

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

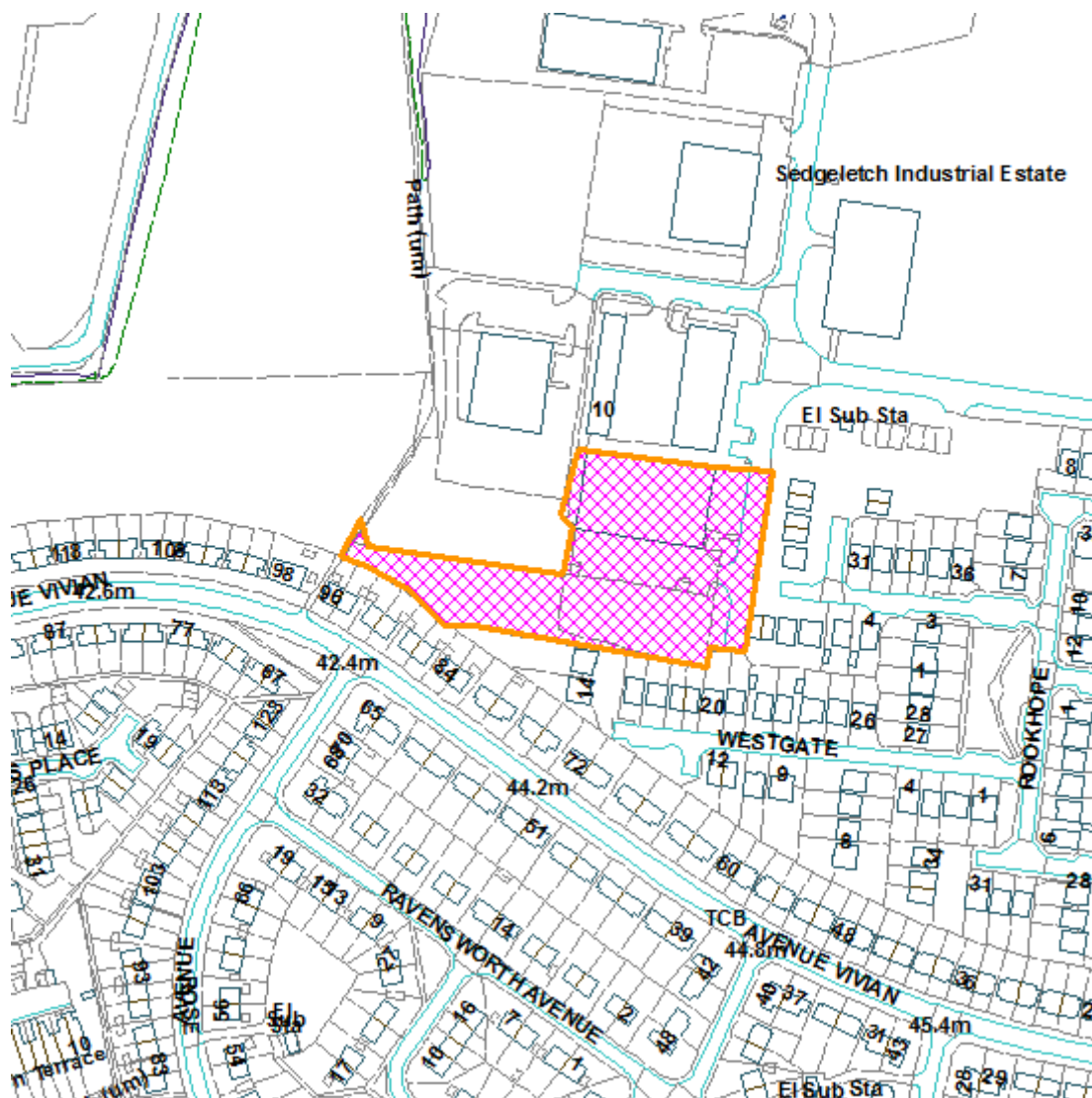
Reference No.: 17/01396/OUT Outline Application

**Proposal:** Outline planning application to include the demolition of existing buildings to facilitate the erection of up to 20no residential dwellings with all matters reserved. (Amended Description dated 07.11.2017).

**Location:** Land At Blackthorn Way Sedgeleth Industrial Estate Houghton-le-Spring

**Ward:** Houghton  
**Applicant:** M D Engineering UK Ltd  
**Date Valid:** 27 July 2017  
**Target Date:** 26 October 2017

## Location Plan



## **PROPOSAL:**

Outline planning consent is sought that includes the demolition of an existing building to facilitate the erection for up to 20 no. residential dwellings (Use Class C3) will all matters reserved at land at Blackthorn Way, Sedgeleth Industrial Estate, Fence House.

The site is approximately 0.46 hectares (ha) in area, predominantly brownfield in nature and currently occupied by MD Engineering, located within Sedgeleth Industrial Estate, access to the site is via Blackthorn Way (unadopted) which feeds off Sedgeleth Road.

The site operator has actively engaged with the City Council via pre-application discussions as the operator seeks to relocate the business operation to a site in closer proximity to the Nissan Washington site (specifically the proposed International Advance Manufacturing Park).

The site is subject to policy HA1.2 of the City Council's saved adopted Unitary Development Plan (UDP) 1998 and as such the application is considered to be a departure.

The proposal has been supported by the following documents.

- Contaminated Land Assessment.
- Design and Access Statement.
- Ecology Report.
- Flood Risk Assessment.
- Noise Assessment.

The surrounding context to the site is largely formed by residential dwellings to the south and east and industrial units and their associated service yards to the north/north west. A further site on land to the north of Backthorn Way for the erection of up to 138 dwellings was Minded to Approve subject to the signing of a Section 106 Agreement by Hetton, Houghton, Washington Development Control Sub Committee dated 23.03.2017.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Houghton - Ward Councillor Consultation  
Northumbrian Water  
Environmental Health  
Flood And Coastal Group Engineer  
Southern Area Command - Police  
Environment Agency  
Director Of Childrens Services

Final Date for Receipt of Representations: **04.09.2017**

## **REPRESENTATIONS:**

The Environment Agency (EA) - No objections to the proposal however the following advice has been provided in the interest of residential amenity.

New development within 250m of an existing waste facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would the EA revoke the operators permit. If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

Public Protection and Regulatory Services.

Contaminated Land - Desk Study (Phase 1 Report) from FWS dated 25th April 2017 has been provided for a residential development of the site. The Desk Study includes a site walkover survey (21 April 2017), site history based on Ordnance Survey mapping 1861-2000 at scales of 1:10,560 to 1:1250 Envirocheck computerised search of environmental databases from Landmark (19.04.2017), geology based on BGS Sheet 21 (Sunderland, Solid & Drift) and Sheet NZ35SW 1:10,560, and a Coal Authority Mining report (19.04.2017). Standard conditions should be included for a phase II, Remediation Strategy/Verification Plan, Verification Plan and Unexpepected Ground Conditions.

Noise - A noise assessment has been undertaken by LA environmental (report number ELG/FH/001), dated 25th April 2017. Within the report mitigation measurement have been detailed this should be implemented to the specification as stated to ensure both internal and external measurements are stated in current guidance are capable of been met. It is also recommended that consideration be given to the erection of an acoustic barrier along the northern boundary to protect the amenity of residents from potential future industrial activity. The barrier should be of close boarded timber construction with a superficial mass of at least 10kg/square metre. The barrier should be retained and maintained for the duration of its lifetime.

Construction Management - In order to ensure the environmental impact of the construction and demolition of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airbourne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

Lead Local Flood Authority (LLFA).

Initial comments received on submission of proposal stated the following:

"Evidence of ground conditions to support text in the document should be provided to confirm discharge to ground is not possible in this location. Sunderland City Council only allow greenfield run-off rates for all new developments. It is requested the applicant provide updated calculations to show these and the proposed points of discharge as well as estimates of attenuation and

source control. The climate change allowance should meet the current requirement as noted by the Environment Agency of 40%."

Following receipt of the above request, additional information has been provided in the form of a revised plan illustrating that the 1:100 years storage plus 40% climate change (Sustainable Urban Drainage System SuDS) can be held within the boundary and ownership of the site.

Further consultations with the LLFA have stated that following on from the submission of further details with regard to flood risk and drainage, enough information has now been provided to suggest for approval of this application. Should Members be minded to approve the proposal a condition shall be imposed to require development to be undertaken in accordance with the full surface water and foul water drainage submitted.

