditions chapter also noted that the site has largely remained undeveloped from the earliest Ordnance Survey mapping (1857) and although the site is in the likely zone of influence from workings in eight seams of coal, which are at 110m to 330m depth, given these were last worked in 1968 any ground movements from these workings should now have ceased, while no mine entries were recorded within 20m of the site boundary.

Following this risk management framework approach the application submission proposed to undertake intrusive investigation in areas of the site where previous development occurred i.e. within the location of the historic railway infrastructure at the north-western corner of the site as well as the south western corner of the site.

In response to the initial consultation exercise EH confirmed that although the desk study was considered to have data gaps it provided a reasonable assessment of the perceived impacts and effects of the development. Nevertheless, in view of these identified data gaps a series of recommendations and requests for additional information was received, chief amongst which related to the consideration that site investigations should target the main areas of development rather than just focusing on the north-western and south-western areas.

In response, the Agent, by way of the updated submission, submitted a revised Phase 1 Geotechnical Report. It was this report that formed the basis of the application's second consultation exercise with EH. Following this subsequent consultation exercise EH still felt it necessary to seek further clarification on certain technical aspects, which precipitated the submission of a final piece of correspondence by the Applicant's GeoEnvironmental Consultant in May. This additional correspondence, for completeness, provided a detailed and tabulated response to the various observations and requests made by EH since the application was first received.

Following an assessment of the detailed tabulated response and on noting that Phase 2 investigations, along with their extent across the site, would be agreed via condition, EH have now confirmed their acceptance of the application submission. It is considered that the ES and its supporting information has appropriately assessed and accounted for its potential impacts and, subject to the imposition of the standard suite of land contamination conditions, the application proposal is acceptable in respect of ground condition considerations and in accordance with Policy HS1 and the NPPF.

- Noise and Vibration

Given the minimal and infrequent nature of traffic associated with the operational phase of the development the ES chapter on noise and vibration considered the impact from the construction phases. As with ground conditions the noise and vibration chapter and supporting appendices were subject to consultation and review by the Council's EH Service.

The ES details that in order to undertake an assessment of noise and vibration impacts a background noise survey was undertaken at and near to the main site during November 2018. This survey covered both daytime and night-time periods and established a baseline to assess construction noise and vibration impacts at six Noise Sensitive Receptors (NSR) surrounding the site.

The construction period is stated as occurring during normal (core) working hours i.e. weekdays 08:00 to 18:00 and Saturdays between 08:00 and 12:00 with some activity an hour either side for set-up and close-down. It was also noted that on occasion out of 'normal core working hours' activity will be required when certain areas cannot be completely finished during the normal working day.

In terms of understanding the noise and vibration impacts the noise assessment detailed both peak (i.e. the calculated noise sources in locations closest to the NSR); and, typical noise levels (i.e. calculated noise levels in locations which represent the most typical location of noise sources during the construction programme), please see Tables G5.3 and G5.4. Noise calculations were also undertaken for those receptors closest to any particular activity for instance, the pipe trenching that is closest to NSR4 (McStea House) and NSR6 (Thomas Street, Eighton Banks).

Following this established baseline and methodology, pre-mitigation noise impact resulting from construction activity was likely to exceed the daytime threshold of 65dB for both the highest and average predicted noise and vibration levels. This resulted in a moderate adverse and significant effect. Consequently, noise calculations were then predicted when factoring in noise mitigation measures, as outlined in Table G6.1.

The revised calculations for construction with mitigation activity predicted that noise levels should not exceed the lowest daytime threshold, except for pipe trenching and rock removal. However, although these two activities exceeded the 65dB, a significant impact was not determined because the temporal criteria outlined in British Standard 5228-1:2009 was not exceeded. The assessment also established that the noise predictions from tunnelling activities were found to have a negligible impact as the predicted levels did not exceed the daytime threshold level for either the peak or average calculations.

A vibration assessment was also undertaken following the guidance in the British Standard 5228-2:2009. Pre-mitigation results determined that vibration levels were likely to exceed the relevant levels within the British Standard for NSR1 (Mount Lodge), NSR2 (Broom Close) and NSR3 (Wordsworth Crescent) i.e. a moderate impact was considered likely when the plant was operating on maximum power and assumed to be in the closest locations to those receptors.

As with the noise assessment vibration re-calculations were then predicted following the adoption of vibration mitigation measures, including a lower exciter level in terms of any plant being located close to NSR. Following this recalculation exercise, it was determined that vibrations levels were unlikely to exceed 1 mm/s² PPV i.e. the level in the British Standard that represents a minor adverse impact and as such, the assessment was able to conclude no significant impacts.

The ES Chapter also highlights that the contractor is likely apply to the Local Authority's Environmental Health service for consent under Section 61 of the Control of Pollution Act. This will require the adoption of best practicable means to control noise (and vibration) at the construction site. However, as this is governed under a separate regulatory regime it falls outside the consideration of this planning application. Nevertheless, should Members be minded an informative highlighting Section 61 of the Pollution Act will be attached to the decision notice by way of an informative.

In terms of impacts from construction traffic the ES Chapter assessed traffic forecasts associated with the development. This assessment calculated a less than 3dB noise level increase being brought about by the HGV traffic associated with the development. Consequently, in accordance with the relevant short-term impact criteria as detailed in the Design Manual for Roads and Bridges (DMRB), a low magnitude of impact is envisaged and thus the conclusion that there should not be significant impacts on the NSR.

To conclude, following the assessment of the application submission, as summarised above, the Council's EH service agree that the detailed noise and vibration mitigation measures will be necessary to reduce the impact to the sensitive receptors to low. It is therefore recommended that a condition should be imposed in order to agree the full scope of the CEMP prior to the commencement of any development. For the avoidance of doubt the CEMP shall include the mitigation measures as detailed in Table G6.1 and Appendices G1 of the Environmental Statement. With the imposition of this condition it is considered that the application is acceptable in respect of noise and in accordance with CSDP Policy HS2 and the NPPF.

- Air Quality

The Air Quality chapter assesses the construction-related impacts of the proposed reservoir and new pipelines and the effect these may have on any sensitive receptors. Due to the nature of the development, once operational, the maintenance inspections and repair and maintenance activities are unlikely to give rise to significant effects on any sensitive receptors and as agreed with both Sunderland City Council and Gateshead Council the assessment of the impact during operation was scoped out. The assessment has followed the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction (2014).

The IAQM guidance considers the risk effects in the absence of mitigation measures so that the mitigation approach can be developed accordingly. Before mitigation measures are applied, the impact of construction dust is assessed to be not applicable for Demolition, activities, 'Low Risk' for Earthworks, Construction and Trackout effects on human health and ecological receptors, 'Medium Risk' for Construction effects on Dust Soiling and 'High Risk' for Earthworks and Trackout effects on Dust soiling in the short-term.

The IAQM guidance states that "...For almost all construction activity, the aim should be to prevent significant effects on receptors through the use of effective mitigation. Experience shows that this is normally possible. Hence the residual effect will normally be 'not significant'." The finding that without dust controls there would be a high risk of impact has helped to inform the mitigation measures listed in Section F6 to be applied and these measures are expected to ensure that the risk of impact is reduced to Negligible levels.

Furthermore, the impact is predicted to be of local spatial extent, short-term duration, intermittent and effects are not anticipated to continue beyond the construction phase.

