

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.: 20/00795/MAW Minerals- Waste (County Matters)

Proposal: **Installation of kiosks associated with sewage treatment works.**

Location: Northumbrian Water Ltd Washington Treatment Works Pattinson Road
Pattinson Industrial Estate Washington

Ward: Washington East

Applicant: Northumbrian Water Limited

Date Valid: 24 June 2020

Target Date: 23 September 2020

PROPOSAL:

INTRODUCTION

Planning permission is sought for the installation of five kiosks associated with the Sewage Treatment Works at Northumbrian Water Treatment Works, Pattinson Road, Pattinson Industrial Estate, Washington, NE38 8LB.

SITE DESCRPTION

The Sewage Water Treatment Works is located to the south of Pattinson Road, to the north of the River Wear and to the north east of residential properties located within Edale Close.

Washington Sewage Water Treatment Works is an existing operational Northumbrian Water Facility. The site is set down in comparison to Pattinson Road and it is screened by trees, with the nearest residential properties being those in Teal Farm and including Otterington, Thornbridge and Lydcott, with the nearest properties being located approximately 50 metres from the site boundary to the north.

The whole of the Sewage Water Treatment Works site area comprises around 8,000 square metres. The application site includes 330 square metres, around 4% of the total site area.

The application site is formed of five sites located within the central area of the overall Sewage Treatment Works site which would create 205 square metres of gross new internal floorspace.

PROPOSAL

The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines what constitutes a 'major' planning application and this includes waste development.

In terms of what matters come within the scope of waste development, the Ministry of Housing, Communities and Local Government website and published on 15 October 2015 lists waste operations as including waste water management.

The proposal would be located at a site which undertakes waste water management and would be associated with these operations on site. Therefore, it is considered that the development proposal comprises a 'major' planning application and the proposal has been assessed on this basis.

As has been mentioned above the proposal would include the provision of five kiosks around the central area of the Sewage Treatment Works site. It has been confirmed as part of the application submission that the five kiosks are necessary to serve the planned new settlement tanks and pumping station which were considered to be lawful under application 20/00848/CLP. The kiosks, settlement tanks and pumping station are required to improve the efficiency and capacity of the Sewage Treatment Works.

The kiosks would all be constructed of cast iron with a GRP roof and finished in a dark olive colour. The kiosks would be placed on top of a concrete plinth and four of the plinths would be 150mm in depth whilst the central pumping station kiosk would include a plinth of 300mm in depth. The kiosks would all have double access doors and the LV switchboard kiosk would include two sets of double doors.

The five kiosks would include the following dimensions:

- LV switchboard 16.1m x 3.8m x 2.5m high to the south western area of the site.
- Inlet works 10.5m x 3.8m x 2.5m high to the western boundary of the site.
- Central pumping station 9.8m x 3.8m x 2.5m high.
- Aeration and RAS 11.7m x 3.8m x 2.5m high to the northern part of the site.
- Sludge tanks 6.5m x 3.8m x 2.5m high to the south of the site.

PLANNING HISTORY

The following planning applications have been considered at the Washington Treatment Works site and approved:

90/01245/10 - extension to the existing laboratory facility.

92/00405/10 - erection of skip housing and landscaping.

96/00666/10 - upgrading of sewage treatment works.

96/01420/10 - erection of two storey office building.

02/01693/FUL - erection of building for sludge thickening.

12/02269/FUL - construction of an inlet works site distribution kiosk and skip building.

19/01908/MAW - demolition of existing building and structure and erection of operational building, quarantined waste bay, location for containers and skips, installation of lighting columns, palisade fencing, gates and means of access.

20/00848/CLP - certificate of lawfulness for the installation of three new settlement tanks, below ground pumping station, internal access roads within the existing treatment works and screening channel.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Environmental Health
Washington East - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **27.10.2020**

REPRESENTATIONS:

Publicity associated with the application included site notices being displayed and an advertisement being placed in the local press.

In response to the publicity exercise no letters of representations have been forthcoming to the proposal.

Internal Consultees

- Environmental Health

Initial Response

The application is for 5 independent kiosks located across the site - MMC kiosks constructed of light GRP. These are motor control centre units. It is not explained what they will contain.

The inlet and LV switchboard MMC's are the closest to housing, and the remainder appear to be the most significant being related to the pumping process between settlement and aeration tanks and return of activated sludge. These latter units are at greater separation distance from the site boundary and surrounding housing and may benefit from partial screening effects of the existing structures.

It is requested that the applicant clarify the purpose of each kiosk and if they have carried out an assessment of noise levels associated with the operation of equipment that will be contained within them. It would be helpful to understand the potential impacts of these elements of the operation.

Further Comments

The primary consideration in relation to this proposal is the potential for additional noise impacting upon nearby residential occupiers. Initial focus has been upon the closest MCCs to sensitive receptors, namely the LV switchboard and Inlet Works units.

The agent's response explains that the new MCCs are mostly replacing existing similar units around the site. They contain fans and variable speed drives.

Whilst it is claimed that the kiosks will contain all of the noise generated, it would be expected ventilation openings to be present and not be provided with any silencers. The construction of the kiosks is relatively light (glass reinforced plastic). The view is understood that the units will not be audible, however this is dependent upon several factors, some of which influence sound propagation.

The introduction of new MCCs into treatment works is widespread. Examination of several applications has not raised issues of noise, though many of the works are a substantial distance from housing.

It is requested that the applicant carries out an assessment of noise levels so that a comparison can be made between predicted levels at the nearest sensitive receptors resulting from operation of the MCCs, and the background noise levels particularly at night.

Final Comments

Environmental Health has considered the noise assessment submitted as a result of earlier queries and would advise that the methodology and conclusions are accepted, and no further observations or objections are offered in relation to this proposed development.

- Lead Local Flood Authority

With regard to flood risk and drainage it is suggested that the application can be approved.

- Transportation Development

No observations.

- Ecology

No objections subject to the following:

o The proposed development should demonstrate in a sustainable net gain in biodiversity; to this end, the applicant should adopt and deliver the Washington Sewage Treatment Works Management Plan 2020-2030, March 2020, associated with planning application 19/01908/MAW.

o Best practice methods should be employed during construction and operation of the development and associated works to limit negative impacts on nesting birds and with regard to animal entrapment in unattended open excavations and stockpiles of materials.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

PLANNING POLICY

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

The National Planning Policy Framework (NPPF) was revised in February 2019 and is a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with

the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

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

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of the proposal include the following:

- Principle of the development
- Siting and design
- Residential amenity
- Highway safety
- Biodiversity and ecology
- Flood risk and drainage
- Ground conditions

Principle of Development

The application site is not allocated for any specific purpose on either the allocations plan associated with the Unitary Development Plan (UDP) or the adopted Core Strategy and Development Plan (CSDP) Policies map. Therefore, the application site constitutes 'white land' and the relevant local planning policy for such land is Policy EN10 of the UDP. This Policy outlines that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, the proposal is considered to be acceptable since it includes the installation of five kiosks required for the existing and upgraded operations at the Sewage Water Treatment Works. Therefore, the existing pattern of land use would remain in accordance with Policy EN10 of the UDP.

Siting and Design

Chapter 12 of the National Planning Policy Framework (NPPF) places emphasis upon achieving well designed places with paragraph 124 stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

Policy BH1 of the adopted CSDP reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect visual amenity and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

With regard to the five proposed kiosks, although they are of somewhat functional appearance, they would be located mainly centrally within the application site and would only have a height of 2.5 metres. Since the site is screened by trees views of the structures would be limited.