#### Network Management Section.

Access - Access to the site via Blackthorn Way appears acceptable in principle subject to satisfactory highway works to Blackthorn Way, and the unnamed road leading from Blackthorn Way. Footway provision will also be required from Blackthorn Way.

Access- Housing development (Taylor Wimpey) east of site is acceptable in principle subject to satisfactory connecting footway provision.

Section 38/278 Agreement - The development should be built to an adoptable standard and a Section 278 agreement will be required for the highway works.

Parking - The applicant should be advised that a minimum of 1 curtilage parking space will be required per dwelling, visitor parking should be provided, (1 per 3 dwellings); secure, sheltered cycle parking should be made available.

#### Notes for Information.

1. The applicant has outlined the unadopted road to the east of the development.
2. Public Right of Way, (PROW) Houghton Footpath 48 abuts the west of the site.

#### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

EN\_1\_Improvement of the environment

EN\_12\_Conflicts between new development and flood risk / water resources

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources

CN\_22\_Developments affecting protected wildlife species and habitats

HA\_1\_Retention and improvement of established industrial / business areas

H\_1\_Provision for new housing

H\_4\_Density of housing development to at least reflect that of the locality

HA\_16\_Appraisal of potential conservation areas

H\_21\_Open space requirements in new residential developments (over 40 bed spaces)

T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_11\_Attention to needs of persons with mobility problems / sensory impairments  
T\_13\_Criteria influencing proposals for highways improvements including new road construction.  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The key issues to consider in determining the application are as follows:

1. Principle of development.
2. Siting, design and appearance.
3. Highway Implications.
4. Ecology and nature conservation.
5. Water resources and flood risk.
6. Ground conditions.
7. Planning obligations.
8. Conclusion.

1. Principle of development.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, grant permission unless:-
  - (a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or
  - (b) Any specific policies in the NPPF indicate that development should be restricted."

The site of the current proposal lies to the south west of Sedgeleth Industrial Estate, west of Sedgeleth Road and south of Moors Burn. Covering an area of approximately 0.46 hectares and forming part of Sedgeleth Industrial Estate, the land is subject to policy HA1.2 of the City Council's saved adopted Unitary Development Plan 1998 (UDP). This policy dictates that the established industrial/business areas should be retained and improved for the primary uses including offices, research and development, light industry, general industry, warehouses and storage.

Whilst the above document still provides the development plan for the Sunderland area, the plan normally only provides an accurate and up to date blueprint for the future of the area for a timescale varying between 15 to 20 years. With this in mind, the City Council has prepared a potential replacement in the form of the Draft Core Strategy and Development Plan 2015 - 2033.

The aforementioned Core Strategy has been prepared following the release of the National Planning Policy Framework and is considered to accord with the national policies for dealing with employment land. It is therefore this document which is considered the most appropriate to refer to for the future development of the Sedgely Industrial Estate. Sunderland City Council Cabinet has, however, only recently approved for a first consultation to be undertaken which expired very recently. The weight that can be given to the Draft Plan would therefore be extremely limited.

Chapter 9 Economic Prosperity of the draft Core Strategy emphasises that existing employment areas across the city are providing and must continue to provide, an important location for business and industry to carry on their activities if the economy of Sunderland is to prosper and grow. The council has adopted a two-tier approach of Primary and Key Employment sites within the draft Core Strategy. This will ensure an appropriate level of protection is afforded to individual estates commensurate with their role and importance to the local economy.

Employment land is a finite resource and needs to be protected to ensure that sufficient is available to allow the city's economy to prosper. However these are increasingly subject to pressure for the development of non-employment uses (housing).

The NPPF paragraph 22 highlights that allocated employment sites for which there is no reasonable prospect of development should not be protected in the long term. Proposals for alternative uses on such sites should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

With the above emphasis on planning becoming less rigid in terms of land use allocation, the Department for Communities and Local Government produced Planning Practice Guidance in 2014 which included guidance on the assessment of housing and economic development. The guidance provides a methodology for assessing economic development needs, stating that plan makers should liaise closely with the business community to understand their current and potential future requirements and includes the following areas to consider:

1. The recent pattern of employment land supply and loss to other uses;
2. Market Intelligence;
3. Market signals such as levels and changes in rental values, and differentials between land values in different uses;
4. Public Information on employment and premises required;
5. Information held by other public sector bodies and utilities in relation to infrastructure constraints;
6. The existing stock of employment land;
7. The locational and premises requirements to particular types of business; and
8. Identification of oversupply and evidence of market failure.

The Council's Employment Land Review (ELR) March 2016 and subsequent Addendum dated February 2017 have been produced to provide evidence to support the development of the draft Core Strategy. Each of the documents providing evidence-based input in relation to specific planning or economic development policies being developed by the local authority. The ELR and subsequent addendum acknowledge that there are also a number of existing employment sites which are not identified as a Primary or Key Employment Areas. These tend to be older, less

marketable employment sites close to, or within residential areas, where proposals for redevelopment for other uses - more likely to be residential use - could give rise to significant regeneration benefits.

With the above in mind the ELR identifies 28.34 ha of available employment land on the former coalfield area. This would appear to represent an oversupply when considered against an indicative requirement for between 13ha to 16 ha between 2015 and 2033. The ELR subsequently has identified a number of sites that could potentially be removed from the city's future portfolio of employment land. One of these sites was the land north of Sedgely Way (ref : 16/01687/OUT) which Members were minded to approve subject to the signing of a Section 106 agreement which removed 4.56 ha of available land. Should all the sites identified within the ELR for release be removed, the supply of available land in the former coalfield area would amount to 16.60 ha. This figure being slightly higher than the upper bound of the indicative requirement for the area, which suggests that further deletions on a modest scale would be considered on merit. In this instance the removal of 0.46 ha is considered to be of a scale commensurate with the findings provided within the ELR evidence base.

In assessing proposals for housing on any land within the City area and as indicated by paragraphs 47 and 49 of the NPPF, delivering a wide choice of high quality homes, the Local Planning Authority should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5% to ensure choice and competition in the market for land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

As mentioned above, the site is currently allocated for Industrial development under UDP Policy HA1. However within the latest ELR addendum February 2017, it is recognised that the coal fields area does provide a number of sites that are neither Primary or Key and hence would provide potential land available for future development opportunities.

Furthermore, it is recognised that the ELR indicates that there is forecast to be an oversupply of employment land within the Coalfield area over the plan period, once recommended de-allocations have been made. Taking this into account, alongside the changing character of this industrial estate as the adjacent site is developed for residential use, it is considered that in this instance this site could be brought forward for residential development without harming the overall supply of employment land within the Coalfield area, which would still exceed forecast demand within this area even if this land was no longer available for employment use. The principle of residential development of the site in this instance is therefore considered to be acceptable.

## 2. Scale, design and appearance.

Paragraph 17 of the NPPF, in part, states that planning should seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Whilst paragraph 56 emphasises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

UDP policy B2 which is fully compliant with the NPPF, requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.



In addition to the above, the City Council has produced the Residential Design Guide Supplementary Planning Document (SPD) in order to ensure the delivery of sensitive and appropriately designed sustainable development across the city. The SPD provides guidance on acceptable spacing standards between residential units and whilst layout is currently to be assessed at the reserved matters stage, the indicative layouts illustrate that a variety of approaches can be sought to ensure appropriate standards of amenity are met.

The current proposal has been supported by a design and access statement which references the following, however it is noteworthy that all matters are reserved for further consideration.

1. Use and Amount - Residential up to 20 units.
2. Scale - Up to 3 storeys
3. Layout - Three indicative site layout plans indicate and demonstrate how the quantum of development can be accommodated.
4. Appearance - Sympathetic with surrounding residential developments.
5. Landscaping - Each unit will own their garden, children's equipped play to be provided on site and areas of communal landscaping to be introduced.
6. Accessibility - Two options have been identified, Blackthorn Way and the unnamed road within the industrial estate that leads directly into the site; or via the Taylor Wimpey scheme directly to the east of the site.

Policy H4 relates to land for new housing and states that housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area.

Policy H16 requires the provision of affordable housing on new developments, whilst policy H21 specifically deals with open space in residential areas and states the following in part:

"Within new residential developments of more than 40 bedspaces:

(a) amenity open space/casual playspace should be provided as follows:

(i) a minimum of 0.4ha per 1000 bedspaces where the site is within 0.5km of a neighbourhood (or larger) open space...