The air quality assessment has recommended that dust mitigation is necessary to reduce the impact to sensitive receptors to low. Officers in EH have therefore recommended that conditions for a CEMP (Construction Environmental Management Plan), DMP (Dust Management Plan) and Stakeholder Communications Plan (SCP) are attached to any consent granted. The CEMP and DMP shall include the mitigation measures detailed within Table F6.1 of the Environmental Statement and shall be submitted for approval to the LPA prior to the commencement of development. With the impositions of these conditions it is considered that the application is acceptable in respect of air quality and in accordance with CSDP Policy HS1 and the NPPF.

- Environment Agency and the Reservoir Act

The EA advised that under the Reservoir Act Regulations the Applicant must register a reservoir with the Environment Agency if it holds 25,000 cubic metres or more of water above ground level. Based on the information submitted, the volume of water (64,000 cubic metres) has the potential to escape, or at least a proportion, equal to or in excess of 25,000 cubic metres, thus immediately affecting the areas of Birtley, Blackwell, Oxclose, Donwell and Usworth.

The EA have therefore highlighted in their consultation response that the Applicant will need to consult a Defra approved Reservoir Panel Engineer or 'Construction Engineer' in order to determine whether the proposed development falls within the Reservoir Act and requires registration with the Environment Agency. Failure to register a reservoir that clearly falls within the Reservoir Regulation Act is a criminal offence and enforcement action may be taken by the Reservoir Safety Team.

Further to the summary provided in this respect in the introduction chapter of this report, the ES Water and Flood Risk Chapter also confirms that the Applicant has utilised the services of a Defra-approved Reservoir Panel Engineer or 'Construction Engineer' during the formulation of the proposed design.

4. Built Heritage considerations

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (NPPF Paragraph 189). The NPPF requires that, in determining planning applications, local planning authorities should require an applicant to assess the impact of development on the significance of designated heritage assets (Paragraph 193). Any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. Where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 194).

CSDP Policies BH7 and BH8 requires development to respect and respond positively to the historic environment and any heritage assets, whilst policy BH9 seeks to preserve, protect and enhance, where possible, the City's archaeological heritage.

The proposed Service Reservoir is located approximately 1km to the south of the Bowes Railway Scheduled Ancient Monument (SAM), which is a site of exceptional industrial heritage significance, and directly to the west of the historic colliery village of Springwell. The site is within the wider setting of the Bowes Railway SAM, particularly Blackham's Hill Hauler House and the railway lines running to and from the Hauler House.

The Heritage chapter of the ES and appended Heritage Statement have in the main thoroughly considered all the relevant heritage impacts, particularly in respect of Archaeology.

Historic England has no object to the application on heritage grounds and have confirmed their agreement with the conclusions reached within the ES i.e. the proposed development will not cause harm to the scheduled Bowes Railway. This is subject to a condition requiring the submission and approval of the final methodology for the tunnelling beneath the Bowes Railway. An advisory note is also requested regarding the need to obtain Scheduled Monument Consent (SMC) for the tunnelling works.

The Tyne and Wear Archaeology Officer confirmed that the site is of archaeological interest. Previous archaeological investigations identified that the proposed development will impact on probable pre-historic soil-filled ditches. It is also noted that the pipeline runs past Blackham's Hill where Mesolithic flint tools have been found, whilst the pipeline has the potential to affect the various historic waggonways within the area, although no evidence of them were found during previous trial trenching.

In concluding the archaeological implications of the development, the County Archaeologist has confirmed there are no objections subject to various recommended conditions being imposed. These include archaeological excavation and recording, archaeological post excavation report of the results of the fieldwork undertaken along with a condition requiring publication of this report; archaeological watching brief condition along with a condition requiring the reporting of the results of the observations.

In terms of the visual impact of the development on the surrounding heritage assets the ES and Heritage Statement considers the visual impact of the Reservoir on surrounding heritage assets, more particularly the setting of the Bowes Railway SAM. The Council's Built Heritage Officer concurs with its findings in that it concludes there are no significant effects on its setting, especially as there are no views of note from Mount Lane other than perhaps a slight glimpse of the ridge of the roof to Blackham's Hill Hauler House.

The Council's Built Heritage Officer notes that there is an existing reasonably good view of the Hauler House from Broom Court that is likely to be impacted upon as a result from the raising and re-profiling of the land for the reservoir. However, Officers acknowledge that the view is confined to the private users of the cul-de-sac and therefore not a significant public view. It is also considered that there are also many better views of the SAM from the village and surrounding landscape that will not be impacted upon by the proposed Service Reservoir.

It is therefore considered that the proposal will have minimal visual impact on the setting of the Bowes Railway SAM, and in turn negligible effect on the aesthetic values of the SAM's significance. Having regard to this minimal level of impact and the demonstrable need for the Service Reservoir and inherent public benefit provided by the delivery of an effective water supply to local communities, the proposal is on balance considered to be acceptable.

Further to the archaeological conditions requested by the Tyne and Wear Archaeology Officer, the Council's Built Heritage Officer has also requested conditions be imposed requiring the full details of the mesh fencing to the boundary and sample of all external materials for the kiosk building. With the imposition of these conditions the proposal is considered acceptable and in accordance with policies BH7, BH8 and BH9 and the NPPF.

5. Natural Heritage and Surface Water Drainage considerations

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible (Paragraph 170). It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats (Paragraph 174). When determining any planning application Paragraph 163 requires the decision maker to ensure that flood risk is not increased elsewhere, whilst Paragraph 165 seeks to ensure that major development proposals incorporate sustainable drainage systems.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces. Policies WWE3 and WWE4 seek to protect the quantity and quality of surface water and groundwater bodies.

- Natural Heritage

The ES is supported by a number of detailed surveys based on a data gathering exercise that considered the presence of statutory and non-statutory sites of biodiversity interest located within 2km of the site; this was extended to 10km for any sites designated for ornithological interest. Bat roosts within 10km of the site were also considered, as well as records of priority habitats and species to a distance of 2km from the site boundary, whilst water bodies within 0.5km of the site were factored in view of the potential for these to be a breeding habitat for Great Crested Newts.

In terms of on-site habitat the siting of the proposed Service Reservoir is described as being situated within a field dominated by poor semi-improved grassland with an area of bare ground present within the eastern section of the field. To the east of the disused Bowes Railway, the pipeline runs through poor semi-improved grassland bound by species-poor defunct hedgerows; the only species-rich hedgerow on-site is present along the eastern boundary of the Bowes Railway. The Bowes Railway consists of a mosaic of habitats including scrub, trees, hedgerows and unimproved acidic grassland. To the west of the Bowes Railway is semi-improved neutral grassland, marshy grassland, tall ruderal scrub, mixed plantation woodland and hardstanding.

The field surveys identified the presence of the following legally protected and/ or priority species on or adjacent to the site:

- Breeding birds, and non-breeding bird species;
- Bats (including common pipistrelle, soprano pipistrelle and noctule);
- Great crested newts;
- Common toad;
- European hedgehog;
- Invertebrates (including small heath and wall); and
- Non-native invasive plant species (water weed and New Zealand pigmyweed).

Hedgerows are also present along some of the boundaries of the species-poor short grazed grassland fields where the Service Reservoir and southern trunk main would be located. All the hedgerows within the proposed development site boundary qualify as priority habitat, but none are said to qualify as 'important' in line with the Hedgerow Regulations 1997 with respect to wildlife and landscape criteria.

The ES confirms that 25m of hedgerow in total would be lost as part of the proposed development; this includes approximately 15m that would be temporarily lost (associated with the pipeline) and approximately 10m permanent loss (associated with the Service Reservoir access road to enable better visibility for driving). As part of enhancement measures, a total of approximately 458m of new species rich hedgerow would be created. In addition, enhancement of defunct hedgerows on the northern and southern boundaries of the Service Reservoir is proposed through gapping up with native hedge and tree species. All works would be detailed in a Landscape Environmental Management Plan.