Given the level of screening, coupled with the siting of the proposed kiosks within the boundary of the Sewage Treatment Works site, it is considered that the siting and design of the proposal is

appropriate due to the site context. The proposal would therefore satisfy Policy BH1 of the adopted CSDP and the requirements of the NPPF with regard to the siting and design.

Residential Amenity

Paragraph 180 of the NPPF requires that development should be appropriate for its location taking into account the likely effects including cumulative effects of pollution on health and living conditions as well as the sensitivity of the site or the wider area to impacts that could arise from the development.

Policy BH1 of the adopted CSDP requires that development should provide an acceptable standard of amenity for all existing and future occupiers of land and buildings. Policy HS1 also requires that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation arising amongst other things noise, odour and land contamination and instability.

In addition, Policy HS2 of the adopted CSDP outlines that development sensitive to noise or affected by existing sources of noise should submit an appropriate noise assessment where necessary, and a detailed schedule of mitigation and development should include measures to reduce noise within the development to acceptable levels, including external areas.

The inlet and LV Switchboard kiosks would be located closest to the nearest residential properties however, the kiosks would be set into the site and would not be located directly adjacent to the site boundaries.

A Noise Assessment and additional information has been submitted to support the planning application following the initial comments received from the Council's Environmental Health Team.

The Council's Environmental Health has considered the noise assessment submitted as a result of earlier queries and has advised that the methodology and conclusions are accepted, and no further observations or objections are offered in relation to this proposed development.

In respect of the impact of the proposal on the residential amenity of the occupiers of properties in close proximity to the site, the nearest dwellings houses are located a significant distance from the proposed kiosks and as has been outlined above the Council's Environmental Health Team are satisfied that the noise impacts of the proposed kiosks would be acceptable given the conclusions in the noise assessment and information provided.

It is consequently considered that the residential properties surrounding the site are a sufficient distance from the proposed development to ensure that the impact of the proposal would not be significantly detrimental to the residential amenities of the occupiers of these properties.

The proposed development is considered to be acceptable with regard to the impact on the residential amenities of the occupiers in close proximity to the site in accordance with Policies BH1 and HS1 of the adopted CSDP and the requirements of the NPPF.

Highways and Pedestrian Safety

Paragraph 111 of the NPPF advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy ST3 of the adopted CSDP outlines that development should provide safe and convenient access for all road users.

The proposed development has been considered by the Council's Transportation Development Team, and no observations or objections have been provided to the proposed development since the development would be located within the confine of the existing Sewage Treatment Works site.

As such, the five proposed kiosks would not cause detriment to highway safety which would accord with Policy ST3 of the adopted CSDP and the objectives of the NPPF.

Ecology and Biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gain for biodiversity.

Policy NE2 of the adopted CSDP further advises that biodiversity will be protected, created, enhanced and managed by requiring development to demonstrate how it will provide net gains in biodiversity and avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

The Council's Ecologist has raised no objections to the proposal subject to the proposed development demonstrating a sustainable net gain in biodiversity. To this end, the Council's Ecologist has suggested that the applicant should adopt and deliver the Washington Sewage Treatment Works Management Plan 2020-2030, March 2020, associated with planning application 19/01908/MAW.

Therefore, a condition has been suggested to be attached to the grant of planning permission to secure the delivery of the Management Plan with 5-year updates provided to the Local Planning Authority from the date of planning approval.

Subject to the submission of the 5-year updates, it is considered that the proposal would satisfy Policy NE2 of the adopted CSDP and the requirements of the NPPF with regard to the impact of the proposal with regard to ecology and biodiversity.

Flood Risk and Drainage

Paragraph 155 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy WWE2 of the adopted CSDP states that development will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment that development will not increase flood risk on site or elsewhere. Whilst Policy WWE3 outlines that development must consider the effect on flood risk, on and off-site commensurate with the scale and impact.

In terms of drainage Policy WWE4 of the adopted CSDP states that the quantity and quality of surface and groundwater bodies will be protected and Policy WWE5 states that development should utilise the drainage hierarchy.

The Council as Lead Local Flood Authority are satisfied that the application can be approved from a flood risk and drainage point of view.

Therefore, it is considered that the proposal would satisfy Policies WWE2 and WWE3 of the adopted CSDP and the requirements of the NPPF with regard to flood risk and Policies WWE4 and WWE5 in relation to drainage.

Ground Conditions

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

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

The proposed kiosks would be located on concrete plinths and therefore ground works associated with the proposal would be minimal and it is considered that the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of Policy HS3 of the adopted CSDP and paragraph 178 of the NPPF.

CONCLUSION

The principle of proposal is considered to be acceptable within the confines of the existing Sewage Water Treatments Works since the proposal would relate to the current operations on the site.

Also, and for the reasons set out above, the proposed development is considered to be acceptable in terms of siting and design, impact on residential amenity, highway safety, ecology/biodiversity impacts, flood risk and drainage and ground conditions. In respect of these matters, the proposals are considered to be compliant with the aims, objectives and detailed requirements of the NPPF and the Council's adopted CSDP.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

- (a) Tackle prejudice, and
- (b) Promote understanding.

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

RECOMMENDATION:

For the reasons elaborated within the report it is recommended that Members **APPROVE** consent subject to the conditions set out below.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

To ensure that the development is carried out within a reasonable period of time.

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

- o Proposed site layout plan Drg No. ET24-MMB-00-XX-DR-T-00012 received 22.05.20.
- o Inlet works kiosk roof and elevation plans Drg No. ET24-MMB-00-XX-DR-T-00013 received 22.05.20.
- o Aeration and RAS kiosk roof and elevation plans Drg No. ET24-MMB-00-XX-DR-T-00014 received 22.05.20.
- o Central pumping station roof and elevation plans Drg No. ET24-MMB-00-XX-DR-T-00015 received 22.05.20.
- o Sludge kiosk roof and elevation plans Drg No. ET24-MMB-00-XX-DR-T-00016 received 22.05.20.
- o LV switchboard kiosk roof and elevation plans Drg No. ET24-MMB-00-XX-DR-T-00017 received 22.05.20.
- o Acoustic Report, reference J2982, dated 02.10.20 and received on 06.10.20.

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

3 The materials to be used for the hereby approved development shall be as described in the planning application form received 22.05.20 and as shown on the elevation plans for the proposed kiosks received on 22.05.20, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 The biodiversity net gain proposed at the site shall be carried out in accordance with the Management Plan for Washington Sewage Treatment Works 2020-2030 received on 19.03.20 as part of planning application reference 19/01908/MAW. The Local Planning Authority should be provided with 5-year updates following the approval of planning permission and regarding the delivery of the works within the submitted Management Plan. The update should be submitted to, and be agreed in writing by, the Local Planning Authority.

In order to ensure a satisfactory form of development with regard to biodiversity net gain to comply with Policy NE2 of the adopted Core Strategy and Development Plan and paragraph 175 of the National Planning Policy Framework.

Reference No.: 20/01182/FUL Full Application

Proposal: **Erection of 13 no. residential dwellings (Use Class C3).**

Location: Land West Willows Close Columbia Washington

Ward: Washington Central

Applicant: C/O Agent - Gentoo Group Limited

Date Valid: 9 July 2020

Target Date: 8 October 2020

PROPOSAL:

The application proposes 13 residential dwelling on land at Willows Close, Washington.