(b) additionally, in the case of family dwellings, formal (equipped) children's playspace should be provided at a minimum of 0.2ha per 1000 bedspaces."

In light of the above, the supporting Design and Access Statement contains three indicative site plans, designed to respond to its surroundings with open, natural and play spaces forming integral parts of the site, this is considered to conform with the policy requirements, furthermore the proposal does make provision for two affordable dwellings which shall be secured via means of a Section 106 agreement should members be minded to approve the application.

Policies EN1 and EN6 of the UDP seek to minimise all forms of pollution with specific reference to noise. Policy EN6 states that:

"Where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development, where such measures are not practical, permission will normally be refused."

The proposal has been supported by a noise assessment undertaken by LA Environmental dated 25th April 2017, within the assessment, it is recommended that an acoustic barrier is provided along the northernmost boundary of the site to minimise the impact of the adjoining Gentoo

compound on the development. Following consultations with the City Council's Public Protection and Regulatory Services section it is recommended that should members be minded to approve the proposal, mitigation measures proposed should be conditioned to ensure an acceptable level of residential amenity is provided for prospective occupants.

In conclusion, whilst it is acknowledged that the current application is outline with all matters reserved, the maximum quantum of development provides a medium/high density, however it is notable that the range of housing proposed varies depending upon the layout selected and includes a mix of 2 bedroom apartments; and terraced housing of 3 and 4 bedroom detached and semi-detached houses.

Whilst the illustrative plans provided within the Design and Access statement are considered to be only indicative in nature, the site can be seen to provide adequate levels of amenity open space, sustainable urban drainage, equipped children's play provision while also been able to satisfy guidance provided in terms of spacing standards and levels of amenity provided to future occupants.

The proposal is therefore considered to be in accordance with the relevant design policies of the UDP and guidance provided within the SPD and as such is considered to be acceptable.

### 3. Highway Implications.

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movements should be supported by a Transport Statement (TS) or Transport Assessment (TA) and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8, T9, T10 and T11 seek to improve facilities for personal mobility.

Further to consultations with the Network Management Section, it is noted that both of the potential access points to the development site are considered to be acceptable in principle. It is also noted that the development should be built to an adoptable standard and a Section 278 agreement will be required for the highway works.

Parking - The applicant should be advised that a minimum of 1 incurtilage parking space will be required per dwelling, visitor parking should be provided, (1 per 3 dwellings); secure, sheltered cycle parking should be made available.

### 4. Ecology and Nature Conservation.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interest and soils;
- Recognising the wider benefits of ecosystem services; and
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Paragraph 118 of the NPPF sets out that local planning authorities should aim to conserve and enhance biodiversity by permitting development where the primary objective is to conserve or enhance biodiversity.

Policy CN22 of the UDP states development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

The current application has been supported by a Preliminary Ecological Assessment and Tree Survey dated April 2017 by GN Megson Ecology Ltd. The report has identified three minor ecological concerns, namely the loss of an intact hedge, removal of a cotoneaster and the loss of four young trees, providing an appropriate mitigation strategy in the form of ecological enhancements that will result in a net gain in biodiversity. Should Members be minded to approve the application it is considered that the mitigation summary is conditioned to ensure ecological enhancements are secured.

In light of the lack of protected species or habitats, it is considered that the application is in accordance with the requirements of paragraph 109 and 118 of the NPPF and policy CN22 of the UDP.

## 5. Water Resources and Flood Risk.

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk and The Floods and Water Management Act 2010 established a regulatory system within Local Authorities for ensuring new developments provide an acceptable Sustainable Drainage System.

UDP policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality. Policy EN12 states that:

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
2. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries to other water based wildlife habitats.

Policy EN12 is considered to be broadly compliant with the NPPF with an emphasis firmly placed upon ensuring developments follow the site specific flood risk assessment procedure.

Planning applications therefore require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding (e.g. climate change) while satisfactorily demonstrating that their development is safe. This two-pronged requirement is expected to be evidenced in a Flood Risk Assessment (FRA). The principle aim of a FRA is to determine the acceptable management of flood risk. FRAs should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes and they should demonstrate that proposed development will not worsen the existing situation.

The application has been supported by a Floodrisk Assessment and Surface Water Management Strategy. Located within Flood Zone 1, the flood zone is associated with a low risk of flooding and subsequently residential development is therefore considered to be compatible.

Further to consultations with the Lead Local Flood Authority and following an amendment, the updated document is considered to meet the outline requirements for residential development. In summary the drainage strategy proposes to introduce a 25m x 5m x 1.5m storage tank to the north of the site to act as a hydraulic brake in the event of a 100 year return period storm (plus 40% climate change).

The future maintenance and adoption of the SUDS on site will be detailed on the submission of any future reserved matters proposals.

The proposal is considered to comply with both national and local policy and the LLFA are satisfied that the development is acceptable.

## 6. Ground Conditions.

Section 11 : Conserving and Enhancing the Natural Environment of the NPPF states in part, within paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 120 is concerned with preventing unacceptable risks from pollution and land stability and highlights that where a site is affected by contamination or land stability issues the responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN14 of the UDP requires that consideration be given to ground conditions and to ensure that contamination issues are taken into account.

The current proposal has been supported by a Phase 1 Desk Study from FWS dated 25th April 2017. The Desk Study includes a site walkover survey (21st April 2017), desk based evidence and a Coal Authority Mining Report. Further to consultations with the City Council's Public Protection and Regulatory Services Section it is recommended that should Members be minded to approve the application standard conditions should be included for a Phase II, Remediation Strategy/Verification Plan, Verification Report and Unexpected Ground Conditions.

## 7. Planning Obligations.

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law, three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via paragraph 204.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests:-

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

Furthermore, paragraph 203 requires the local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning

obligations. Planning obligations should only be used where it is not possible to address impacts through a condition.

Following discussions with the agent, in this particular instance the developer is required to provide 10% requirement towards affordable housing (2 social rented dwellings).

## 8. Conclusion.

The outline application seeks consent for a residential scheme up to a maximum number of units of 20 dwellings on a site approximately 0.46 ha in area.

The NPPF states that development that is sustainable should go ahead without delay - a presumption in favour of sustainable development should be the basis for every decision.

In local policy terms, the site is allocated for industrial use, however the findings of the most up to date ELR indicate that the Coalfields area have an over supply of allocated employment land over the plan period, even following recommended de-allocations. Taking this into account, the changing nature of Sedgeleth Industrial Estate towards residential and when considered alongside the City Council's lack of provision of a five year housing land supply, it is considered that in this instance the principle of residential development is considered to be acceptable.

Whilst all matters are reserved for future approval, via the imposition of the conditions listed, related to design, layout, appearance, landscaping and access it is considered that the site can accommodate the quantum of development proposed. Furthermore with the imposition of conditions that will ensure the land is suitable for long term residential use in terms of land contamination, ensuring drainage within and around the site is suitably accommodated, noise attenuation buffers are imposed to ensure adjoining sites do not impact negatively upon levels of residential amenity the development is considered to provide a suitable land use for the site.

Access to the site has yet to be defined for the proposed development, however the two options tabled with the current proposal are both considered to be acceptable in principal.

To conclude, and following examination of all material considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of paragraphs 14 and 49 of the NPPF, which state that housing should be considered in the context of the presumption of sustainable development, it is therefore recommended that subject to the signing of the proposed Section 106 agreement planning permission should be approved in accordance with the draft conditions listed below.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION: Mind to approve subject to the signing of the Section 106 Agreement and the draft conditions listed.**

#### **Conditions:**

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced (excluding site clearance, site investigations for assessing ground conditions,

ground remediation work in respect of any contamination or other adverse ground conditions).

Appearance  
Landscaping  
Layout  
Scale  
Access

Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out in accordance with the approved details. In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the further details are necessary to ensure a satisfactory form of development.

- 3 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:

Location Plan received 19th July 2017.

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

- 4 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 5 to number 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 5 No development shall take place until an updated Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

- groundwaters and surface waters,  
ecological systems,  
archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 6 No development shall take place) until a detailed Remediation Scheme to bring that specific area of 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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local



Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. 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 and in accordance with policy EN14 of the Unitary Development Plan.