No suitable habitat for Great Crested Newts exists within the development site. Terrestrial habitats within the majority of the proposed development site are of low-value, however, the terrestrial habitats associated with Springwell Ponds Local Wildlife Site (LWS) and Bowes Railway, near to where the northern trunk main connection would be located, are of higher value.

The Springwell Ponds LWS, which lies outside of the site, is also noted as supporting a range of invertebrate prey and qualifies as a lowland meadow and pasture priority habitat at a local level. Along the northern embankment of the Bowes Railway that bisects the LWS and which is off site, occurs small areas of lowland heath where heather is regenerating and unimproved acid grassland. These qualify as priority habitats at both a national and local level.

The proposed development along with its mitigation and enhancement measures have been designed to ensure that the majority of suitable foraging, commuting, refuge and hibernating habitat within the locale will be retained, thus retaining the majority of commuting, refuging and hibernating habitat for Great Crested Newts. In terms of when the development is operational i.e. during the inspections of the pipeline and service reservoir, any work protocols will be covered in the LEMP with the aim of making inspectors aware of the potential presence of Great Crested Newts and other ecological receptors within the Springwell Ponds LWS.

The Council's Natural Heritage Officer has confirmed that the ecological assessment and information detailed in the Environmental Statement and associated documents are sufficient to recommend approval of the proposed development, subject to appropriate conditions i.e. the CEMP and LEMP.

The CEMP shall include pre-construction works whilst the LEMP shall agree the mechanism for sustained post-construction management, integrated with the landscape schedule for the site and measures for biodiversity mitigation and enhancement. Both conditions will reflect but not be limited to the measures detailed in 'Appendix D6: Receptor specific environmental measures incorporated into the proposed development'.

The general principles identified are as follows:

- All activities would be subject to standard best practice mitigation measures employed to avoid and minimise potential effects to habitats and species under the supervision of an appointed project ecologist where necessary. This will include buffer zones for key habitats and species, minimising the removal of vegetation, and considered location of works.
- Activities would aim to minimise the land take for works and locate (and micro-site) those works away from the more sensitive habitat and species receptors, particularly non-statutory designated sites, priority habitats and hedgerows, as well as wetland features and florally diverse habitats, which will consequently limit effects on associated species interest.
- Where ecological sensitive habitat loss is unavoidable, habitat removal would be timed and phased to minimise potential effects, habitat would be appropriately reinstated following temporary works, otherwise compensatory habitat would be created. Habitat connectivity would be retained wherever possible by maintaining green corridors such as hedgerows.
- For all works, existing field access points would be used for works traffic wherever possible. Where this is not feasible, trackway panels would be used in preference to stone roads.
- Any new access roads would avoid sensitive habitats or key areas of value to protected species wherever possible and the scale of any new accesses would be minimised.
- A minimum stand-off of approximately 5m from all water bodies would be adopted if possible. Standard pollution prevention measures should be implemented during construction to prevent the pollution of surface water and groundwater and should be based on the Environment Agency's Pollution Prevention Guidance notes and other current best practice.

- Standard dust management measures in line with the Institute of Air Quality Management's dust management guidance shall also be implemented via the Dust Management Plan.
- Pre-construction and habitat creation update surveys would be undertaken for protected species and priority habitats where necessary.

- **Surface Water Drainage**

The Water and Flood Risk Chapter of the ES considers the potential for significant water environment and/ or flood risk effects from the proposed reservoir and new pipelines which lie within the application site.

The Chapter confirms that the application site does not lie within EA's Flood Zones 2 and 3 and does not benefit from flood defences or flood storage, whilst the EA's Flood Map for Planning confirms that the whole of the site is within Flood Zone 1 (low probability from fluvial and tidal sources).

The EA's Flood Risk from Surface Water map confirms that the whole of the reservoir part of the site to be at very low risk of surface water (rain and runoff) flooding, whilst a small proportion (around 3%) of the proposed pipeline working area, to the west of Bowes Railway (and adjacent to the Mount Methodist Church) in Eighton Banks, is within an area of surface water flooding, however, the EA map highlights that there are no properties present in the area to be at flood risk.

The Chapter notes that there is potential for surface water run-on towards the site from Blackham's Hill, although the contributing upslope catchment area is limited by the Bowes Railway. It is also noted that there is a discrete area of high-risk surface water ponding to the west of Beech Grove, and areas of low risk surface flooding associated with housing in this area, beyond the site to the north east. A high risk of surface water flooding is also found along Springwell Road, directly east of the site and east of Mount Lodge.

The Chapter also notes that the SCC's Strategic Flood Risk Assessment (JBA Consulting, 2017) does not refer to any specific instances of flooding at the site, or in the immediate surrounding area. However, it is understood that SCC has undertaken surface water flood modelling for the immediate site area and as a result, the Council, in conjunction with NWL, has implemented a series of flood risk and drainage improvement measures along Beech Grove.

The Chapter also highlights that consultation with a local landowner indicated that Mount Lodge incurs frequent surface water flooding. Whilst the landowner's property is shown to be in the 'very low' risk surface water flood zone (on the EA's Flood Risk from Surface Water map), photographic evidence was provided by the landowner to ES team of extensive flooding on his land. The landowner further advised that the water appears to originate from land to the north of Mount Lane i.e. application site; whilst the intervening public highway does not benefit from positive drainage and the Beech Grove flood alleviation measures do not intercept this flow path.

The Chapter has considered various receptors, as detailed in Table J5.1. Briefly these include the Springwell and Dunkirk Ponds Local Wildlife Sites; three watercourses associated with the River Team; various ponds within study area; identified humans, properties and infrastructure prone to flooding (i.e. Springwell Road/ Mount Lane and Mount Lodge); the Water Framework Directive (WFD) surface water bodies (i.e. River Team and Don) and groundwater bodies; the two Aquifers and three springs present in the area. As with the other Chapters these receptors and their main potential water considerations and sensitivities have been assessed and described in detail relative to the construction and operational phases of the proposed development.

By way of a summary, the construction phase impacts have been associated with the reservoir excavation and construction; pipeline installation (including horizontal directional drilling under the Bowes Railway); and concrete works and materials handling. These activities could lead to significant effects ranging from the interception of surface water and groundwater and the generation of additional, silt-laden runoff, the leaching of concrete residues, and fuel, oil and chemical spillages, with resulting detrimental water quantity (including flooding) and quality effects on the identified receptors.

In terms of the operational phase of the development, which although considered to be more limited in the potential scope of impact, potential impacts were associated with the operational traffic and maintenance activities resulting in the generation of additional, silt-laden runoff, the leaching of concrete residues, and fuel, oil and chemical spillages, with resulting detrimental water quantity (including flooding) and quality effects on the identified receptors.

The assessment of potential effects presented in the Chapter assumed the effective implementation of 'embedded mitigation' built into the design of the proposed development. The Chapter highlights that the Applicant is experienced in the construction and operation of service reservoirs and associated pipelines, and the generic (non-site specific) best practice designs and procedures used to control its required on- and off-site activities are considered examples of 'embedded mitigation'.

