

Reference No.: 16/00388/HY4

Proposal: Hybrid planning application – Outline planning application for up to 750no.residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.

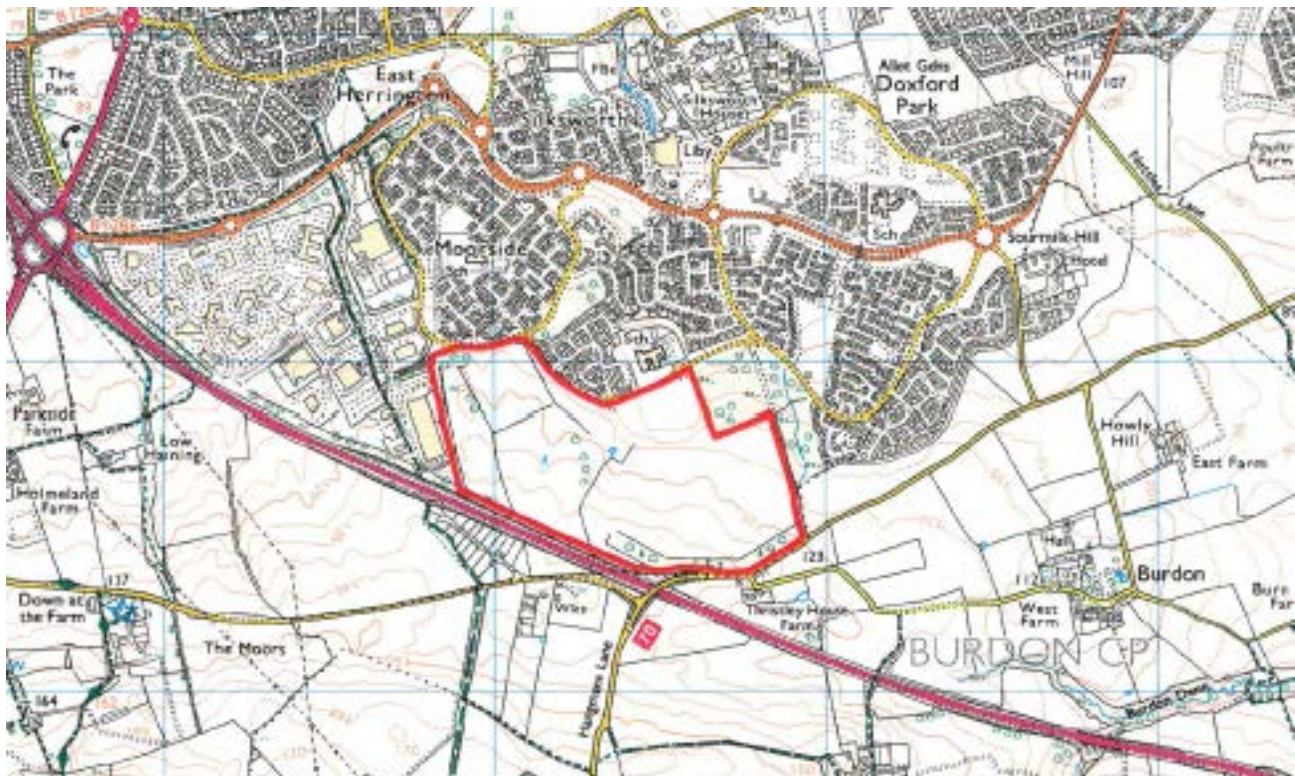
All matters apart from access to be reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

Location: Chapelgarth, south of Weymouth Road, Sunderland.

Ward:	Doxford
Applicant:	Siglion LLP
Date Valid:	2 March 2016
Target Date:	22 June 2016

Location Plan



Description:

The proposal is a hybrid planning application for the development of 49.73 hectares of land at Chapelgarth, Sunderland.

The application seeks outline consent for up to 750 No. residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including retail (A1), financial and professional services (A2), restaurant and cafes (A3), offices (B1), non- residential (D1) and assembly and leisure (D2), together with associated landscaping and car parking.

All matters apart from access are reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off Weymouth Road, landscaping and creation of attenuation ponds.

Context:

The Chapelgarth site has been designated as a future housing site since its inclusion in the City of Sunderland, Unitary Development Plan (UDP) Adopted 1998. In line with government policy, the UDP is to be replaced by a new up to date local development framework (LDF), it is anticipated that the new local plan will be submitted to the Secretary of State in 2017. The emerging core strategy contains the City's spatial visions and objectives up to 2032, along with city-wide strategic policies that will guide future development and change in the City.

The emerging Core Strategy proposes a new growth area known as South Sunderland Growth Area (SSGA) which comprises 227 hectares (ha) of land in the Ryhope and Doxford Park wards. The SSGA is identified as a major new growth area for housing development within the City and a Location for Major Development (LMD). The SSGA takes forward two unimplemented residential allocations (Chapelgarth and Cherry Knowles) and groups them together with an unimplemented employment allocation (South Ryhope) and a site currently allocated as Settlement Break (Land North of Burdon Lane).