- 9 No construction work shall take place until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.  
The plan should include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528 : Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;

In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

- 10 The development hereby approved shall be carried out in full accordance with:  
Floodrisk Assessment and Surface Water Management Strategy dated 28th June 2017.  
Surface Water Drainage Supplement and Indicative Drainage Plan dated October 2017.  
Unless otherwise first agreed in writing by the Local Planning Authority, in order to prevent increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved adopted UDP.
- 11 No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details and to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and policy EN12 of the saved adopted UDP.

- 12 The development hereby approved shall be undertaken in accordance with the noise mitigation measures identified within the Assessment of Noise Levels and Noise Amelioration measures dated 25th April 2017 by LA Environmental Consultants, in order to ensure adequate noise protection is included within the development, in the interest of residential amenity and to comply with relevant policies EN5 and EN6 of the saved adopted UDP.
- 13 Development shall not commence within the reserved matters phase, until samples of materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.
- 14 Development shall not commence within the reserved matters phase until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.

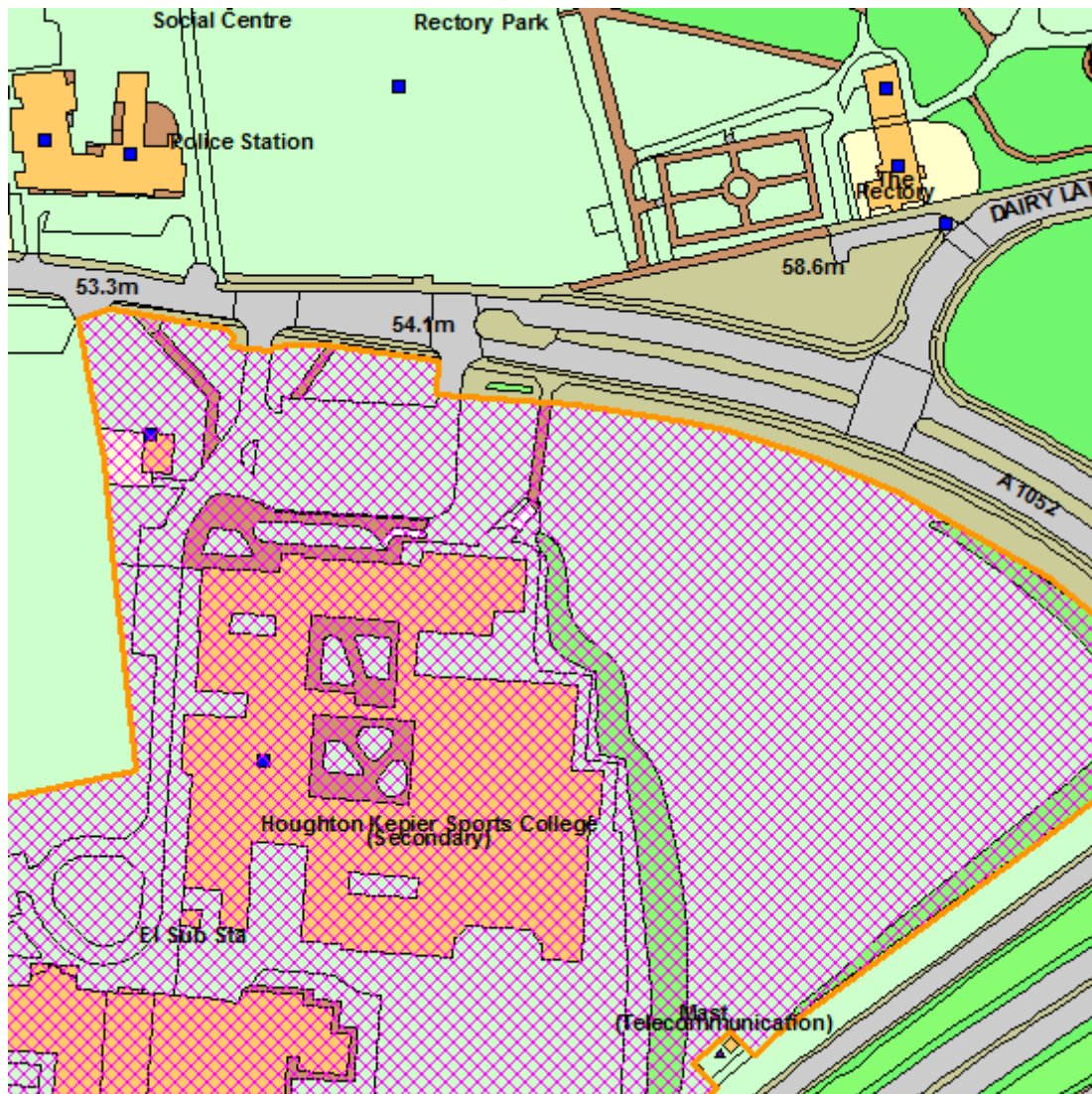
**Reference No.:** 17/01957/FU4 Full Application (Reg 4)

**Proposal:** Demolition of existing school buildings and redevelopment of the site to provide a replacement school building and sports facilities, with car parking, hard/soft landscaping and access arrangements.

**Location:** Kepier Dairy Lane Houghton-le-Spring DH4 5BH

**Ward:** Houghton  
**Applicant:** Bam Construction Ltd  
**Date Valid:** 29 September 2017  
**Target Date:** 29 December 2017

### Location Plan



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## PROPOSAL:

Planning permission is sought for the demolition of existing school buildings and redevelopment of the site to provide a replacement school building and sports facilities, with car parking, hard/soft landscaping and access arrangements at Kepier school, Dairy Lane, Houghton-le-Spring, DH4 5BH.

The proposed development affects Kepier, a secondary school with Academy status which occupies extensive grounds immediately to the south-west of Houghton-le-Spring town centre. The school's grounds extend to approximately 12.3 ha in area and are bounded to the north by the A1052 Dairy Lane, which provides the main vehicular and pedestrian access into the site. To the east, the grounds are flanked by the A690 Sunderland - Durham dual-carriageway, the corridor of which presents mature planted embankments to the school boundary. To the west, meanwhile, are the dwellings of the Dairy Lane housing estate and the grounds of Houghton Rugby Club, whilst to the south the grounds are bounded by woodland and open space.

The school currently comprises a range of low-rise, one- and two-storey buildings dating from the second half of the 20th century, which are located centrally within the site. Between the buildings and Dairy Lane to the north is the school's main car parking area, whilst to the north-east is a raised grassed plateau of unmaintained playing fields. To the south and west of the school buildings are a series of grassed and hard-surfaced playing fields, courts and pitches.

Dairy Lane also represents the southern boundary of the Houghton St. Michael's Conservation Area, which centres on St. Michael's Church and the southern part of Houghton town centre. In proximity to the boundary are a series of historic buildings, including The Rectory and The Old Brewery, both of which are Grade-II Listed.

The development proposed by the application involves demolishing the main existing school teaching block (the northernmost building of the range) and erecting a new building to provide replacement educational facilities. The new building is proposed to stand on an area of land between the existing sports hall building, which sits to the south of the teaching block and is to be retained, and the embankment with the A690. The site of the new building is currently partly occupied by some hard-surfaced tennis courts and also features two small wind turbines.

The new school building is three-storeys in scale and is roughly 'L'-shaped, with a wing projecting southwards from the building's main body, to account for the diagonal line of the boundary with the A690. The north elevation of the building will act as its principal elevation and, in combination with the north elevation of the adjacent retained sports hall building, is intended to create a strong, active frontage within the site and improve the 'presence' of the school when approaching from the north. An 'entrance plaza', which is intended to represent a focal point for pedestrian routes into the site and a gathering space for pupils and staff, is to be created in front of the main entrance, which in turn is to feature a distinctive projecting entrance canopy.

In terms of design, the new school building essentially comprises two principal blocks linked by a central glazed volume accommodating the main entrance and a Learning Resource Centre. The building is to feature a shallow, 'gull-wing' roof (i.e. slopes falling to gulleys/gutters), which will be largely screened by a parapet around its edge. External elevations are primarily to be finished in a buff brick, with relief provided by areas of grey and bright blue non-combustible aluminium cladding. Elevations are also punctuated with regular fenestration which will afford the building strong vertical proportions. The aforementioned parapet, which has a height of 1100mm, is designed to conceal rooftop plant and allow for easy maintenance of hidden gutters and rooflights.