The proposal is to deliver a mixture of housing types including 2no. bungalows, 5no. two bedroom dwellings and 6no. three bedroom dwellings. All 13 dwellings are proposed to be affordable units. The proposed bungalows to the north of the site will be accessed via a shared driveway.

Each dwelling will have direct parking to the front and be accessed from a new proposed estate road. The site will be accessed from Lowthian Terrace and have areas of soft landscaping across the site.

Site

The site is situated to the west of Willows Close, Washington and is accessed directly from Lowthian Terrace via a new proposed access point.

The northern, eastern and southern boundaries to the site are bounded by residential dwellings with a number of pedestrian paths running to Willows Close. The western boundary is bound by the school grounds of John F Kennedy Primary school.

The application submission has been supported by:

- Plans and particulars;
- Planning Statement;
- Design and Access Statement;
- Statement of Community Involvement;
- Ecological Report;
- Flood Risk & Drainage Assessment;
- Tree Survey, Arboricultural Impact Assessment and Method Statement;
- Noise and Air Quality Assessment;
- Construction Environmental Management Plan;
- Sustainability Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Environmental Health
Network Management
Northumbrian Water
Northern Electric
Northumbria Police
Director Of Childrens Services
Fire Prevention Officer
Environmental Health
Flood And Coastal Group Engineer
Network Management
Environmental Health
Network Management
Washington Central - Ward Councillor Consultation

Final Date for Receipt of Representations: **03.11.2020**

REPRESENTATIONS:

Neighbour Representations: 24 letters of objection have been received following the expiry of the consultation period. Material concerns raised include:

- Increased potential for flood risk.
- Inappropriate land use. (Open space deficiency quality and quantity).
- Overdevelopment of the site.
- Poor access/highways.
- Loss of wildlife and trees.
- Inadequate Statement of Community Involvement.
- Planning History.

Matters identified above will be addressed throughout the main agenda report, however in summary of the above the Lead Local Flood Authority have assessed matters pertaining to drainage and flooding. The land use element of the proposal has been carefully considered within the principle of development section of the agenda report and a balanced view and approach reported.

Access to the site has been considered by the Local Highway Authority and their findings reported within the Highways section of the agenda. Impacts upon existing wildlife and trees have been addressed within the supporting documents and considered by the City Ecologist.

With regards to the Statement of Community Involvement, the applicant has confirmed that they undertook several methods in order to advertise with consultation and encourage engagement on

the development proposals, including delivering 600 leaflets to residents and creating a dedicated web page.

There is no records of any relevant planning history held on the file for site in question.

Ward Councillor Objection:

1. Concerns relating to Road Safety between Wear and Lothian Terrace.
2. Road Safety concerns at the junction with Willows Close and Station Road.
3. Linked and integrated footpaths.
4. Increase drainage concerns with neighbouring housing estate at Ovingham.
5. Gentoo consultation and feedback.

Gentoo Response to Councillor Objection:

1. The area surrounding the site does not have a history of road safety concern. Vehicle collision records show that there have been no accidents on Wear Terrace, Lowthian Terrace or Station Road in the past 10 years (2010-2019 inclusive). The nominal increase in traffic arising from 13 houses is unlikely to influence future collision statistics.

The road connecting Lowthian Terrace and Wear Terrace is a straight section of road of approximately 28 metres in length. Inter-visibility between vehicles at either end is comfortably achieved and as such, it is unlikely that two vehicles will require to pass along this section, especially when alternative route choices are available.

2. Consideration has been given to the vehicle trip generating potential of the proposed development during the lunch time period referenced in the objection. Using the industry standard trip generation forecast database, it is estimated that the proposed 13 dwellings could generate approximately 8 vehicle movements over the 2-hour period from 12:00hrs to 14:00hrs. Whilst it is acknowledged that vehicle movements would unlikely be of a uniform profile, this approximately equates to 1 vehicle every 15 minutes - if all trips are routed via this junction. This level of additional trips would not lead to an exacerbation of any congestion on the local road network and the impact would not be significant.

3. There is currently no footway provision along the northern side of Lowthian Terrace. The site constraints and footway connections have been considered as part of the masterplan process and were discussed and agreed with the Local Highway Authority prior to submission.

4. The supporting Flood Risk Assessment (FRA) prepared by JNP Group assesses flood risk at the development site from all potential sources and describes the measures adopted in the master planning process to manage such risks. It has been prepared in compliance with current policies and best practices. The proposed drainage strategy has been designed not only in accordance with Sewers for Adoption and / or Building Regulations part H and in compliance with the NPPF, but also specifically in line with local requirements and current best practices.

In relation to the surrounding area, the results included in Appendix E of the supporting FRA demonstrates how the proposed surface water drainage strategy can manage surface water flood risk at the development site without increasing flood risk elsewhere for storm events up to the 1.0% AEP + 40% climate change allowance.

5. The Applicant has had cognisance of national and local policy and guidance. The methods of consultation were devised to accord with the current Coronavirus Act 2020 and the associated Regulations and Covid-19 guidance for undertaking community consultation during this time. Unfortunately this prevented hosting a community consultation event/exhibition in the locality. However, the Applicant undertook several methods in order to advertise with consultation and

encourage engagement on the development proposals. In addition to delivering the leaflets to residents, the Applicant created a dedicated web page for the proposed development and drove traffic to the website via press releases in the Sunderland Echo and the Chronicle and social media platforms such as Twitter and Facebook.

The Applicant emailed all of the Ward Councillors before the consultation commenced and were grateful for Cllr Snowdon replying to their email and providing her initial comments on the proposed development at that time.

As per practice guidance, the supporting Statement of Community Involvement (SCI) sets out the consultation process and feedback. The SCI identifies that of the 600 no. leaflets distributed within the area immediately surrounding the site, 126 no. responses were received demonstrating a total response rate of 21%. This is considered to be a strong response rate to the consultation. The personal data of respondents to the consultation (such as address) is not collected as part of the pre application consultation in order to comply with data protection rules. The planning application process provides a further opportunity for residents to provide comments on the submitted proposals via the Councils portal and to enable comments to be considered formally as part of the determination of the planning application.

Planning Policy:

This response has been prepared with regard to both the adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP). It focuses predominately on the principle of development which centres upon the development of an amenity greenspace for residential dwellings.

As the proposal would result in the loss of amenity greenspace CSDP Policy NE4: Greenspace is relevant. NE4 aims to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit and Report. The Policy aims to do this by allocating Greenspaces in the Allocations and Designations Plan and by requiring development to contribute towards provision and enhancement of greenspaces.

Policy NE4 is relevant to all greenspace types as defined in CSDP paragraph 10.23. This includes amenity greenspaces which the Greenspace Audit considers this site to be. In this context, it is also considered that criteria of Criterion 4 of the policy is also relevant

Criterion 4 of policy NE4, further states that development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. the proposal is accompanied by an assessment which identifies it as being surplus to requirements or
- II. a replacement facility which is equivalent in terms of usefulness is provided; or
- III. a contribution is made to the Council for new offsite provision.