The proposed SSGA has the potential to provide approximately 3000 new homes, meeting 20% of the City's future housing need and contribute to achieving the strategic aims of the Council's Sunderland Strategy (2008 – 2025) and Economic Masterplan (2010) to encourage the retention of graduates and attract new households by improving housing choice and providing a greater proportion of higher value housing.

Site Description:

The site is bound to the north by Weymouth Road which forms the southern boundary of the relatively modern Burdon Vale development which is the closest residential area to the

proposal. Doxford International Business Park lies to the west of the site beyond a band of open space and woodland. The A19 dual carriageway lies to the south within a cutting, and an agricultural field subject to a current proposed residential development (ref: 13/00799/FUL) lies to the east along with Blakeney Woods Local Wildlife Site (LWS).

The site is presently in agricultural use and is made up of both ploughed and un-ploughed fields. The site is wider across its east/west axis than it is deep across its north/south axis and is irregular in shape. The aspect of the site is almost entirely north facing, although a more undulating area referred to as Silksworth Plantation to the west provides localised multi-aspect landform. The majority of the site has a moderately steep gradient, sloping in a general south to north-northeast direction with a difference of level of over 30 metres.

There is no existing public vehicle access onto or across the site although tractor access to the fields is via a gated stopped up road from Burdon Lane on the south eastern corner of the site. Weymouth Road bounds the site to the north and two existing mini roundabouts serving Portland Academy and St.Wilfrid's Church and Burdon Vale residential estate have fourth stubs providing future vehicle connections onto the site. A small substation building exists to the east of the western roundabout and is the only building on the site.

There are no public rights of way crossing the site however many well-trodden footpaths form circuits, following the edge of fields and connecting with residential areas and offsite recreational footpaths, bridleways and cycle ways. The long distance Walney to Wear (W2W) cycleway/multi-user route passes by the edge of the site following the western and southern boundaries before heading south over the Burdon Lane flyover with the A19.

Site History:

No historic or extant planning applications relate to the site. Adjacent to the site, a full planning application is currently pending for the erection of 118 No. dwellings on land at Burdon Lane, directly to the east of the site.

The site does however form part of the Masterplan for Chapelgarth. The main objective of the Masterplan was to establish a land use framework which accords with the UDP and achieves the ordered development of the area in a manner which will complement its attractive natural setting. The first phase of the development of the masterplan was approved under planning reference 97/00614/FUL and provided 128 dwellings. The entire masterplan identified the site as being able to accommodate some 860 dwellings.

Proposed Development:

Phase 1 Infrastructure Works – This consists of extending the central roundabout junction into the site from the existing stub by approximately 70 metres in length, creating a new access junction into the site off Weymouth Road with associated stub road of approximately 43 metres in length. Phase 1 also includes the provision of the sites Sustainable Urban Drainage System (SuDS) which will incorporate two attenuation basins and associated swales sited at the southwest of Englemann Way roundabout and to the

southwest of Portland College roundabout. These basins are designed to be dry under normal flow conditions, with small permanent pools of water, landscaped features, walking areas and a low flow channel. The basins seek to provide attenuation for 50% of the site as it develops.

Although all matters with the exception of access are reserved for consideration at a later date, the illustrative site master plan for the site has indicated five character areas for the development, the supporting commentary has also indicated that the outline development will comprise of up to 750 residential units consisting of 2-bed (5%), 3&4-bed (up to 75%), and 5-bed homes (at least 20%) with some commercial space.

Environmental Impact Assessment:

The development proposals were assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the EIA Regulations”) as amended in 2015. It was determined that the proposals on the site would constitute an “Infrastructure Project” as defined in Schedule 2 of the EIA Regulations, as it would be an “Urban Development Project,” which includes more than 150 dwellings and have an overall area exceeding 5 hectares.

A formal scoping opinion was sought via ref: 15/01874/SCO and following consultations a scoping response was issued dated 11.11.2015.

Consequently the planning application is supported by an Environmental Statement (ES).

The purpose of the ES is to inform statutory consultees, the public and interested parties about the likely effects of the proposed development on the environment. The likely effects are documented in the ES, which is then consulted on.

The ES for this application has essentially been presented in three volumes:-

- Volume 1 : Non-Technical Summary
- Volume 2 : Main Text
- Volume 3 : Technical Appendices.