The new building affords a total floorspace of over 6,700 sq. metres and will accommodate a range of school departments zoned around a central 'heart' space which features a main hall, dining area and Learning Resource Centre. The departments within the new building include specialist facilities for Art, Technology and Science, with more general facilities available for Maths, English and EBacc (English Baccalaureate) subjects, such as Geography, History and Foreign Languages.

The new building is also designed to be adaptable and easily extendable without compromising the overall site strategy and the school's sports facilities. To this end, internal spaces are designed to be flexible, so that bigger and smaller spaces can be created as required at minimal cost and with minimal impact to the façade and services. Externally, the proposed design affords opportunities to expand the western teaching wing, which could provide up to 10 additional classrooms, and the eastern wing, to provide space to extend existing departments. Areas of the roof could also be enclosed to provide further classroom space.

Externally, the new development will provide informal play areas, external dining facilities, a SEN (Special Educational Needs) garden, a horticultural area and seating terrace, all immediately adjacent to the new school building. The landscaping to the south of the new building also includes a swale, designed to form part of the Sustainable Drainage System (SuDS) associated with the new development.

The proposed development necessitates the removal of one of the small wind turbines at the site, but this loss is proposed to be offset by the provision of a photovoltaic array to the roof of the new building, an arrangement which will, in fact, afford a net gain in on-site renewables. The design of the new building also includes passive measures to minimise energy and resource consumption and maximise efficiency, such as maximising the availability of daylight within the building to reduce the need for artificial lighting and using natural ventilation, solar control glazing, hybrid ventilation systems and low-energy LED lighting.

More widely around the site, the footprint of the school building to be demolished will be levelled and grassed and is to be crossed by a new, tree-lined avenue and footpaths to provide improved dedicated pedestrian routes into the site from Dairy Lane. Trees and hedges around the school's grounds (which are not protected by a Tree Preservation Order), including those around the perimeter of the site, are largely to be retained and protected, and where any are required to be removed in association with the proposed development, (including demolition and construction works), they are proposed to be replaced. Some fruit trees from a newly-planted orchard to the south of the new building are to be transplanted around the site as appropriate.

In terms of sports provision, the existing all-weather pitch and natural turf pitches to the south of the retained sports hall are to remain undisturbed. The existing hard-surfaced sports courts to the west side of the school grounds will be expanded to accommodate 8 no. tennis courts (7 no. doubles courts and 1 no. singles court), over-marked with 6 no. netball courts, in order to compensate for the loss of the tennis courts at the site of the new building.

In terms of vehicular and pedestrian access, the existing vehicular access arrangements, which comprise separate entry and exit points from/to Dairy Lane, are to be retained. The existing pedestrian and cycle access points into the site from Dairy Lane will also be retained and enhanced through the provision of the aforementioned new paths across the footprint of the demolished school building.

The existing main car parking area adjacent to the northern boundary with Dairy Lane will also be retained in full. Some parking will be displaced by the expansion of the hard courts to the west of the site, but this will be fully offset by the provision of some additional spaces off the access road

leading to the front of the retained sports hall. As such, the current provision of 117 no. parking spaces at the school will be fully maintained by the proposed scheme.

An existing cycle cage, which accommodates up to 40 no. bicycles, and cycle parking stands for up to 8 no. bicycles, are all to be retained as part of the development, whilst 5 no. new bicycle parking stands are also to be provided.

The new school building will accommodate the same maximum number of pupils (1,150) as the existing buildings and there is no intention to increase staffing numbers at the school (currently a total of 180 no. teaching and non-teaching staff). The existing school also provides facilities for the local community (e.g. use of indoor and outdoor sports pitches) and this community function is intended to be supported and improved by the proposed scheme, with typical 'out-of-hours' use anticipated to be until 9pm on weekdays and 10am-2pm on weekends.

The development of the site will be phased to ensure that the existing school and sports facilities remain fully functional throughout the construction period, with the demolition of the existing building and treatment of its footprint representing the final phase of works. A temporary access into the site from Dairy Lane, immediately to the east of the existing access, is proposed for use during construction works, and a temporary site compound is proposed to be sited on the unmaintained playing fields to the north-east corner of the school grounds.

The proposed development as outlined above forms part of the Government's Priority School Building Programme 2, which represents the second phase of a national programme designed to address the needs of schools in need of major rebuilding or refurbishment. The scheme has been developed in accordance with standards and objectives set by the Education Skills and Funding Agency (ESFA) and more specific requirements identified by the Kepier school team. The application has been submitted by Lichfields (planning consultancy) on behalf of BAM, the construction company selected by the ESFA to deliver five such school redevelopment schemes around the North-East.

The proposals were subject to community consultation ahead of the submission of this planning application, which took the form of the creation of an informative website and the distribution of leaflets to residential properties around the site. The website included a 'Have Your Say' survey, to which there were 55 no. responses - the application submission sets out that 95% of respondents offered full support for the proposals.

The application has been accompanied by the following supporting documentation:

- Planning Statement;
- Design and Access Statement;
- Coal Mining Report;
- Noise Assessment;
- Flood Risk Assessment and Drainage Report;
- Ground Investigation Reports;
- Ecological Appraisal;
- Arboricultural Impact Assessment;
- Transport Assessment;
- Travel Plan;

Members should note that on receipt of the application, Council officers undertook a 'screening' exercise in order to determine whether the proposed development falls within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is likely to have such a significant impact on the environment so as to warrant the preparation of an

Environmental Impact Assessment (EIA). Following the completion of the screening exercise and having taken into account the relevant selection criteria in Schedule 3 of the Regulations, it was concluded that the development is not 'EIA development' within the meaning of the Regulations and so the preparation of an EIA is not required.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Nexus  
Houghton - Ward Councillor Consultation  
Network Management  
Southern Area Command - Police  
Nexus  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Environmental Health  
Sport England  
Northumbrian Water  
Flood And Coastal Group Engineer  
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **07.11.2017**

#### **REPRESENTATIONS:**

Public consultation

The public consultation exercise undertaken by the Council in respect of this application, which comprised the issuing of 113 no. neighbour consultation letters, notices displayed around the site and a notice published in the Sunderland Echo, has now ended. No representations have been received.

Sport England

Sport England has advised that as the proposals involve the development of playing field land (i.e. the existing tennis courts on which the new building would stand and the site of the temporary compound), Sport England are a statutory consultee.

The proposals have been considered by Sport England in light of paragraph 74 of the National Planning Policy Framework (NPPF) and its policy document to protect playing fields, 'A Sporting Future for the Playing Fields of England', both of which only permit the development of playing field land in exceptional circumstances. In this case, the proposals include the provision of new playing fields to replace those being lost and so exception E4 of Sport England's policy may apply.

To this end, Sport England accepts that the construction compound will only result in the temporary loss of playing field land and the applicant has committed to return the area to its existing condition. Furthermore, it is recognised that the development proposes to extend the existing tennis courts to replace those being lost. As such, it is considered that the principle of the proposed development is broadly acceptable, on the basis that the playing fields being lost are to be adequately replaced, and Sport England therefore does not wish to raise an objection to the application.

This position is subject to the imposition of two conditions - the first requiring the submission of full details of the constructors' compound and means of restoring its site; and the second requiring the submission of final designs of the replacement tennis courts.

The applicant has subsequently provided some additional details in respect of the site of the construction compound, in the form of a 'Playing Field Reinstatement Statement', which explains the method of reinstating the site to its former condition following the compound's removal. Sport England has considered the applicant's Statement and has confirmed that the submitted details are acceptable. It is also confirmed that the first condition can be replaced by a new condition which simply requires the removal of the compound within 12 months of the development's completion and its reinstatement of its site in accordance with the submitted Statement.

Northumbrian Water Ltd. (NWL)

NWL initially advised that the proposals did not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to fully assess its capacity to treat flows from the development. It was therefore requested that a condition be imposed, requiring the submission and approval of a detailed scheme for the disposal of foul and surface water to be informed by the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010.

Tyne and Wear Fire and Rescue Service

The Fire Authority has no objections to the proposed development.

Nexus (Tyne and Wear Passenger Transport Executive), Police, Ambulance Service

No comments received from these consultees.

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

The Council's Flood and Coastal team has considered the Flood Risk Assessment and Drainage Strategy submitted with the application. Initial concern was raised that the developer had not provided a drainage design with calculations to show there will be no flood risk in an extreme event. Further details and information was submitted by the applicant's agent to try and address the identified issues, but the Flood and Coastal team advised that information was still missing, in terms of final drainage plans with matching calculations and a lack of detail in the calculations.