Paragraph 10.22 of the CSDP states that "the Greenspace Report sets out in detail the existing provision and where shortfalls exist". No evidence has been submitted to the Council to demonstrate how criteria 4 has been met. It is noted that the applicant's supporting Planning Statement provides a contrary view (at paragraph 6.7 and 7.8) setting out that the Criterion 4 is

not triggered, as the site is not allocated greenspace. However, to reaffirm, it is considered that Criterion 4 is triggered by virtue of NE4 criterion 4, defining greenspace in broad terms and not merely focused on allocated greenspace sites.

The site is included in the Greenspace Audit. Paragraph 7.10 of the Audit (Table 11) identifies that the locality of Barmston and Columbia (where this site is located) is low in terms of amenity greenspace quantity, and is therefore a localised area of deficiency. This is reflected in the 'value' score given to the site, which has a 20 point weighting attached due to lying within an area of low greenspace. The site score is assessed to be 106 which is considered to be above the average site value for the city

It is noted that the supporting Planning Statement provides some commentary of the Audit as set out between paragraphs 6.8 and 6.16. The Planning Statement (at paragraph 6.14) provides that 2.51 hectares of nearby amenity greenspace exists close to the site. The Statement goes on to claim that although the proposal would result in the loss of greenspace (0.51 hectares) this would still leave other greenspace provision of 2.51 hectares nearby. However, the Planning Statement acknowledges, only a small proportion of these sites are considered to be of above average quality, with 2.43 hectares of the 2.51 hectares identified by the supporting Planning Statement is greenspace being of significantly lower quality than the application site.

The decision maker should also note that NE4: Greenspace (at criterion three) also sets criteria regarding the need for major residential development to provide for the equivalent of minimum of 0.9 hectares for every 1,000 bed spaces unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered more appropriate.

CSDP Policy SP8: Housing Supply and Delivery sets out that Council will achieve its housing target by (inter alia) the delivery of windfall sites (criterion five). The site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

CSDP Policy H1: Housing Mix provides (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. Criterion 2 also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows. It is noted that six of the homes would be provided as three-bedroom homes and seven homes (including the proposed two proposed bungalows) would be provided as two-bedroom homes. It is considered that the housing mix is generally appropriate with roughly 45 percent of proposed dwellings consisting of family sized homes and provision of some bungalows..

CSDP Policy H2: Affordable Housing sets out that all proposals of 10 or more (or on sites of 0.5 hectares plus) should provide at least 15 percent affordable housing. It is noted that all dwellings would be provided at an affordable level. Amongst other things, the policy stipulates (at criterion two) that affordable homes should be retained in affordable use in perpetuity. If planning permission is to be granted, the decision maker should ensure that the dwellings are held in affordable tenure in perpetuity in alignment with the policy. It is noted the draft head of terms (as provided in the supporting Planning Statement) does not provide provisions that the homes will be held in perpetuity.

It is not clear how the proposal would seek to meet biodiversity net gains. The National Planning Policy Framework (2019) provides at paragraph 170, that decisions should contribute to and enhance the natural environment by (at d) minimising impacts on and providing net gains for biodiversity. CSDP Policy NE2: Biodiversity and Geodiversity sets out that proposals, where

appropriate, must demonstrate how it will provide net gains in biodiversity. It is not clear from information submitted how the proposals would seek to provide net gains for biodiversity.

It is noted that there are several mature trees on the site. The decision maker should note the provisions of CSDP Policy NE3: Woodland, Hedgerows and Trees. At Criterion three the policy sets out that development should give consideration to trees and hedgerows both on their individual merit as well their contribution to amenity and interaction as part of a group within the broader landscape setting. Careful consideration should therefore be given if the proposals would result in the loss of any trees.

The decision maker should consider CSDP Policy BH1: Design Quality, to ensure that the proposals deliver a well-designed scheme. In addition, the decision maker should note CSDP Policy BH2: Sustainable Design and Construction which sets out a range of sustainable design and construction criteria.

In addition, the decision maker should note technical standards set out in CSDP Policy BH1: Design Quality and CSDP Policy H1: Housing Mix. These policies set out standards in relation to conformity to nationally described space standards and standards in relation to building regulation M4(2) adaptable and accessible homes. These standards will be applicable to outline and full planning applications approved after 1 April 2021. Should this application be approved prior on or prior to the 1 April 2021, these standards will not apply.

Conclusion

The proposal would result in a loss of amenity greenspace within an identified area of deficiency. The decision maker should form a judgement whether the proposal should include evidence to satisfy the policy requirement of NE4 criterion 4.

In addition, the decision maker should consider how the proposal will seek to provide biodiversity net gains and give careful consideration to any loss of trees.

The decision maker should consider the design impact of the proposal via policy CSDP Policy BH1: Design Quality. In relation to affordable housing, the decision maker should ensure that the proposals would maintain affordable housing in perpetuity in accordance with CSDP Policy H2.

Gentoo Response:

Further to receipt of the above a planning position statement and benefits statement was received dated 08.10.2020. The statement seeks to address matters raised by the Planning Policy Section and highlight the strengths of the affordable housing programme Gentoo are proposing.

The documents provide Gentoo's response to policy considerations relating to open space, equipped play area, affordable housing provision and mix and bio-diversity and will be addressed through the main considerations section of the agenda report.

Tyne and Wear Fire and Rescue Service:

No objections.

Northumbrian Water Limited:

No issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment" dated 24th June 2020. In this document it states that the foul flows will discharge to manhole 5903 and surface water will discharge at a restricted rate of 3.5l/s to connect into the existing surface water sewer on site between the points of connection at manholes 5802 and 6913.

NWL have subsequently requested that a condition should be attached should Members be minded to approve the application, so that the development is implemented in accordance with this document:

"Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated 24th June 2020. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5903 and ensure that surface water discharges to the surface water sewer between manholes 5802 and 6913. The surface water discharge rate shall not exceed the available capacity of 3.5l/s that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Lead Local Flood Authority:

With regard to application 20/01182/FUL and in relation to flood risk and drainage the LLFA have confirmed that the application could be approved with a verification condition similar to the wording that follows.

CONDITION

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

- o 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.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption & maintenance.

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

City Ecologist:

No objections.

Public Protection and Regulatory Services (PPRS):

Construction Environmental Management Plan (CEMP):

To ensure the environmental impact of the site clearance and construction phases of the development is adequately managed and mitigated in the interest of the amenity of nearby occupiers the Applicant should provide, for agreement by the Local Planning Authority (LPA), a construction environmental management plan which has regard to the impacts of noise and vibration, site traffic, lighting, dust and other airborne pollutants arising from site clearance and construction works. The plan should set out appropriate operating hours and identify measures that will be implemented to minimise those impacts on nearby sensitive receptors.

Further to receipt of the above information an updated CEMP dated October 2020 was received and additional comments received from PPRS dated November 2020 have confirmed the contents are considered to be acceptable.

Land Contamination: A phase 1 and 2 report by JNP Group dated July 2020 has been submitted together with NQMS SQP declaration of document adequacy. The recommendations of the report state:

Further investigation is recommended, in order to be able to provide geotechnical data for the design of piled foundations and or the proposed retaining system. Furthermore, during detailed design further investigation may be required with regards general stability and settlement.

It is recommended that a Remediation Strategy is written to manage the contamination identified on-site. This will need to fully detail the requirements and methods of remediation however at this stage this would indicate that, depending on the site proposals in terms of levels, this is likely to consist of CS2 gas protective measures to all dwellings and proven chemically "clean" capping to soft landscaped and garden areas.