The Chapter also confirms that these measures will be specified in the Construction Environmental Management Plan (CEMP), and will include (but are not limited to) the following:

- Placement of infrastructure outwith receptors sites wherever possible e.g. relocating the most north western length of proposed Carrhill pipeline to the south of the Springwell Ponds LWS;
- Deployment of an Ecological Clerk-of-Works (ECoW) throughout the construction and immediate post-construction phase of works, to ensure good environmental practice, appropriate monitoring and the prompt re-establishment of baseline conditions;
- Incorporation of good environmental practice and control in the terms and conditions and induction training of all contractors. Contractors would be made aware of the Applicant's Code of Practice on Pipelaying (2016) and relevant Environment Agency guidance (see Section J2 of the Chapter), and their statutory responsibility not to "cause or knowingly permit" water pollution;
- Adoption of restricted working areas e.g. 10 m wide corridor for all pipelines, with only a short length of trench open at any one time;
- Placement of a 10 m 'exclusion zone' or buffer around surface water bodies such as Springwell Ponds;
- Measures to minimise the rate of surface runoff and its entrainment of silt, such as the retention or reduction of surface gradients and the prompt restoration of disturbed areas back to the existing land cover;
- Soil movement in accordance with best practice guidelines, available from Defra in the form of the Good Practice Guide for handling Soils (MAFF, 2000);

- On-site storage of turves and shallow soils downgradient of excavation works, to facilitate their quick and successful re-establishment and to minimise soil entrainment in runoff;
- Short lengths of lateral drains with intermittent silt traps upgradient of excavation works and regular cross drains, to intercept surface water runoff (and fine-grained sediment) and diverting them around or under any shallow works;
- Regularly spaced clay bunds to prevent the establishment of preferential flow paths within completed pipeline trenches;
- Gravity-drained excavations where possible. Where this may not be possible, for instance in the base of the reservoir excavation, then accumulated water would be removed by pumping;
- Adoption of concrete specifications that minimise leaching of concrete residues;
- Development of a post-application Pollution Prevention Plan (PPP), and strict adherence to this plan and the Environment Agency and Defra groundwater protection policies (Section J2), including the establishment of facilities for the storage of oils or fuels and for the fuelling, maintenance and washing of vehicles/plant, to include impermeable bases and bund walls;
- Development and operation of a post-application Pollution Response Plan (PRP), and strict adherence to this plan, including the provision of spill-containing emergency equipment onsite at appropriate locations and regular water quality monitoring; and
- Robust design of the reservoir structure to avoid its catastrophic failure, in accordance with the requirements of the Reservoir Act 1975. This is administrated and controlled by the Environment Agency.

Furthermore, additional drainage measures have been embedded into the construction and operation design. These initially comprise the routing of surface water and groundwater intercepted during the reservoir's construction to a temporary drainage pipe. This would run along the southern boundary of the reservoir part of the proposed development, north of Mount Lane. Flows would then gravitate eastwards to be attenuated and settled within a sedimentation basin, before being over-pumped into a 'silt buster' or similar silt removal device and discharged into the Beech Grove surface water system.

An additional earthwork bund or silt fences would also be provided on the south boundary to prevent any further construction runoff not captured on site from escaping onto Mount Lane and Mount Lodge.

Towards the end of construction, the sedimentation basin would need to be reworked to form two SuDS detention basins in readiness for the operational phase, whilst the temporary drainage pipe would need to be replaced by a new swale.

During the operational phase runoff from the new Service Reservoir and the upslope areas would be captured via the swale and drained eastwards to be attenuated within the westernmost and larger SuDS detention basin, before discharging into the Beech Grove surface water system. Greenfield runoff from east of the access road would drain overland to the smaller SuDS detention basin that ultimately drains into the larger basin and then into the Beech Grove surface water system.

The SuDS drainage basin has been designed to provide protection up to the 1 in 100-year storm event plus 40% uplift accounting for climate change and as such, there is designed capacity in the basins to accommodate surface water runoff from the development. The implementation of this scheme would reduce the existing surface water flood risk at Mount Lane and Mount Lodge, as it would be attenuating flows from the site.

Following this extensive exercise the Chapter was then able to conclude that there are no potentially significant adverse effects during the construction and operational phases of the proposed development and that the additional drainage measures bring moderate beneficial and significant effects with respect to Mount Lodge flood risk during both the construction and operational phases.

The Lead Local Flood Authority (LLFA) and Environment Agency have considered the planning submission and have offered no objection. The LLFA have recommended a verification condition be imposed to ensure the SuDS are constructed as per the submitted and agreed scheme.

In conclusion, with the imposition of the SuDS condition and CEMP and LEMP, as discussed in the natural heritage section above, it is considered that the application proposal is acceptable in respect of its natural heritage and surface water considerations and in accordance with local and national planning policy.

6. Landscape and Visual Impact considerations

Landscape and visual impacts can have a number of aspects relating to design, landscaping, the quality of existing landscapes, visual matters, biodiversity and the Green Belt. The NPPF essentially requires that development should be appropriate and sympathetic to the surrounding built environment and landscape setting (Paragraph 127). Paragraph 141 refers to the protection of Green Belt land and Paragraph 170 relates to the conservation and enhancement of the natural environment, stating that planning decisions should protect and enhance the natural and local environment in a manner commensurate with their statutory status or identified quality.

CSDP policy NE3 seeks to conserve trees, woodlands and hedgerows, whilst policy NE9 seeks to protect, conserve and enhance the City's varied landscape character. Policy NE11 seeks to ensure that development is designed to preserve or enhance key views and vistas, whilst policy NE12 protects the loss of the best and most versatile agricultural land.

Agricultural Land and Soils was scoped out of the ES during the EIA Scoping exercises. Following a review of data provided by Defra the Agent highlighted that the site comprises Grade 3 agricultural land, which is classified as 'good to moderate quality agricultural land'. This has moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. It is two levels below the best and most versatile agricultural land, which is reflected in its use for horse grazing. The loss of the fields was not considered to be significant due to the existence of other fields adjacent to the site.

During the assessment of the application Officers have reviewed the site on Defra's Magic database. It is noted that the land is not classified in terms of its agricultural grading and does not fall within the best and most versatile agricultural land categories, while Natural England has offered no objection to the proposed development i.e. it agrees that the proposed development will not have significant impacts on statutorily protected nature conservation sites or landscapes. Furthermore, significant weight is given to the demonstrable need for the Service Reservoir and inherent public benefit provided by the delivery of an effective water supply to local communities.

The Landscape and Visual Chapter of the ES was supported by a Landscape and Visual Impact Assessment (LVIA), which identifies, predicts and evaluates the potential landscape and visual effects arising from the proposed construction, operation and decommissioning of the development. Within the assessment view-point locations were established via consultation with both Sunderland and Gateshead Councils, these included:

- Broom Court;
- Mount Lane;
- PRoW to the south of Mount Lane;
- Mount Lonnen;
- B1288 adjacent to the eastern end of a PRoW;
- B1288 at Stable Block;
- PRoW at Sheddons Hill.

The Landscape and Visual Chapter reiterates the embedded mitigation measures that have been designed into the proposed development to mitigate the potential adverse effects during construction phases, as detailed in the previous sections of this report. Nevertheless, the Chapter notes that there will remain adverse impacts on the following receptors during the temporary construction period:

- Landscape Character Area 1a (Springwell Rise) due to construction activity – however, in the longer term and in the operational phase of the development the landscape effects will not be significant.
- A limited number of properties in the south west of Springwell will be able to view construction activities.
- A limited number of properties in Eighton Banks will be able to view construction activities.
- Users of the Public Right of Way to the south of Mount Lane will experience intermittent views of construction activities.
- Drivers and passengers travelling along Mount Lane will experience open views of construction activities in the foreground of northerly views from a short section (420m) of the road.