Again, further information has been submitted in response to these matters, but this is still being assessed by the Flood and Coastal team. It is anticipated that outstanding issues surrounding the sustainable drainage scheme for the site will be resolved imminently and an update on the situation will be provided to Members ahead of the Committee meeting.

Council's Urban Design and Built Heritage teams



There are no objections to the proposed development in respect of the design quality of the development or its impact on the setting of Houghton St. Michael's Conservation Area and the Listed buildings near to the site's northern boundary. The following comments and observations have been provided:

- The scale and massing of the building is acceptable and its position 'deep' within the site serves to mitigate any impact on the Conservation Area, with protected views to and from St. Michael's Church (as identified by the Houghton Conservation Areas Character Appraisal and Management Strategy (CAMS)) being unaffected;
- The proposed access arrangements and connections within and outside the site are considered to be acceptable, with a clear focus on the creation of a pedestrian-friendly environment. The site will therefore function well in this regard;
- The position of the new building allows for the landscaping to its north to provide a neutral buffer to the Conservation Area boundary and the historic Rectory Park beyond. Valuable trees along the Dairy Lane boundary will also be retained. Overall, the treatment of landscape and the public realm is acceptable;
- The varied mass and proportions of the building and the proposed pallet of buff brick and grey cladding is considered to provide variety and visual interest, with clear reference being made to the buff/sandy stone and dark grey slate present in many of the historic buildings of the Conservation Area;

#### Council's Highways team

The Council's Highways team has no objections to the proposed development. The following comments and observations have been provided:

- There are existing restrictions and safety measures on A1052 Dairy Lane, such as school 'Keep Clear' markings, 'No Stopping' restrictions, flashing amber school signs and pedestrian guardrails;
- Pedestrians and vehicles will still be segregated by the proposed development, with two 'pedestrian only' accesses to be afforded;
- It is noted that access arrangements from Dairy Lane are to remain as existing;
- Temporary access arrangements during construction works should ensure segregation of pupils from construction traffic and that suitable school crossing arrangements, restrictions and safety measures are maintained;
- It is noted that no extra pupils will attend the school;
- It is recommended that a drop-off/pick-off facility is incorporated into the development, as there is currently no such provision within the school grounds;
- It is recommended that consideration be given to increasing the amount of parking available at the school - there are currently 117 no. parking spaces at the school and it should be explored whether it is feasible to deliver parking at a ratio of one space per member of staff (i.e. up to 180 spaces);
- The proposed cycle storage arrangements are noted and considered to be acceptable;
- An updated school travel plan should be submitted to the Council's Transport Development Section.

The recommendations for additional parking and the provision of a drop-off/pick-up area within the school grounds were raised with the applicant's agent, who has provided a comprehensive response to support the scheme as currently proposed. Essentially, it is argued that as there are no material changes to the operation of the site (in terms of access arrangements, pupil numbers and staffing arrangements) and as current arrangements are considered to work satisfactorily,

there are no reasonable grounds on which to require the drop-off/pick-up facility or provide the additional parking.

The agent's response has been supplied to the Council's Highways team, who are currently considering the arguments presented by the agent in advance of providing further comments. It is anticipated that final comments will be received imminently and an update on the situation will be provided to Members ahead of the Committee meeting.

#### Council's Natural Heritage team

The Council's Senior Ecologist has confirmed that the Preliminary Ecological Appraisal submitted with the application provides an appropriate assessment of the prevailing ecological factors at the site. The report provides recommendations for ecological mitigation (set out by chapters 5 and 6), including the implementation of a Construction Environmental Management Plan, which should be conditioned and delivered in full. It has been requested, however, that further details of the type and location of the proposed bird boxes and bat roost units are provided for the Council's consideration.

#### Council's Environmental Health team

The Council's Environmental Health team has considered the information provided in respect of noise, construction management and land contamination and has advised that the proposed development is acceptable subject to appropriate conditions.

In terms of noise, it is noted that the submitted Noise Assessment has considered the impact of potential noise from plant on the nearest noise-sensitive receptors (i.e. the dwellings of Stanhope Close to the west). The level of noise predicted is considered to be acceptable, on the presumption that plant will not operate outside the surveyed hours of 6am until 9pm. A condition restricting noise to 45dB LAeq between the hours of 6am and 9pm is recommended in order to ensure the amenity of nearby dwellings is adequately protected.

With regard to construction management, it is noted that a Project Management Plan has been submitted with the application, but some areas of detail are missing and it is consequently recommended that a condition be imposed requiring the submission of additional information in respect of how construction noise, lighting, dust, vibration, smoke and odour will be controlled and mitigated.

In terms of land contamination, the Ground Investigation report submitted with the application does not identify any significant areas of concern for human health or controlled waters. It is recommended, however, that the applicant submits a copy of the Desk Top Study used to determine the scope of the submitted report for the Council's consideration. It is also advised that the applicant prepare a scheme for an observational approach to the re-use of material, which could be conditioned as a remedial strategy/verification plan. A condition should also be imposed in respect of setting out procedures for any unexpected contamination encountered at the site once development commences.

#### **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  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
L\_7\_Protection of recreational and amenity land  
CF\_5\_Provision for primary and secondary schools  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_22\_Developments affecting protected wildlife species and habitats  
R\_1\_Working towards environmentally sustainable development  
B\_2\_Scale, massing layout and setting of new developments  
B\_4\_Development within conservation areas  
B\_10\_Development affecting the setting of listed buildings  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

### **ISSUES TO CONSIDER**

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 sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should:

- encourage the effective re-use of previously-developed land and existing buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- always seek to secure a high quality design and a good standard of amenity;
- take account of the different roles and character of different areas;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling;
- contribute to conserving and enhancing the natural environment;
- conserve heritage assets in a manner appropriate to their significance;
- take full account of flood risk and climate change;

Regard should also be given to section 8 and, in particular paragraph 72 of the NPPF, which states that the Government attaches great importance to ensuring that a sufficient supply of school places is available - Local Planning Authorities should therefore be receptive to development which meets this requirement and should give great weight to the need to create, expand or alter schools.

Section 12 of the NPPF is concerned with conserving and enhancing the historic environment and, at paragraph 137, it advises that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets (such as Conservation Areas and Listed buildings) to enhance or better reveal their significance. Proposals which preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably.

These core principles of the NPPF feed into policies EN5, EN10, EN12, EN14, L7, CF5, CN17, CN22, R1, B2, B4, B10, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

As Members may be aware, on 19th July 2017 the Council's Cabinet approved a Draft Core Strategy and Development Plan (CDSP) for consideration and a public consultation on the first draft ended on 2nd October 2017. Paragraph 216 of the NPPF states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

With regard to the above advice, clearly the Draft Plan has been prepared after the publication of the NPPF, but the first consultation on the CDSP has only expired very recently. The weight that can be given to the draft CDSP is therefore extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be only made using the aforementioned relevant policies within the Council's adopted Unitary Development Plan and with regard to any other material considerations.

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

1. the principle of the proposed development, including in respect of playing field provision;
2. the implications of the development in respect of visual and residential amenity, design and built heritage;
3. the impact of the proposed development on highway and pedestrian safety;
4. the implications of the proposed development in respect of flood risk and drainage;
5. the implications of the proposed development in respect of ecology and trees;
6. the implications of the proposed development in respect of land contamination.

#### 1. Principle of development

In terms of land use objectives, the development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

As detailed in the first section of this report, the proposed development essentially involves the replacement of the existing school buildings and as such, the proposed development does not introduce any new land uses to the application site. Consequently, the existing pattern of land use in the locality will remain and accordingly there is not considered to be any conflict with aforementioned policy EN10's aims and objectives.

The proposed development is also considered to comply with the objectives of paragraph 72 of the NPPF, which states that the Government attaches great importance to ensuring that a sufficient supply of school places is available - Local Planning Authorities should therefore be receptive to development which meets this requirement and should give great weight to the need to create, expand or alter schools. The proposal will also satisfy the requirements of policy CF5 of the UDP, which supports the accommodation of educational needs on existing, established sites.

Also relevant in this case is paragraph 74 of the NPPF, which states that existing playing fields should not be built upon, unless: they are surplus to requirements; the loss would be compensated by equivalent or better provision in terms of quantity and quality in a suitable location; or, the development is for alternative sports and recreational provision. This approach in respect of development affecting playing field land is broadly echoed by policy L7 of the UDP.