The findings of this report should be submitted for approval to the relevant authorities prior to any irrevocable actions.

In light of the above and should Members be minded to approve the application it is recommended that conditions are imposed requiring the submission of the relevant remediation and verification reports.

Transportation Development:

Access: Vehicular access to the development site is proposed via a new access junction with Lowthian Terrace. Lowthian Terrace is an adopted public highway with a width of approximately 5m which is satisfactory to accommodate residential traffic and service vehicles.

Lowthian Terrace links to Station Road at 2 locations, firstly via a link opposite the proposed access and secondly further east via aa link opposite Willows Close, which serves a similar residential development to that proposed although it accommodates a significantly greater number of dwellings at 74. It is considered that these routes are satisfactory to serve a development of the quantum proposed.

With regards to pedestrian access this would be provided via footways within the site from the proposed access junction. Whilst there is not a footway on the northern side of Lowthian Terrace there is a footway provided on the southern side. It is requested therefore that the footways at the site access junction are extended by approximately 2m and dropped kerbs with tactile paving provided to facilitate pedestrians crossing to the existing footway on the south side of Lowthian Terrace.

A pedestrian link is also provided from the site to the north linking to Ovingham Close, which in turn provides a pedestrian route to the bus stop located on Emerson Terrace.

It is considered therefore that satisfactory pedestrian routes are available from the site to the services and amenities available in the local area, including bus stops.

Parking: The proposed development includes parking provision fully in accordance with the Council's parking standards including visitor parking.

Trip Generation: A development of 13 dwellings would generate between 6 and 7 two way trips during the AM and PM peak hours, which equates to a vehicular movement every 10 minutes, and approximately 70 two way movements on a daily basis.

Traffic Impact: It is considered that this increase in vehicle movements would have no material impact on the local road network and would in fact be within the day to day variations in traffic flows.

It is noted that on street parking currently occurs on Lowthian Terrace and Station Road that can obstruct the free flow of traffic as well as pedestrian movement. However, if vehicles are being parked in unsafe manner that causes concern for road and pedestrian safety then this is an enforcement issue and not a consideration for this application.

It should also be reiterated that the proposed development provides sufficient on site parking and would generate minimal traffic on the local road network.

It is concluded therefore that the proposed development would not have a material impact on the operation of the local road network or on road and pedestrian safety.

Transportation Development therefore has no objection to the planning application provided the requested pedestrian crossing facilities as detailed above are provided.

COMMENTS:

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 proposed development would result in the loss of amenity greenspace and as such CSDP Policy NE4: Greenspace is applicable. Policy NE4 aims to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit and Report. The Policy aims to do this by allocating Greenspaces in the Allocations and Designations Plan and by requiring development to contribute towards provision and enhancement of greenspaces.

Policy NE4 is relevant to all greenspace types as defined in CSDP paragraph 10.23. This includes amenity greenspaces which the Greenspace Audit considers this site to be. In this context, it is also considered that criteria of Criterion 4 of the policy is also relevant

Criterion 4 of policy NE4, further states that development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. the proposal is accompanied by an assessment which identifies it as being surplus to requirements or
- II. a replacement facility which is equivalent in terms of usefulness is provided; or
- III. a contribution is made to the Council for new offsite provision.

The application site is included in the Greenspace Audit. Paragraph 7.10 of the Audit (Table 11) identifies the locality of Barmston and Columbia (where this site is located) as being of low amenity greenspace in terms of quantity and is therefore a localised area of deficiency. This view is reflected in the 'value' score given to the site, which has a 20point weighting attached due to it being situated within an area of low greenspace. The overall site score is assessed to be 106 which is considered to be above the average site value for the city.

Criterion three of Policy NE4 also sets out the need for major residential development to provide for the equivalent of minimum of 0.9 hectares for every 1,000 bed spaces unless a financial contribution for the maintenance/ upgrading to neighbouring existing greenspace is considered more appropriate.

In this regard whilst it is acknowledged that the proposal would result in the partial loss of greenspace, to provide 13 affordable dwellings and associated infrastructure and soft landscaping, it is noted that the development will through the proposed landscaping scheme, bring about a significant uplift to the quality of the remaining open space in the immediate area. This would demonstrate a significant improvement to the area.

As required by policy NE4 consideration has been given to the possibility of securing a financial contribution to address the proposed partial loss of greenspace however having assessed this option further and based on the calculations contained within the adopted S106 Supplementary Planning Document the overall betterment brought about via this route would be significantly less than that currently being proposed by the applicant within their landscape proposals. The applicant recognises this variance but acknowledges that the proposed development will result in an overall net loss of quantitative provision and as such is happy to provide significant betterment to the remaining parcel of land.

CSDP Policy SP8: Housing Supply and Delivery sets out that the Council will achieve its housing target by (inter alia) the delivery of windfall sites (criterion five). The site subject of this application is considered to be a windfall site for the purposes of housing delivery and as such the proposed 13no. affordable dwellings would assist in meeting the Council's housing requirement.

CSDP Policy H1: Housing Mix provides (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. Criterion 2 also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows. In this regard it is noted that six of the homes would provide three-bedroom homes and seven homes (including the proposed two proposed bungalows) would be provided as two-bedroom homes. It is also considered that the proposed housing mix is generally appropriate with roughly 45 percent of proposed dwellings consisting of family sized homes as well as the provision of bungalows.

CSDP Policy H2: Affordable Housing sets out that all proposals of 10 or more (or on sites of 0.5 hectares plus) should provide at least 15 percent affordable housing. Criterion two goes on to state that affordable homes should be in affordable use in perpetuity. In this regard it is noted that all of the proposed dwellings would be provided at an affordable level and a S106 Agreement will ensure that the dwellings are held in affordable tenure in perpetuity in accordance with the policy.

Planning Policy Conclusions

The application proposes 13 affordable homes which will contribute towards the Council's housing supply. It is acknowledged that developing the site would result in the partial loss of green space in an identified area of deficiency. In this regard officers have approached the consideration of the principle of development and land use policy considerations with the view that the loss of this space is regrettable however weight is given to the fact that whilst there will be a net loss of part of the open space provision there will be a significant uplift in the quality of the remaining space.

Weight is also given to the fact that the Applicant has been able to secure Homes England funding which will see the site developed as 100% affordable with a mix of family and bungalow units. The units would be maintained as affordable housing in perpetuity via a Section 106 Agreement.

In conclusion, it is considered that on balance the application proposal is acceptable in respect of green space 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:

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

Policy ST3 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.

Vehicular access to the proposed development is proposed via a new access junction with Lothian Terrace. Lowthian Terrace is an adopted public highway with a width of approximately 5m which is considered to be satisfactory to accommodate the proposed residential traffic and vehicles.

Lowthian Terrace links to Station Road at 2 locations, firstly via a link opposite the proposed access and secondly further east via a link opposite Willow Close, which serves a similar residential development to that proposed although it accommodates a significantly greater number of dwellings at 74. It is considered that these routes are satisfactory to serve a development of the quantum being proposed.

With regards to pedestrian access this would be provided via footways within the site from the proposed access junction. Whilst there is not a footway on the northern side of Lowthian Terrace there is a footway provided on the southern side. It is requested therefore that the footways at the site access junction are extended by approximately 2m and dropped kerbs with tactile paving provided to facilitate pedestrians crossing to the existing footway on the south side of Lowthian Terrace.