In terms of the operational phase of the development various environmental measures have been designed into the scheme to avert or minimise landscape and visual effects, as set out in Table H5.1 of the Chapter. In summary, these are a series of landscaping measures included in the construction and design of the proposed service reservoir, and include:

- Retaining hedgerows as far as possible. Where loss is unavoidable hedgerow sections will be replaced on at least a like for like basis and existing hedgerows will be gapped up with appropriate native species, which equates to approximately 356m of existing defunct hedgerow that will be enhanced.
- Areas of grassland that will be temporarily removed to accommodate the pipeline corridors will be reinstated and the reservoir will be seeded.
- Using grasscrete for areas of access track beyond the main access that runs north from Mount Lane thereby reducing the contrast in colour and textures in the surrounding landscape.

- Introducing trees along the eastern edge of the Service Reservoir to filter views from housing at Broom Court.
- Introducing a woodland copse in the north eastern corner of the site to screen views from housing at Beech Grove.

During the operation of the Service Reservoir significant impacts will only remain for a limited number of properties in Springwell and Eighton Banks due to the visibility of the engineered landform that may foreshorten views and partially screen longer range views.

With regards to the effects on the Green Belt, the LVIA concludes that the operational Service Reservoir would not be visible from within the core of Springwell village and would appear as a 'benign feature from a very limited number of peripheral locations'. As such, it is considered that the setting and special character of Springwell Village would be maintained and the re-seeding of the pipeline routes and the reservoir landform, together with the proposed additional planting, will enhance the natural environment and retain the openness of the Green Belt.

As a result of the proposed update to the sustainable drainage details an amended layout for the site entrance arrangement was also required. These amendments have impacted on the Landscape Mitigation Proposals, these include:

- An increased extent of swale and attenuation basins;
- A reduction in space between the highway boundary and base of the new landform, resulting in less space to accommodate the attenuation basin. This will also mean that there will be less space to accommodate the curved and varied landform profile initially proposed;
- The overall appearance of the sustainable drainage features will be comparable to the original proposal; and
- The specification for seed mixes and maintenance will remain unchanged.

The application was subject to consultation with the Council's Landscape Design Services. In their consultation response it was considered that the Landscape and Visual Chapter was an appropriate and reasonable assessment in terms of the impact of the proposed development. It was requested that further details would be required with respect to tree and hedgerow varieties and stock sizes, together with details of seed mixes. Consequently, should Members be so minded it proposed that this be required by way of a landscaping condition.

Taking the above into account and in recognition of the construction impacts of the development on above referenced receptors and the foreshortening of views to a limited number of properties in Springwell and Eighton Banks, it is nevertheless considered that given the demonstrable need for the Service Reservoir and its inherent public benefit, and in conjunction with the various embedded mitigation and design measures within the development, the proposal is on balance acceptable in respect of landscape and visual impacts and in accordance with local and national planning policy.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

CONCLUSION

As the Service Reservoir is effectively a building it has, in accordance with the NPPF, had to successfully demonstrate its Very Special Circumstances. In doing so the ES has highlighted the present shortage of service reservoirs in Wearside and South Tyneside and that some are due to be decommissioned. NWL are therefore concerned that even a relatively short interruption of

supply from Mosswood could endanger the water supply to over 52,000 residents in Springwell, Washington, South Shields, Jarrow, Hebburn and north Sunderland.

The ES has also highlighted the locational requirements behind siting the proposed Service Reservoir at the application site. The Service Reservoir needs to be situated in a location that is low enough for water to reach it by gravity but high enough for it to service a wide area; and it also needs to be located near to the existing Derwent North and Carr Hill pipelines.

Prior to choosing the application site NWL considered various options and locations, including expanding or rebuilding existing reservoirs. These options were ultimately discounted due to a combination of factors, including ground conditions, land ownership and land availability issues. The application site was therefore chosen as it delivered the optimum benefits whilst minimising its environmental impacts.

Furthermore, as discussed in the Landscape and Visual section of the report, the design of the scheme has been carefully evolved to preserve the openness of the Green Belt as well as its visual impact on its surrounding area. Historic England and Built Heritage officers have also offered no objection to the application on heritage grounds in relation to its impacts on the Bowes Railway SAM.

It is noted that 25m of hedgerow would be lost, including approximately 15m that would be temporarily lost (associated with the pipeline) and approximately 10m permanent loss (associated with the Service Reservoir access road to enable better visibility for driving). As part of its mitigation and enhancement measures, a total 458m of new species rich hedgerow would be created, including the enhancement of the defunct hedgerows on the northern and southern boundaries of the Service Reservoir. The proposal will also bring about surface water drainage improvements on Mount Lane and Mount Lodge through the proposed SUDS, representing a moderate beneficial to significant benefit to those receptors.

In view of the Service Reservoir's hill-side location, it is noted that there will remain an adverse impact during the construction phase on a number of properties in south west Springwell, Eighton Banks and the Public Right of Way to the south of Mount Lane and Mount Lane itself. It is also noted that the proposed habitat and landscaping protection, restoration and enhancement measures will minimise the impact of the Service Reservoir when in situ, successfully integrating the development within its wider landscaping setting during its operational lifetime. As with the need to demonstrate its Very Special Circumstances and Built Heritage impacts, the level of impact versus its overriding and demonstrable need and inherent public benefit in terms of delivering an effective water supply is given significant weight and as such, the application proposal is considered to be on balance acceptable in respect of its construction impacts.

The EIA process has also identified a need for the preparation and agreement of a number of documents should planning permission be granted that will ensure the conclusions of the ES can be secured and that effects will be negligible or kept to an absolute minimum. The documents identified include:

- Construction Environmental Management Plan including a Construction Traffic
- Management and Construction Waste Management details;
- Stakeholder Communications Plan;
- Dust Management Plan;
- Travel Plan;
- Ground Conditions Site Investigation;
- Contamination Remediation Method Statement and Verification Report (if required by the above Site Investigation);

- Landscape and Ecology Management Plan;
- Tunnelling Methodology Technical Note; and
- Surface Water Drainage Strategy.

To conclude, the EIA application submission is considered acceptable subject to the suit of draft conditions, as provided below. Furthermore, as the application proposal is a major departure, consists of a building that is 1,000 square metres or more and is EIA development located within the Green Belt, it should be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

In the event that the Secretary of State decides not to call in the application for his determination, it is then recommended that the application be Ganted Consent, in accordance with Regulation 4 of the Town and Country General Regulations 1992, subject to the draft conditions detailed below.

RECOMMENDATION:

Members be minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the draft conditions detailed below. This recommendation is also subject to the application being referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

Conditions:

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

The proposed conditions are as follows:

1. Three Years

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The Development shall be undertaken in accordance with the terms of the approved plans as detailed below and the accompanying Environmental Statement dated July 2020, as modified, amended or added to by the Supplementary Environmental Statement dated March 2020 and 38505-06 Appendix J1 – FRA dated July 2020