Sport England is the statutory consultee on development proposals affecting school playing fields, and to provide a detailed policy framework with which to consider such proposals, it has produced a Planning Policy Statement, entitled 'A Sporting Future for the Playing Fields of England - Policy on planning applications for development on playing fields'. Sport England's general position is that it will oppose development which results in the loss of playing fields, in all but exceptional cases where one of a list of specific circumstances outlined in the policy statement is applicable.

In this case, the new school building is to be constructed on land currently used as tennis courts, but the scheme seeks to offset this loss elsewhere within the site by expanding the existing hard-surfaced courts to the west side of the school's grounds. As detailed in the 'Representations' section of this report, Sport England has formally advised that it considers the development to meet exception E4 of its policy statement, which requires that playing fields lost are 'replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.

As such, Sport England has no objections to the development, but their consultation response requests that conditions are attached to any approval requiring compliance with the applicant's 'Playing Fields Reinstatement Statement' (in respect of the restoration of the site of the construction compound) and the submission of final design details of the expanded tennis/netball courts for the Council's approval (in consultation with Sport England). In the event Members are minded to grant planning permission for the proposed development, it is advised that the conditions requested by Sport England are imposed in order to ensure its policies in respect of development affecting playing fields are satisfactorily addressed.

The proposed development is clearly designed to meet an identified need for improved school facilities at the site and so satisfies the objectives of aforementioned core principles and paragraph 72 of the NPPF which support the provision of community facilities and require Local Planning Authorities to respond positively to development proposals for schools.

Moreover, given that the scheme maintains the existing pattern of land use and makes full and effective use of an established school site, it accords with the requirements of policies EN10 and CF5 of the UDP and the core principle of the NPPF which seeks the effective use of previously-developed land. The implications of the development in relation to playing field provision are also acceptable, subject to the imposition of the conditions requested by Sport England, and so the proposals accord with the requirements of policy L7 of the UDP, paragraph 74 of the NPPF and Sport England's Planning Policy Statement in this respect.

For these reasons, it is considered that the broad principle of the development is acceptable. Nevertheless, in order to fully establish the acceptability of the scheme, it is necessary to address all other relevant material considerations - these matters are considered in turn below.

## 2. Implications of development in relation to residential amenity, visual amenity, design and setting of heritage assets

The core principles of the NPPF place a clear emphasis on delivering high standards of design and amenity and ensuring that heritage assets are afforded appropriate protection.

To this end, section 7 of the NPPF sets out a requirement for 'good design', with paragraph 56 advising that the Government places great importance to the design of the built environment and that it is indivisible from good planning. Paragraph 64, meanwhile, states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Section 12 of the NPPF is concerned with conserving and enhancing the historic environment and, at paragraph 137, it advises that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets (such as Conservation Areas and Listed buildings) to enhance or better reveal their significance. Proposals which preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably.

On a local level, policy B2 of the UDP requires new development proposals to respect and enhance visual amenity, encouraging a high standard of design to new buildings, and to maintain acceptable standards of amenity for existing residential dwellings. Also relevant in this case are policies B4, which requires all development within and adjacent to Conservation Areas to preserve or enhance their character and appearance, and B10, which states that the Council will seek to ensure that development proposals in the vicinity of Listed buildings do not adversely affect their character or setting.

In addition to the above, policy EN5 of the UDP states that where development is likely to lead to increased noise levels in sensitive areas, an appropriate assessment should be carried out, with mitigation measures incorporated into the development where necessary.

In this instance, it is considered that the new school development will not result in any significant harm to the amenity of the dwellings surrounding the school's grounds, in comparison to the existing situation. The new building is to be erected at a position which is central within the site and remote from the nearest dwellings, with those to the east and west being approximately 170 metres distant. As such, it is considered that the new development will not cause any of the nearest properties to suffer a loss of outlook, privacy or experience any overshadowing.

With regard to noise and disturbance, as noted in the 'Representations' section of this report, the Council's Environmental Health team has given consideration to the impact of noise from plant at the new school on the amenity of dwellings and request that a condition stipulating a maximum noise level from plant be imposed. It is recommended that Members impose such a condition in the event they are minded to approve the application. With regard to noise from playing fields and courts, it is observed that existing arrangements are to largely remain, both in terms of the location of the facilities within the school's grounds and their use by pupils and the wider community. As such, it is considered that the typical use of pitches will not give rise to any significant amenity concerns.

With regard to design and visual amenity, as set out in the 'Representations' section of this report, the Council's Urban Design and Built Heritage officers consider that the new school building is well-designed in terms of its scale, mass, built form, external appearance and proposed use of materials. The visual impact of the building is also relatively limited by its location within the centre of the school grounds and it is well-screened from many wider vantage points by existing tree planting and landforms, such as the embankment to the west side of the A690. Moreover, the overall treatment of the school grounds in terms of landscaping, access arrangements and

connectivity is also considered to be good and will result in the creation of a high-quality, pedestrian-friendly environment.

In addition to the above, the development raises no concerns in relation to its impact on the setting of the Houghton St. Michael's Conservation Area or the Grade-II Listed buildings on the north side of Dairy Lane. The new building is set back from the Conservation Area boundary, with the intervening landscaping providing an appropriate buffer to mitigate any impact it may otherwise have had. The positioning of the new building also serves to maintain the key views towards the Conservation Area and landmark buildings within it (such as St. Michael's Church) from the A690 and the south.

Meanwhile, policy R1 of the UDP states that the Council will work towards achieving environmentally sustainable development, whilst paragraph 95 of the NPPF states that to support the move to a low carbon future, Local Planning Authorities should plan for new development in ways which reduce greenhouse gas emissions, supports energy efficiency improvements and, when setting local requirements for building sustainability, do so in a manner consistent with the Government's zero carbon buildings policy and nationally prescribed standards.

In respect of the new development, the applicant has advised that the new building will integrate fabric measures and design features to deliver high energy efficiency. Furthermore, although the proposals involve the loss of one of the small wind turbines at the school, this will be more than compensated by the provision of the proposed photovoltaic array to the roof of the new building. The new development will ultimately deliver a net gain in terms of renewable energy provision, an approach which is considered to ensure the new development is acceptable in relation to its sustainability and energy efficiency, in accordance with the requirements of policy R1 of the UDP and paragraph 95 of the NPPF.

With regard to the above comments, it is considered that the implications of the proposed development in respect of residential amenity, visual amenity, design and impact on the setting of heritage assets are acceptable. In addition, it is considered that the new building is acceptable in relation to achieving a high standard of sustainability and energy efficiency. The proposed development therefore accords with the requirements of policies B2, B4, B10, EN5 and R1 of the UDP and the core principles and paragraphs 56, 64, 95 and 137 of the NPPF in this regard.

### 3. Impact of development on highway and pedestrian safety

Section 4 of the NPPF promotes sustainable transport, with paragraph 32 stating that development proposals which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of: whether opportunities for sustainable transport modes have been taken up; whether safe and suitable access to the site can be achieved for all people and; whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, policy T14 of the UDP states that new development proposals must not give rise to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated parking.

In relation to these matters, the Council's Highways team has offered no objections to the proposed development. It is noted that there are no changes to the vehicular entrances and access arrangements, whilst the development is clearly seeking to maintain and improve upon

pedestrian access and connectivity arrangements into and around the site. Within the school grounds, pedestrian routes are to be segregated from vehicular traffic and existing safety measures to Dairy Lane will be able to be maintained in order to achieve a suitably safe environment. The development also affords a suitable level of sheltered storage for cycles, thus encouraging their use as a sustainable means of traveling to the school.