Following receipt of the above request an amended site layout plan was submitted to accommodate the request of the Highway Authority.

A pedestrian link is also provided from the site to the north linking to Ovingham Close, which in turn provides a pedestrian route to the bus stops located on Emmerson Terrace.

It is considered therefore that satisfactory pedestrian routes are available from the site to the services and amenities available in the local area, including bus stops.

Parking - The proposed development includes parking provision fully in accordance with the Council's parking standards including visitor parking.

Trip Generation - A development of 13 dwellings would generate between 6 and 7 two way trips during the AM and PM peak hours, which equates to a vehicular movement every 10 minutes, and approximately 70 two way movements on a daily basis.

Traffic Impact - It is considered that this increase in vehicle movements would have no material impact on the local road network and would in fact be within the day to day variations in traffic flows.

It is noted that on street parking currently occurs on Lowthian Terrace and Station Road that can obstruct the free flow of traffic as well as pedestrian movement. However, if vehicles are being parked in unsafe manner that causes concern for road and pedestrian safety then this is an enforcement issue and is not a consideration for this application.

It is also noted that the proposed development provides sufficient on-site parking and would generate minimal traffic on the local road network. Therefore, on the basis of the above it is not considered that the proposed development would have material impact on the operation of the local road network or on road and pedestrian safety. Consequently, the proposed development is acceptable and in accordance with CSDP policies ST2 and ST3 and Transportation Development therefore has no objection to the planning application.

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

The application is accompanied by a screening statement which has been prepared by NJD in June 2020. The submitted noise assessment has been reviewed by Environmental Health and the following conclusion have been made.

Noise during the operational phase of the development from external sources has been screened out of the assessment and this is accepted. Noise during the construction phase will require careful control to prevent an impact on nearby existing residential properties and is dealt with in the submitted and agreed Construction Environmental Management Plan.

- Construction Environmental Management Plan (CEMP)

The initial consultation response provided by Environmental Health requested that a Construction Environmental Management Plan (CEMP) covering matters such as how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated, be imposed as a condition on any grant of planning permission.

Following this initial consultation response, the Applicant has prepared and submitted a CEMP which has been reviewed by Environmental Health and found to be acceptable.

- Ground conditions

The application submission has been supported by a Phase 1 & 2 report prepared by JNP Group dated July 2020 together with a NQMS SQP declaration of document adequacy. The report concludes that further investigation is required in order to be able to provide geotechnical data for the design of piled foundations and/or the proposed retaining system. Furthermore, during detailed design further investigation may be required with regard s the general stability and settlement (16.2.1).

It is recommended that a Remediation Strategy is written to manage the contamination identified on site. This will be needed to fully detail the requirements and methods of remediation however at this stage this would indicate that, depending on the site proposals in terms of levels, this is likely to consist of CS2 gas protective measures to all dwellings and proven chemically 'clean' capping to soft landscaped and garden areas. (16.2.2)

The findings of this report should be submitted for approval to the relevant authorities prior to any irrevocable actions' (16.2.3).

The submitted reports have been assessed by Environmental Health and the conclusions of the report are accepted subject to the standard conditions.

In conclusion, the application submissions have 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 imposition of the relevant conditions 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 Lowthian Terrace with soft landscaping towards the entrance to create an attractive entrance and street scene. Dwellings within the development face inwards providing natural surveillance of the parking areas and 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 the 3 bedroom dwellings having space for two vehicles. It is noted that each property will benefit from reasonably sized front and rear garden areas. The layout is considered to account for the Council's spacing standards, thereby ensuring a good level of amenity for the proposed 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.

The dwellings will be built from a palette of good quality, robust materials which will be in keeping with the context of the area. Materials such as facing brick and pitched slate effect concrete tile roofs will form the basis of the external materials and will be supplemented with glazing in upvc and composite type doors. The suggested palette of materials ensures the proposed elevational treatments sits well within the surrounding built form.

In terms of the development's sustainability credentials the accompanying Sustainability Assessment July 2020 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 renewable or low carbon energy technology, heat pumps, smart metering, electric vehicle charging, triple glazing, use of porous paving 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). In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 163 requires the decision maker to ensure that flood risk is not increased elsewhere, whilst Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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 an Ecological Assessment prepared by BSG.

The application has been assessed by the Councils ecology team who have confirmed that they have no objection to the proposal subject to the imposition of a planning condition, should consent be granted, relating to Species Mitigation, Compensation and Enhancement as detailed in the Willows Close, Sunderland: Ecological Assessment, Final by BSG Ecology submitted in support of this application.

- Landscaping and arboriculture

The application has been supported by a comprehensive planting schedule including the planting of 28 trees within the site, ornamental planting and hedges to add to the overall visual appearance of the existing grassed area.

- Drainage

Northumbrian Water have assessed the proposal insofar as it relates to their infrastructure and assets and have advised that provided the development is approved and carried out in strict accordance with the submitted document entitled "Flood Risk Assessment" dated 24th June 2020 then no objections are raised to the development. The aforementioned document states that the foul flows will discharge to manhole 5903 and surface water will discharge at a restricted rate of 3.5l/s to connect into the existing surface water sewer on site between the points of connection at manholes 5802 and 6913.

Subsequent to this consultee response NWL have subsequently requested that a condition be imposed should Members be minded to approve the application, so that the development is implemented in accordance with this document:

Condition

"Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated 24th June 2020. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5903 and ensure that surface water discharges to the surface water sewer between manholes 5802 and 6913. The surface water discharge rate shall not exceed the available capacity of 3.5l/s that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

The submitted Flood Risk Assessment prepared by JNP Group confirms that the site is located within Flood Zone 1 but acknowledges that the site is at Medium to High Risk of surface water flooding in the North East corner, as well as being situated within the Critical Drainage Area of Washington Central. As a consequence, no development is proposed within the identified Medium to High surface water flood risk zones whilst the actual development itself is at Low Flood Risk from surface water flooding.

The Lead Local Flood Authority have reviewed the submissions and have confirmed that following various amendments to the detail design of the drainage system the application proposal is now acceptable subject to the following condition:-

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

- o 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.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption & maintenance.

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

This is further to the Northumbrian Water's requested condition, as stated above.

In conclusion, the ecological report is considered to suitably qualify the site and that appropriate measures have been demonstrated subject to the imposition of a suitably worded planning condition should consent be granted. In relation to drainage and flood risk it is considered that the details submitted demonstrate that the application will achieve an acceptable drainage solution.

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.

1. Education

The applicant has agreed to make an education contribution of ?16,527.60 towards the funding of new additional extended and/or improved secondary and special educational needs facilities.

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

2. 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 13 homes will be for affordable rent. A rent which is set in accordance with the Government's rent policy for Affordable Rent. or is at least 20% below market rents.

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

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:

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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, 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 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:

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

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

RES786-BHA-V1-00-DR-A-1202 RevP08 (Proposed Site Layout).

RES786-BHA-V1-00-M2-A-A-1410 RevP05 (Boundary Treatments and Hard landscaping Plan).

RES786-BHA-V1-XX-M3-A-1301 RevP02 (Proposed Site Elevations).

N968-ONE-ZZ-XX-DR-L-0201 Rev P03 (Proposed Soft Landscaping Plan).

GENHTR-PHS-01a-XX-DR-A-1001_P1_0 (Proposed Elevations House Type 01a-2B3P Bungalow).