- Site Location Plan (ES Appendix A1 July 2019), 38519-04/GOS/CVD/056 Rev B;
- Proposed Site Layout, 38519-04/GOS/CVD/100 Rev D (received 25 March 2020);
- Proposed Development (Pipeline Overview), 38519-04/GOS/CVD/050 Rev E (received 25 March 2020);
- Proposed Pipework General Arrangement Plan, 38519-04/GOS/CVD/105 Rev B (received 25 March 2020);
- Proposed Pipeline Layout Sheet 1 of 3, 38519-04/GOS/CVD/110 Rev A (received 25 March 2020);
- Proposed Pipeline Layout Sheet 2 of 2, 38519-04/GOS/CVD/111 Rev A (received 25 March 2020);
- Proposed Pipeline Layout Sheet 3 of 3, 38519-04/GOS/CVD/112 Rev B (received 25 March 2020);
- Proposed Site Finishes and SUDS Scheme, 38519-04/GOS/CVD/101 Rev C (received 9 July 2020);
- Proposed Site Finishes Elevation, 38519-04/GOS/CVD/102 Rev A;
- Working Area Drawing, 38519-04/GOS/CVD/055 Rev B;
- Indicative Excavation Extents During Construction, 38519-04/GOS/CVD/052 Ref F;
- Proposed Borehole Location Plan, 38519-04/GOS/CVD/065 Rev B;
- Proposed Tunnelling Working Area, 38519-04/GOS/CVD/066 Rev B;
- Reservoir Access Openings Cover Details and Upstand GA, 38519-04/GOS/CVD/120 Rev A;
- Miscellaneous Details (Steps to Reservoir, Drainage Manhole Cover Detail elevation, Green Welded Mesh Gate Detail), 38519-04/GOS/CVD/121 Rev A;
- Proposed Control Building Elevations, 38519-04/GOS/CVD/122 Rev A;
- Proposed Access Road Visibility Splays, 38519-04/GOS/CVD/125/ Rev B (received 30 March 2020);
- Proposed Access Road Longitudinal Section, 38519-04/GOS/CVD/126 Rev B (received 25 March 2020);
- Proposed SUDS Arrangement Section through Swale, 38519/04/GOS/CVD/140 Rev B (received 9 July 2020);
- Proposed SUDS Arrangement Section through Detention Basins, 38519/04/GOS/CVD/141 Rev B;
- Flow Control Chamber SW12 Details, 38519/04/GOS/CVD/ 142 Rev A (received 25 March 2020);
- Inlet and Outlet Structure Details, 38519/04/GOS/CVD/143 Rev C.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason:

To ensure the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. Phasing

No development shall commence on site until a phasing plan which includes details of the elements of the development which are included in each phase and the order of the phases has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a comprehensive and phased approach to the site development in accordance with the NPPF.

4. Accordance with Phase

The development shall be carried out in accordance with the phasing plan approved under condition 3 unless otherwise subsequently updated and first approved in writing by the Local Planning Authority

Reason: To ensure a comprehensive and phased approach to the site development in accordance with the NPPF.

Pre-commencement:

5. Construction Environmental Management Plan (CEMP)

No development hereby permitted shall commence on each phase of the development until a Construction Environmental Management Plan for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting and shall include, as a minimum, the mitigation measures detailed Table G6.1 and Figure G1 of the Environmental Statement (dated 23 July 2019), and Chapter M of the Supplementary Environmental Statement (dated 25 March 2020).

Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To avoid nuisance to the occupiers of adjacent properties and to minimise harm to human health, controlled waters, surface water drainage and ecology during the construction phases of the development, in accordance with the NPPF and CSDP policies HS1, HS2, NE1, NE2, CN21, WWE3 and WWE4.

6. Ecological CEMP

No development shall take place on each phase of the development (including demolition, ground works, vegetation clearance) until an Ecological Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

The Ecological CEMP shall include, as a minimum the mitigation measures detailed in Section D5 and Appendix D6: Receptor specific environmental measures as well as the following:

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

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

Reason:

In the interests of nature conservation and to accord with the NPPF and CSDP policies NE1, NE2, CN21 and WWE4.

7. Construction Traffic Management Plan

No development hereby permitted shall commence on each phase of the development until a Construction Traffic Management Plan (CTMP) for the development of that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Gateshead Council and Highways England. The CTMP shall include:

- Hours of construction, including deliveries (based on an anticipated working day of 08:00-18:00 Monday-Friday);
- Details of site set up i.e. site compound, vehicle parking, vehicle uploading, site access arrangements, site security and temporary traffic management;
- Control measures to ensure the adopted highway is kept clear of mud and debris;
- Control measures for dust and other air borne pollutants;
- Temporary traffic management, including details of any temporary highway/ rights of way closures and alternative routes, and site access control measures;
- Details of dilapidation surveys of the local road network;
- Routing and timing of movements including details of any abnormal loads (HGV movements shall be scheduled to avoid peak travel hours);
- Monitoring and enforcement procedures for the HGV routing and times;
- Maximum number of HGVs visiting the site per day.

The CTMP shall remain a live document throughout the development's construction phase and no deviation from, or modifications to, the agreed CTMP for each phase shall be permitted without the express written agreement of the Local Planning Authority.

Reason:

To address adverse highway impact and to avoid nuisance to the surrounding community during the construction phases of the development and to accord with the NPPF and CSDP policies ST2 and ST3.

8. Dust Management Plan

No development hereby permitted shall commence on each phase of the development until a Dust Management Plan for the development of that phase has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce dust and shall include, as a minimum, the mitigation measures detailed in Table F6.1 of Chapter F: Air Quality of the Environmental Statement (dated 23 July 2019). The DMP shall include but not be limited to:

- Site management, including complaints procedure and record keeping;
- Preparation and maintenance of the site, including (where possible) locating dust causing activities away from receptors, screening dusty activity, avoiding site runoff, ensuring site is cleaned using wet methods, remove dusty materials as soon as possible, and take measures to prevent wind whipping;
- Operation of vehicles and machinery, including ensuring that emissions are reduced in accordance with relevant guidance;
- Management of operations, including operation of equipment, to minimise dust creation;
- Incorporating dust-reducing measures specific earthworks, construction and trackout.

Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To avoid nuisance to the surrounding community and to minimise harm to human health during the construction phases of the development and to accord with CSDP policy HS1.

9. Stakeholder Communications Plan

No development hereby permitted shall commence on each phase of the development until a Stakeholder Communications Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan must set out the means by which the surrounding community and other affected parties are to be kept informed of activity before and throughout the communication phase.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason:

To avoid nuisance to the surrounding community and other affected parties during the construction phases of the development and to accord with CSDP policies HS1 and HS2.

10. Landscaping scheme

No development shall commence on each phase of the development until a fully detailed scheme for landscaping of that phase of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include, as a minimum, the mitigation and enhancement measures detailed in Figure H.15 Landscape Proposals (March 2020) and details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting

Reason:

To ensure that a well laid out planting scheme is achieved in the interests of visual amenity, natural heritage and surface water drainage, in accordance with CSDP policies NE1, NE2, NE3 and WWE3.

11. Ecological Design Strategy

No development shall take place on each phase of the development until an Ecological Design Strategy (EDS) addressing mitigation and enhancement measures for that phase has been submitted and approved by the local planning authority and shall include the following:

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

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

Reason:

In the interests of nature conservation and to accord with CSDP policies NE1, NE2 and NE3.

12. Tunnelling Methodology

No groundworks or development shall commence within the Proposed Tunnelling Working Area, as defined by Drawing No. 38519-04/GOS/CVD/066 Rev A (received 29 July 2019), until a detailed methodology for the tunnelling beneath the Bowes Railway, including relevant specifications and timetable for the proposed works, has been submitted to and approved in writing by the Local Planning Authority. The detailed methodology shall be based on the Springwell SR Tunnelling Method Statement dated May 2019, Doc Ref: 38525-10. Thereafter the development shall be carried out in accordance with the agreed method statement.

Reason:

To ensure that the proposed works do not harm to the Bowes Railway, in the interest of Built Heritage and in accordance with CSDP policies BH7, BH8 and BH9.

13. Kiosk building

No above ground construction shall commence to the kiosk building hereby approved until full details of the materials to be used in the construction of the kiosk building has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason:

In the interests of built heritage and in view of the adjacency of the Bowes Railway, in accordance with CSDP policies BH7 and BH8.