The consultation comments received from the Council's Highways officers did ask that consideration be given to incorporating a drop-off/pick-up area within the school grounds and also to increasing the amount of parking available at the school to achieve a ratio of one parking space for every member of staff. These recommendations were raised with the applicant's agent, who has provided a response which contends that it is not practical, feasible or reasonable on planning grounds to deliver the drop-off/pick-up facility and additional car parking sought by the Highways team, for the following reasons:

- the Priority Schools Building Programme design guidance seeks to avoid drop-off areas being moved closer to school buildings, in order to avoid conflict between pedestrians and vehicles around school entrances;
- such facilities are often subject to high demand and when heavily used, can lead to a 'back up' of vehicles onto the highway;
- locating drop-off areas within school grounds can present safeguarding issues, due to the increased permeability of the premises;
- for these reasons, across approximately 50 schools built recently in the North of England, the agent is not aware of any accommodating drop-off facilities;
- in terms of car parking, it is stressed that the proposed development is not intended to accommodate any additional pupils or staff and it is contended that the existing parking is more than sufficient to cater for the school's needs;
- in this regard, of the 180 no. staff at the school, 118 no. are teaching, support and management staff, with the remainder being auxiliary staff in roles such as cleaners, lunchtime staff, IT support and maintenance support, who visit on an 'ad hoc' basis;
- the applicant's transport consultant has surveyed the existing teaching staff and calculates that 86.4% use the school's car park, which equates to around 102 no. spaces being used per day;
- it is therefore suggested that whilst the school's existing car park is well used, there does not appear to be any overspill onto surrounding streets and consequently, there is not considered to be any existing evidence to suggest that 180 no. parking spaces are required;
- it is considered that the proposals comply with adopted national and local planning policies and as there is to be no intensification of the existing use of the site and as it can be demonstrated that the site currently operates safely, the drop-off area and additional car parking cannot be reasonably requested;
- the proposals have been thoroughly reviewed to consider options for incorporating the Highways team's recommendations, but it is contended that, for the reasons set out above, there is no reasonable justification for significantly amending the scheme to provide a drop-off area or a 60% increase in parking provision.

In addition to the above, it has been stressed that the school redevelopment is subject to a challenging project programme to ensure that the ESFA's schools are redeveloped as urgently as possible; requiring such significant amendments to the proposals at this stage would jeopardise the delivery of the programme and the funding stream associated with it.

As set out above, it is considered that the proposed development is broadly acceptable in relation to highway and pedestrian safety. The response received from the applicant's agent in relation to the request for the drop-off/pick-up area and the additional parking has been forwarded to the



Council's Highways team. The information provided is still being given consideration and it is anticipated that a response from the Highways team will be received soon. An update of the position in relation to Highways matters will be provided to Members ahead of the Committee meeting.

#### 4. Flood risk and sustainable drainage implications of proposed development

Paragraph 103 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. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people or properties at risk of flooding.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government (dated 18th December 2014), to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy, which firstly concludes that the development site is located within Flood Zone 1 (at lowest risk of flooding) and that flood risk from other sources is low. There is a low risk in respect of surface water drainage, primarily within the southern part of the school grounds, away from the footprint of the new building, but the Assessment indicates that this risk will effectively be 'designed out' by the proposed drainage arrangements for the site.

The Drainage Strategy, meanwhile, outlines a scheme which involves collecting surface water run-off via a network of new drainage, to include oversized pipework and a swale providing 425m<sup>3</sup> of storage, with a final flow control device outfalling to the surface water sewer. The scheme is designed to be sustainable and to mimic existing run-off rates at the site.

The Council's Flood and Coastal Team has considered the submitted assessment and strategy and initially advised that the drainage design does not provide calculations to show that there would be no flood risk in an extreme event. As such, further information was requested before the strategy could be considered further. The applicant's drainage consultant subsequently submitted additional information, including a drainage layout, a site investigation report, microdrainage calculations and construction phasing drawings.

Again, the Council's Flood and Coastal Team reviewed the submitted additional information and advised that further information was still required in respect of final drainage plans with detailing to match calculations. The applicant's drainage consultant has submitted further additional

information in response to the comments received, the detail of which is still being assessed by the Flood and Coastal Team. It is anticipated that a response from the Flood and Coastal team will be received soon and an update of the position in relation to sustainable drainage will be provided to Members ahead of the Committee meeting.

## 5. Implications of development in relation to ecology and trees

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. Meanwhile, policy CN22 of the UDP states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

As set out in the 'Representations' section of this report, the Council's Ecology team has reviewed the Preliminary Ecological Appraisal submitted with the application and considers that it provides an appropriate assessment of ecological factors relative to the site and development. It is recommended that Members impose conditions requiring the development to be carried out in accordance with the ecological mitigation measures set out in the Appraisal, in order to minimise potential impacts on fauna.

With regard to trees, paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the deterioration of irreplaceable habitats, including ancient woodland and the loss of aged and veteran trees found outside ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweigh the loss. Policy CN17 of the UDP, meanwhile, encourages the retention of trees which make a valuable contribution to the character of an area and the retention of trees, hedges and landscape features in all new development will be required where possible.

As set out earlier in this report, none of the trees at the site are afforded any statutory protection, for the trees are not covered by a Tree Preservation Order and are not located within a Conservation Area. Nevertheless, trees at the school do contribute positively to the area, particularly those to the Dairy Lane boundary and along the embankment with the A690.

The proposed development is generally sensitive to the trees at the site and the trees of greatest amenity value will be retained. Where trees are to be felled, they are to be replaced and, in the case of the recently-planted fruit trees at the site, transplanted to other locations within the grounds. It is recommended, however, that in the event Members are minded to approve the application, conditions be imposed which require the suggested tree protection measures set out in the Arboricultural Assessment submitted with the application, to be implemented during construction works, to ensure retained trees at the site are not unacceptably harmed as a result of the development.

Subject to the suggested conditions, it is considered that the implications of the development in relation to ecology, biodiversity and the trees at the site are acceptable, in accordance with the objectives of the NPPF and policies CN17 and CN22 of the UDP.

## 6. Implications of development in relation to land contamination

Paragraph 121 of the NPPF advises that planning decisions should ensure that a development site is suitable for the new use, taking into account ground conditions, land instability and hazards from previous natural and human activity, and that any hazards are properly understood and contaminated land remediated where appropriate. Policy EN14 of the UDP states that where

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

The application has been accompanied by a Phase II Site Investigation report, which has been considered by the Council's Environmental Health team, who have advised that the application site does not appear to offer any significant grounds for concern in terms of impact on human health or controlled waters. The Environmental Health team has recommended, however, that conditions be imposed which require the applicant to prepare a scheme for an observational approach to the re-use of material (which could be conditioned as a remedial strategy/verification plan) and for verification testing for site-won material. It is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

Subject to such conditions, it is considered that the implications of the proposed development in respect of land contamination at the site are acceptable, in accordance with the objectives of paragraph 121 of the NPPF and policy EN14 of the UDP.

## CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, given that it will support the provision of improved school facilities at an established educational site and will maintain the playing field and sports pitch provision at the site. In addition, the implications of the development proposals in respect of residential amenity, design and visual amenity and the setting of the nearby Conservation Area and Listed buildings are acceptable.

The development is also considered to be acceptable in terms of ecology, biodiversity, trees and land contamination, subject to the imposition of the conditions recommended throughout the report.

The proposals are therefore considered to comply with the requirements of the core principles and relevant paragraphs of the NPPF and policies EN5, EN10, EN14, L7, CF5, CN17, CN22, R1, B2 and B10 of the Council's UDP in relation to these matters.

Matters relating to sustainable drainage and highways are, however, still being given consideration by the relevant Council officers. It is anticipated that both of these matters will have been addressed satisfactorily ahead of the Committee and Members will be provided with an update on the situation via a Supplementary Report in advance of the meeting. The Supplementary Report will also provide details of a recommended decision and a full list of recommended conditions.

**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 - Mindful to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to receipt of comments from the Council's Highways and Flood and Coastal teams and subject to conditions to the following effect:**

1. Development to commence within 3 years of approval
2. Development to be carried out in accordance with approved plans
3. Development to be completed using submitted materials
4. Development to be carried out in accordance with approved Construction Management Plan
5. Development to be carried out in accordance with Playing Field Reinstatement Plan
6. Submission of final details of design of expanded tennis courts, to be agreed in consultation with Sport England
7. Submission of a scheme for the disposal of foul and surface water, to be agreed in consultation with Northumbrian Water
8. Development to be carried out in accordance with agreed sustainable drainage scheme

9. Development to be carried out in compliance with ecological mitigation measures set out in submitted Ecological Appraisal
10. Submission of final details of proposed bird boxes and bat roost units
11. Condition requiring all trees not proposed to be felled to be retained and for all other tree works to be undertaken to appropriate standard
12. Development to be carried out in accordance with tree protection measures set out in submitted Arboricultural Assessment
13. Condition to set a limit on noise from plant and machinery
14. Condition to require the submission of a remedial strategy/verification plan in respect of land contamination
15. Condition to require submission of procedures for encountering unexpected contamination