GENHTR-PHS-01a-ZZ-DR-A-2001_P1_0 (Planning General Arrangements House Type 01a-2B3P Bungalow).

GENHTR-PHS-05b-XX-DR-A-1001_P1_0 (Planning Elevations House Type 05b -2B4P House).

GENHTR-PHS-05b-ZZ-DR-A-2001_P1_0 (Planning General Arrangements House Type 05b -2B4P House).

GENHTR-PHS-07b-XX-DR-A-1001_P1_0 (Planning Elevations House Type 07b - 3B5P).

GENHTR-PHS-07b-ZZ-DR-A-2001_P1_0 (Planning General Arrangements House Type 07b - 3B5P).

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

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

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

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

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

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

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

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

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

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

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

6 Development shall be carried out in accordance with the submitted "Construction Environmental Management Plan" dated October 2020.

Reason : In order to protect the amenity of the area and to comply with Core Strategy Development Plan policies HS1 and HS2.

7 Prior to the first occupation 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. The verification report shall include:

As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations , areas, depths, lengths diameters, gradients etc) and supported by photos of installation and completion.

Construction details (component drawings, materials, vegetation).

Health and Safety file.

Details of ownership organisation, adoption and maintenance.

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

8 Development shall be implemented in accordance with Chapters 5-7 of the submitted "Arboricultural Survey, Arboricultural Impact Assessment and Arboricultural Method Statement dated June 2020.

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

9 No part of the development shall be occupied until the off-street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for all off-street parking of vehicles.

Reason : To comply with Policy T22 of the Unitary Development Plan and Policy ST3 of the Core Strategy Development Plan.

10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed 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 give written consent to any variation.

Reason : To protect and enhance the character of the site and the area, and ensure its appearance is satisfactory and to comply with Core Strategy and Development Plan Policies BH3, NE1, NE2 and NE3.

11 Development shall be implemented in accordance with paragraphs 4.12-4.15 of the submitted "Ecological Assessment" dated 15th June 2020 (prepared by BSG Ecology).

Reason : In the interest of nature conservation and enhancement and to accord with Core Strategy Development Plan policy NE2.

12 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated 7th October 2020. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5903 and ensure that surface water discharges to the surface water sewer between manholes 5802 and 6913. The surface water discharge rate shall not exceed the available capacity of 3.5l/s that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

13 In the event that Electric Vehicle Charging points and Air Source Heat Pumps are installed on the site, in line with a sustainability initiative, details are to be submitted and approved in writing by the Local Planning Authority.

Reason : In line with Policy BH2 of the Core Strategy and Development Plan.

Reference No.: 20/01136/FUL Full Application

Proposal: **Erection of a detached house (bungalow). (Amended plans received 15.10.20)**

Location: Garden Of 18 Hillview Road Newbottle Houghton-le-Spring DH4 4SH

Ward: Houghton

Applicant: Mr Robert Place

Date Valid: 7 August 2020

Target Date: 2 October 2020

SITE DESCRIPTION

The site to which this application relates is located at the head of a cul-de-sac on the eastern side of the street. It consists of the large garden area to the side of no.18 Hillview Road. The site is adjacent to a footpath to the south and it is noted that the properties to the rear are set at a higher level.

The properties within the street consist of two storey properties on the western side and bungalows to the east. It is noted that there is a slope in the street from north to south and the bungalows exhibit gradual steps in their roof line to account for the fall.

PROPOSAL

It is proposed to erect a detached bungalow with integral garage within the garden area to the side of 18 Hillview.

Brindle block paving will be used at the front of the property to create a hardstanding area and a 1.8m boundary fence will be installed to the rear between no.18 and the proposed bungalow and a small retaining wall will also be erected to the rear of the new bungalow.

The materials to be used are set out within the application form, received on the 06.07.20. The walls will consist of multi red brickwork, the windows will be white uPVC, the doors will be a metal composite and the roof tiles will be brown.

It should be noted that given its size and scale the original proposal was considered to impact negatively on the visual amenity of the area and amendments were requested and received on the 15.10.20. These amendments will be discussed later within the report.

An application of this nature would normally be determined under delegated powers, however it has been referred to the Planning and Highways West Committee at the request of Ward Councillor Juliana Heron.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Environmental Health

Houghton - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water
North Gas Networks
Northern Electric

Final Date for Receipt of Representations: **05.11.2020**

REPRESENTATIONS:

Public consultation

Representations have been received from Kathleen Douglas of Highgrove, Helen Colgin of 21 Hillview Road, Elizabeth Bell of 19 Hillview Road Christopher Hall of 20 Hillview Road, John Smith of 2 The Villettes and Kevin Weir of 17 Hillview Road. The following concerns were raised:

- o Loss of privacy for neighbours to the front;
- o Traffic and parking problems already exist within the cul-de-sac;
- o An extra house will make it too cramped and closed in;
- o Getting building materials delivered will be a problem due to tight nature of cul-de-sac;
- o View will be spoilt;
- o The property to the rear is set 3 metres higher and will be able to look into the bungalow;
- o Roof line is out of character and no. 18 is only house on street with no drive or off-road parking;
- o The property would be 7 metres from the boundary of the house to the rear;
- o The property to the rear will have a view of a large roof;
- o Application states that there are no hedges or trees but there are;
- o The BT pole within the site is not shown on the site plan and will need to be accessed;
- o Noise during building work may be disturbing.

Following amendments to the scheme including a reduction in size and alteration to the design of the house, 4no. further letters of objection were received from Helen Colgin of 21 Hillview Road, Elizabeth Bell of 19 Hillview Road Christopher Hall of 20 Hillview Road, John Smith of 2 The Villettes the following concerns were raised:

- o Traffic, parking and manoeuvring in the street still an issue as is privacy for houses to front of proposed bungalow;
- o Concern with noise from build and if they will build on a weekend;
- o The plans do not show the roof line of the property as the eaves are not shown;
- o The plan does not show distance to properties front and rear;
- o The roof line is still not in keeping with the street;
- o Overlooking from property to the rear still an issue;
- o No parking for bungalow shown;

With regard to the objection relating to loss of view:

Whilst it may be conceivable that the objectors' longer distance views are somewhat diminished, views across other people's land are not a landowner's right and therefore cannot be protected through planning legislation.

With regard to the BT pole, this is positioned on a piece of land to the rear of the site and is not within the proposed boundary. Access arrangements will remain between the landowner and the service provider.

The other concerns raised above will be considered within the following report.

POLICIES:

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

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

The following Core Strategy and Development Plan policies are relevant: SP8, H7, BH1, HS1 and ST3.

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development.

As of the 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered to be pertinent to the determination of this application are saved policy EN10 of the UDP and policies SP8, H7, BH1, HS1 and ST3.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

- o Principle of development
- o Impact on visual amenity and residential amenity
- o Impact with regard to environmental health
- o Impact on highway safety.

PRINCIPLE OF DEVELOPMENT

It is noted the proposal would involve the development of a bungalow at the end of a cul-de-sac. There are no allocations or designations which are associated with the site therefore the site is subject to saved policy EN10 of the Council's Unitary Development Plan, which dictates that, where the UDP plan does not indicate any proposals for change, the existing pattern of land use is intended to remain.

CSDP Policy SP8: Housing Supply and Delivery sets out that the Council's housing requirements will be achieved by (inter alia) the delivery of small sites, defined as a development of four homes or less.