14. Fencing

No above ground construction shall commence to the boundary treatments hereby approved until full details of the materials to be used in their construction has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

In the interests of built heritage and in view of the adjacency of the Bowes Railway, in accordance with CSDP policies BH7 and BH8.

Ground Conditions:

15. Site Investigation

No development (except that necessary to carry out archaeological investigations) shall commence on each phase of the development until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on that phase of the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

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

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - 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 for each phase shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason:

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

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

16. Detailed Remediation Scheme

No development shall commence on each phase of the development until a detailed Remediation Scheme to bring that phase of the development to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

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

17. Implementation of Approved Remediation Scheme and Verification of Remedial Works

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 a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

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

18. Reporting of Unexpected Contamination

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

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

Archaeology

19. Archaeological Excavation and Recording

No groundworks or development shall commence on each phase of the development until a programme of archaeological fieldwork for that phase (to include evaluation and where

appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, CSDP policies BH8 and BH9, and saved UDP policies B11, B13 and B14.

20. Archaeological Post Excavation Report

The reservoir shall not be brought into use until the final report of the results of the archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy policies BH8 and BH9, and saved UDP policies B11, B13 and B14.

21. Archaeological Publication Report

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

Reason:

The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, CSDP policies BH8 and BH9, and saved UDP policies B11, B13 and B14.

22. Archaeological Watching Brief Condition

No groundworks or development shall commence on each phase of the development until the developer has appointed an archaeologist to undertake a programme of observations of groundworks for that phase to record items of interest and finds in accordance with the 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 199 of the NPPF, CSDP policies BH8 and BH9 and saved UDP policies B11, B13 and B14.

23. Archaeological Watching Brief Condition

The reservoir shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition 22 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 paragraphs 199 of the NPPF, CSDP policies BH8 and BH9 and saved UDP policies B11, B13 and B14.

Prior to occupation:

24. SUDS

Prior to the reservoir being brought into use, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification reports 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 organisations, adoption & maintenance.

Reason:

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with CSDP policy WWE3.

25. Landscape and Ecology Management Plan

A Landscape and Ecological Management Plan shall be submitted to and approved in writing prior to the reservoir being brought into use. The plan shall include details of the long term maintenance of the mitigation measures as detailed in Section D5 and Appendix D6: Receptor specific environmental measures, it should also include agreed contingency measures should biodiversity aims and objectives not be met to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be delivered in accordance with the approved details.

Reason:

In the interests of nature conservation and to accord with CSDP policies NE1, NE2, NE3 and WWE3.

26. Lighting Design Strategy

The reservoir shall not be brought into use until a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy shall identify areas and features on site that are particularly sensitive for species and are likely to cause disturbance. It should also include appropriate lighting contour plans and technical specification so that it can

clearly demonstrate areas to be lit will not disturb/ impact on the Local Wildlife Sites as well as features used by protected species.

Reason:

In the interests of nature conservation and to accord with CSDP policy NE2.

Adherence:

27. Traffic route:

All HGV traffic associated with the 'topsoil strip and transport to storage area', 'transport the sandstone rock to nearby quarry for grading' and 'creating embankments on the south side of the reservoir', as defined in document 'Springwell Service Reservoir Environmental Statement', shall avoid routing through the New Road/ Lingey Lane/ Leam Lane signal junction during the AM peak period 08:00 – 09:00hrs. No restriction shall apply outside of these activities and time period.

28. Hours of construction:

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays; and on Sundays and Public Holidays no noise generating construction activities.

Reason:

To safeguard the amenities of nearby residents, in accordance with CSDP policy HS1.

29. Landscaping Maintenance:

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

Reason:

To ensure that the appearance of the development is satisfactory and in the interests of nature conservation and to comply with CSDP policies NE1, NE2 and NE3.

| | |
|-----------------------|---|
| 4. | Washington |
| Reference No.: | 20/00376/VA3 Variation of Condition (Reg 3) |
| Proposal: | Variation of Condition 2 (Plans Approved) attached to planning application: 17/00865/LP3, to allow provision of CAT 3 bungalow layout. |
| Location: | Land West Of Former Washington Old School Albert Place Washington NE38 7BP |
| Ward: | Washington Central |
| Applicant: | Sunderland City Council |
| Date Valid: | 13 July 2020 |
| Target Date: | 7 September 2020 |

PROPOSAL:

The proposal relates to the variation of condition 2 attached to planning approval 17/00865/LP3 to update the bungalow type and layout proposed to allow the provision of wheelchair accessible bungalows.

Site Description

The application site is roughly rectangular in shape and is located on the junction of Albert Place and Brady Square in Washington. The site is currently laid to grass and slopes gradually and then steeply towards the east and south east. There is a belt of densely planted trees to the east and south of the site which act as a buffer between Albert Place and the A195.

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

Approved Development

Members may recall that the original planning application for this development was presented for Members consideration at the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting on 3 July 2017. Members resolved to approve the application and planning approval was subsequently issued on 27 July 2017.

The approved scheme comprised:

4 bungalows, together with associated car parking and garden areas with a retaining wall to the west and south with the development, in effect, being cut into the site.

The approved scheme showed bungalows arranged as two pairs of semi-detached properties, fronting on to Albert Place. The bungalows have private garden areas to the front and the rear. Double width drives are provided to the front of each proposed bungalow to provide off street car parking.

The proposed bungalows will provide their occupiers with a kitchen, shower room, living/diningroom, two bedrooms and a store. Outlook is primarily afforded to the front and back of the bungalows.

The approved bungalows are of a simple, traditional design with design comprising brickwork and a tiled pitched roof.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington Central - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **07.08.2020**

REPRESENTATIONS:

Publicity and Representations

Public consultation in connection with this application was carried out via 28 neighbour notification letters and a site notice.

No response was received to the public consultation carried out.

Transportation Development Team - No observations

Public Protection and Regulatory Services - Environmental Health has considered the submitted documentation and advises that the proposal is acceptable subject to the same recommendation that were set out in in response to the previous (approved) application.

COMMENTS:

Proposed Scheme

The current application has been made under s73 of the Town and Country Planning Act 1990 (as amended) and it proposes to vary condition 2 of planning permission ref. 17/00865/LP3, which sets out the list of plans the approved development must accord with. The application proposes to vary the list of approved plans to secure permission for a revised bungalow type and layout. The

planning permission for the proposed development of four bungalows is extant and consideration of the proposal which is the subject of this application is limited to alterations to the approved bungalow types and layout.

The proposed amendments entail:

- Amended bungalow type to allow full wheelchair accessibility.

CONSIDERATION OF APPLICATION

The principle of the proposed development of the site to allow the construction of four bungalows has already been established through the approval of planning application 17/00865/LP3.

In determining the initial planning application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of land use policies, its impact on residential amenity, visual amenity, highway and pedestrian safety, ecology, trees and its implications in relation to land contamination and noise. All of the above issues were considered to be acceptable and planning permission was approved accordingly.

The proposed variation of condition 2 of the extant planning permission seeks permission for some minor amendments to the approved scheme and it only gives rise to fresh implications in respect of visual amenity and urban design considerations. Rather than fully revisit all matters previously agreed in the determination of the initial planning application, it is considered appropriate that this report focuses on the matters requiring fresh consideration in light of the proposed revisions to the approved development.

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

In terms of local policy, the Council has now adopted its Core Strategy and Development Plan (CSDP) and the policies therein can now be given full weight. In this case, policies HS1 and BH1 of the CSDP are considered to be pertinent.

Amenity considerations

In terms of visual amenity, section 12 of the NPPF and policy BH1 of the CSDP support development which delivers a high standard of design and which is respectful to its surroundings. With regard to this matter, it is considered that the proposed revisions to the scheme will not have a substantially different impact on the visual amenity of the locality than the approved development, with the alterations having only a very minor effect on the already-consented development.

In terms of residential amenity, policy BH1 of the CSDP requires new development to maintain acceptable standards of amenity to existing properties, whilst paragraph 180 of the NPPF and CSDP policy HS1 is concerned with ensuring that quality of life and amenity is maintained and not adversely impacted by new development.

The proposed revision to the approved scheme is minor in nature. The layout of the development essentially remains as approved by planning permission 17/00865/LP3 with alterations to the external appearance of the bungalows proposed: 2 pairs of semi-detached bungalows are proposed as per the original approval. The proposed bungalows are of a different design to those originally proposed. The bungalows approved by the original permission were of traditional brick and tile construction but had a gable feature to the front elevation. The bungalows proposed will also be of brick and tile construction with windows to the front and rear. However, a projecting bay window features to the front of the bungalows (rather than a gable feature) and the pitched roof of the proposed will project across the feature bay.

The proposed revisions to the scheme are not considered to materially alter the relationship between the development and the nearest dwellings, which are located on the side of Albert Place and the proposals are not considered to raise any fresh residential amenity concerns.

With regard to the above comments, it would appear that the revisions to the scheme will not have any appreciably greater impact on visual or residential amenity than relative to the approved development. The proposals would therefore accord with the requirements of the NPPF and policies BH1 and HS1 of the CSDP.

Other considerations

The proposed revisions to the approved scheme are not considered to give rise to any fresh concerns relative to ecology, trees, land contamination/ground conditions or car parking/access arrangements all of which were considered and found to be acceptable in relation to the original application.

Summary

Subject to the recommended conditions, it is considered that the proposals do not raise any fresh concerns in respect of visual and residential amenity, ecology or and ground conditions/land contamination. The proposals are therefore considered to comply with the relevant objectives of the NPPF, the Council's Core Strategy and Development Plan and the relevant retained policies of the Council's UDP in respect of these matters.

Members will be recommended to Grant Consent for the revisions to the approved development, subject to the draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION: MINDED TO GRANT CONSENT, under Regulation 3 of the Town and Country Planning (General Regulations) 1992.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted (23 July 2018).

Reason:

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 number 3992 10 101 Rev 1, received 03.03.20
 2 bed bungalow, Drawing number 3992-JDDK-XX-LO-DR-A-2010 Rev A, received 03.03.20;
 Proposed surface finishes and kerbs, drawing number 121207-1002-A, received 03.03.20;
 Existing site and block plan, Drawing 01 Rev B, received 14 March 2018.

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

5 The noise mitigation scheme identified in Table 1, Report Ref 6105.1 (or equivalent) shall be fully implemented prior to the occupation of the first dwelling and shall be maintained for the lifetime of the development. In the interest of noise mitigation and residential amenity and to comply with the requirements of Policies BH1 and HS1 of the adopted Core Strategy and Development Plan.

6 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- Traffic routes of plant and heavy goods vehicles
- Parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Measures to ensure public highway remains sufficiently clean of dirt
- Measures to control the emission of dust, dirt and other airborne pollutants
- Scheme for recycling/disposing of waste resulting from demolition and construction works
- Measures to control noise and vibration
- Communication plan for liaising with the public
- Fuel storage area which shall include bunding and wash down facilities
- Inspections and maintenance of the watercourse in compliance with riparian responsibilities
- Measures to protect water quality and mitigate surface water runoff

The development shall be implemented in accordance with the approved Plan.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network, local wildlife and its habitat and neighbouring heritage assets, to prevent the increased risk of flooding and to protect water quality during construction and to comply with policies, NE2, HS1,

HS2, WWE3, HS3 and ST3 of the adopted Core Strategy and Development Plan and paragraphs 32, 109, 118, 134 of the National Planning Policy Framework.

7 No development shall commence until precise written details of a gas risk assessment of the site and the results of the aforementioned assessment are submitted in writing for the written approval of the Local Planning Authority. For the avoidance of doubt, the monitoring shall include periods of low and falling pressure. In the interest of the safe development of the site and to comply with the requirements of Policy HS3 of the adopted Core Strategy and Development Plan.

8 Development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to, and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation, objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

In the interest of the safe development of the site and to comply with the requirements of Policy HS3 of the adopted Core Strategy and Development Plan.

9 The remediation scheme approved under Condition number 8 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development (other than those works that are required to carry out the remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy HS3 of the Unitary Development Plan.

10 The development hereby approved shall not be occupied until ten bat boxes and ten bird boxes have been installed in accordance with the recommendations of the Environmental Impact Assessment, Albert Place, Washington, dated September 2017. In the interest of nature conservation and to comply with the requirements of policy NE2 of the adopted Core Strategy and Development Plan.

11 No vegetation clearance or tree felling shall take place outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist

confirms the absence of active nests. In the interest of nature conservation and to comply with the requirements of Policy NE2 of the adopted Core Strategy and Development Plan.

12 The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment - Tree Protection, set out in Appendix 3 of the Arboricultural Implications Assessment and Tree Protection Plan, Reference R01, dated September 2017. In the interest of tree protection and nature conservation and to comply with the requirements of Policy NE3 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 SUB COMMITTEE

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|--|------------|--------------------|
| 20/00021/FUL | Springfield Care Home | Application for the erection of a 50 bedroom Care Home with associated car parking and landscaped gardens. | 15/04/2020 | 15/07/2020 |
| Copt Hill | Land Adjacent To Springfield House Bunker Hill Houghton-le-Spring DH4 4TN | | | |
| 19/01319/OUT | Gladman Developments Ltd | Outline planning application for up to 250 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access points from North Road. (All matters reserved except for means of access.) | 23/10/2019 | 22/01/2020 |
| Hetton | Land West Of South Lodge Farm North Road Hetton-le-Hole Houghton-le-Spring | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|---|--|------------|--------------------|
| 20/00238/FUL | Durham Wildlife Trust Ltd | Creation of reedbed habitat | 12/02/2020 | 13/05/2020 |
| Hetton | Durham Wildlife Trust Mallard Way Houghton-le-Spring DH4 6PU | | | |
| 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 Centre Cygnet Way Rainton Bridge South Houghton-le-Spring DH4 5QY | | | |
| 14/01371/OUT | Mr Colin Ford | Outline application for erection of 82 dwellings (all matters reserved) | 17/11/2014 | 16/02/2015 |
| Hetton | Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX | (reconsultation on amended scheme). | | |

| 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 Sedgeleech Industrial Estate Houghton-le- | | | |
| 19/01446/FUL | Karbon Homes | Erection of 38 dwellings with associated works, including relocation of a substation. | 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 |
|--------------------------|--|--|------------|--------------------|
| 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 | | | |
| 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 |
|--------------------------|--|--|------------|--------------------|
| 20/00839/FU4 | Washington AFC | Application for improvements to football pitch with associated infrastructure including flood lighting columns, dugouts, covered spectation stands, turnstile and fencing. | 09/06/2020 | 08/09/2020 |
| Washington North | Northern Area Playing Fields Stephenson Road Stephenson Washington | | | |
| 19/01062/FUL | Barmston Developments | Construction of 4no. two storey buildings (Use Class B2/B8) including access onto Turbine Way, parking and turning space and landscaping | 16/10/2019 | 15/01/2020 |
| Washington North | Land At Turbine Business Park Turbine Way Sunderland | | | |