In this regard, the surrounding land use is predominantly residential and as such, the development, being residential in nature reflects the existing pattern of land use. The proposal would also constitute a small site which would make a minor contribution to the delivery of housing.

Given the above it is considered that the principle of the proposed development is broadly acceptable in land use terms, however the overall acceptability of the proposal can only be determined following an assessment of all other relevant material considerations. This exercise is undertaken below.

VISUAL AND RESIDENTIAL AMENITY

As the proposal would be within the curtilage of an existing property CSDP H7: Backland and Tandem development is considered relevant. It sets out that of residential new build within the curtilage of an existing dwelling should:

- i. Be of a form and scale that respects the local character of the area with regard to density, size and massing of existing buildings;
- ii. Have a plot depth that is appropriate in size and would offer an adequate level of separation between dwellings;
- iii. Ensure that an acceptable level of amenity is retained;
- iv. Demonstrate suitable access, having regard to existing dwelling frontages and street scenes;
- v. Ensure existing landscape and streetscape features (e.g. mature trees or other landscape features) are integrated into the development.

Policy BH1 of the CSDP is also relevant and states that high quality design and positive improvement, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. It also states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Appendix A1.0 of the Council's Supplementary Planning Document states that the space between dwellings at 1 or 2-storey should be a minimum of 21 metres from any point of facing windows and 14 metres from a gable to facing windows.

With regard to the low-level trees and hedges on site, they offer limited amenity value and their removal would be considered acceptable in this instance.

With regard to the proposed bungalow itself, it would be considered to sit comfortably within this large plot of land and would utilise materials that would be appropriate within the street scene.

However, the original proposed roof height would have been higher than no.18 and given the gradual fall in the roof levels within the street, it was considered that this would appear incongruous, and that the bungalow would appear overly dominant within the street scene.

Further to this the bungalow would be the same depth as no.18 but the foot-print of the proposal would be larger than the other bungalows within the street. The original gable projection to the front was also considered to appear large and overly prominent.

It was requested that the agent/applicant discuss the design of the proposal and provide amendments in line with the above comments.

The agent made the following observations in support of the application:

"The proposed site area is some 20% larger than that allocated to number 18 (296sq.m. versus 246sq.m.). However, the proposed dwelling is larger mainly due to the integral garage. The ground floor living area of number 18 is 68sq.m. The proposed living area is 75sq.m.

(7sq.m./10%larger, plus the integral garage). In order to address your concerns, the roof pitch has been reduced from the proposed 38 degrees to 35 degrees and the ground floor level of the property had been reduced 100mm relative to number 18. A hipped roof has been added to the front projection and flat roofs have been added to the projecting bay. It is estimated that these structural changes have reduced the ridge level by some 550mm"".

It is acknowledged that the width of the dwelling is larger due to the integral garage and that no.18 currently exhibits a larger built frontage to the street given the detached garage to the side.

It is considered that given the amendments to the proposed bungalow's design and size and given its fairly secluded position at the head of the cul de sac, the amended proposal would sit comfortably within the streetscene and would be considered to be an acceptable addition to the locality. It should also be noted that the large garden area to the side of no. 18 is an unusual feature within Hillview Road and the immediate area and so there is no concern that allowing the erection of a dwelling on this land will see the loss of a feature which is characteristic of the locality and nor would it set an undesirable precedent for similar development nearby.

With regard to residential amenity the proposal would be set in 2.7 metres from the side elevation of no.18, given this it would not be considered to appear overbearing or to increase overshadowing in relation to this dwelling to a degree that would warrant a refusal of permission.

The curtilage that would exist to the front and rear of no.18 and the proposed bungalow would be considered to be acceptable with regard to the amenity afforded to both existing and future occupiers of the properties and it would remain commensurate with the size of the curtilages to other dwellings within the street.

The proposal would be set in 9.6m from the rear boundary and would not face directly onto the properties to the rear. The properties to the rear are set at a higher level which allows a degree of surveillance to exist with regard to the rear of the bungalows on Hillview Road, however this is a historic arrangement which is not considered to be detrimental to the amenity of the existing properties and would not be considered to be detrimental to the proposed property.

With regard to the properties to the front of the bungalow a degree of surveillance is expected within the front street and the addition of the bungalow would not be considered to increase overlooking to a degree that would warrant a refusal in this instance.

Given the above the impact of the amended proposal on the visual and residential amenity of the neighbouring dwellings has been found to be acceptable, in accordance with the requirements of the NPPF and policies H7 and BH1 of the CSDP.

ENVIRONMENTAL HEALTH

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse environmental impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;

- ix. run-off to protected waters; or
- x. traffic;

The YALPAG report submitted on the 07.08.20 confirmed that the area has been in domestic use since 1969 and was utilised as allotments before this from 1930-1969. The Council's Public Protection and Regulatory Services Team were consulted and given the change of use from residential garden to detached bungalow and garden area it was considered that the risk of contamination would be low.

They did request that a coal mining report be submitted and following its submission on the 11.09.20 it confirmed that the site in question is not considered to be susceptible to mining-related ground instability.

Given this the Council's Public Protection and Regulatory Services Team that the proposal would be acceptable with regard to land contamination or coal mining issues.

However, given that the garden is relatively restricted due to the proximity of neighbouring dwellings, they did request that a pre-commencement condition be placed on any approval to provide a Construction and Environmental Management Plan to ensure that any noise and disturbance during the construction period be mitigated to protect the neighbouring dwellings.

It is recommended that Members impose a condition to this effect in the event they are minded to approve the application.

Given the above the impact of the amended proposal with regard to environmental issues has been found to be acceptable, in accordance with the requirements of the NPPF and policies HS1 of the CSDP.

HIGHWAY SAFETY

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The Council's Network Management Team provided no objection to the proposal subject to the provision of 1no. parking space serving no.18 and 1no. parking space serving the proposed bungalow.

It is noted that the proposal provides a hard-standing area to the front of both properties and no.18 has the ability to park at least 2no. cars to the side and the new bungalow has an integral garage and provides an additional parking space to the front.

Given this although objectors feel that the parking situation within the street will be exacerbated via the addition of the bungalow, it is evident that a more than adequate number of spaces are proposed.

The access does already serve number of dwellings and it is considered that another dwelling on the site is unlikely to have a severe impact on road or pedestrian safety.

With regard to bin storage this is provided to the side of the bungalow and would not be within the highway.

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with the NPPF and CSDP policy ST3.

CONCLUSION

The amended proposal is considered to be an acceptable form of development which would not cause unacceptable harm to residential or visual amenity, environmental health or highway safety. The development is therefore considered to comply with the local and national planning policies detailed above and is consequently recommended for approval.

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:

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to draft conditions below.

Conditions:

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

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

Location plan, received 06.07.20

Revised proposed contextual street view, drawing number YX/28A, received 15.10.20

Revised proposed elevations plan, drawing number YX/29A, received 15.10.20

Existing and proposed site/roof plan and existing contextual street plan, drawing number YX/30A

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

3 Notwithstanding any indication of materials which may have been given in the application; the materials to be used, shall be in accordance with those stated within Q9 of the application form received on the 06.07.20. Unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the CSDP.

4 No development shall take place until a Construction Environmental Management Plan has been submitted to the satisfaction of the local planning authority. The CEMP should include details of how noise and vibration, lighting, dust and other airborne pollutants, arising from construction work will be controlled and mitigated, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy HS1 of the CSDP.