Volume 2, which is the main body of the ES and the section that considers the significance of the impact on the environment, has considered the following as chapters:-

- Chapter 1 : Introduction
- Chapter 2 : EIA Methodology
- Chapter 3 : Proposed Development
- Chapter 4 : Alternatives and Design Development
- Chapter 5 : Air Quality
- Chapter 6 : Biodiversity
- Chapter 7 : Land Use and Agriculture
- Chapter 8 : Landscape and Visual Impact
- Chapter 9 : Noise and Vibration

- Chapter 10 : Socio-Economic
- Chapter 11 : Transportation
- Chapter 12 : Water Resource and Flood Risk
- Chapter 13 : Cumulative Impact

In summary, the consideration of the relative impact on the environment within the chapters has been based on the following methodology:-

Baseline conditions : an understanding of the existing environmental conditions against which the predicted environmental impacts have been assessed, including an assessment of environmental receptors.

Potential impacts : identification of potential impacts resulting from the proposed development and assessment of impact magnitude.

Mitigation and enhancement measures : recommendation for mitigation measures to avoid, offset or reduce the identified adverse impacts of the project, or for the enhancement measure to maximise positive impacts.

Residual impacts : assessment of significance of effects after consideration of mitigation measures.

In terms of assessing the planning considerations of the development proposal the above impacts are considered under the various headings in the consideration section of this report. Furthermore, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended consultations have been undertaken with the National Planning Casework Unit.

Habitat Regulations Assessment:

Given the extent and size of the development, and the proximity of the development to important land based designations such as the Natura 2000 (N2K) European sites (i.e. Northumbria Coast Special Protection Area (SPA)/Ramsar site and Durham Coast Special Area of Conservation (SAC)), it was agreed that a Habitat Regulations Assessment (HRA) would support the planning application. This aspect of the development will be discussed in more detail in the ecology section of this report.

Supporting Documents:

The current application has been supported by the following documents:

- Archaeological Desk-Based Assessment
- Archaeological Geophysical Survey
- Archaeological Evaluation
- Phase 1 Preliminary Geotechnical & Geoenvironmental Assessment
- Utilities Report
- Planning Statement
- Design and Access Statement

- Design Code
- Statement of Community Involvement
- Sustainability Statement
- Hedgerow Survey
- Arboricultural Tree Constraints Assessment
- Habitat Regulations Assessment
- Ecological Assessment, Management Plan & Design Strategy
- Ecological Scoping Report
- Agricultural Land Classification
- Flood Risk Assessment
- Drainage Strategy
- Transport Assessment & Interim Travel Plan.

Pre-application Engagement and Planning Performance Agreement:

The proposal was subject to pre-application discussions that sought to identify the scope of the Environmental Statement, the content of the Habitat Regulations Assessment, the validation requirements for the application, the heads of terms for the Section 106 agreement and an overall assessment of the proposed scheme.

To enable the effective management of the proposal both the developer and the City Council have entered into a Planning Performance Agreement (PPA) which has set parameters in terms of requirements and timescales for both the pre-application process and for the consideration and determination of the planning application for the purpose of providing the parties with a level of certainty as to the process and timescale to be followed.

Consultation:

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended) that is by :

- Site Notice (posted 15.03.2016)
- Press Notice
- Neighbour Notification Letters

The application is a departure from the Unitary Development Plan and has been advertised as such.

CONSULTEES:

Doxford- Ward Councillor Consultation
 South Chair and Vice Chair Consultation
 National Planning Casework Team
 Environment Agency

Natural England
Marine Management Organisation
Historic England
Highways England
Network Management
Fire Prevention Officer
Northumbrian Water
Northern Gas Networks
Nexus
Southern Area Command - Police
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer
Environmental Health
Urban Design
Natural Heritage
Sustrans
Durham Wildlife Trust
National Grid Transco

Final Date for Receipt of Representations: **30.03.2016**

Consultations:

The application has been subject to a single full consultation exercise and as a result representations have been received from 48 separate addresses. Members should note that the original and full copies of the representations are available to view via the planning portal on the Council's website.

The following is a summary of the relevant material comments raised, categorised into the headings of the main sections of the report and addressed both below and throughout the report.

Principle of development

- (i) Existing weak demand for housing.
- (ii) Loss of greenfield and agricultural land.
- (iii) Over development of an allocated site.
- (iv) Change of character of the area.
- (v) When was the site allocated for housing? (1998 UDP).
- (vi) Is the area classed as a settlement break? (No).
- (vii) A reduction in numbers would make the development more acceptable.
- (viii) Brownfield sites should be developed first. (Paragraph 111 NPPF states: "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land))." At the heart of the NPPF is a presumption in favour of sustainable development. Furthermore

Brownfield land comprises 64% of the total sites identified within the most up to date SHLAA.

Siting, Design & Appearance / Landscape and Visual Impact

- (i) Destruction of the public outlook. (Assessed within relevant chapter of ES and summarised in relevant chapter of report).
- (ii) Loss of privacy (Minimum spacing standards as prescribed within Sunderland City Council's Residential Design Guide are to be adhered to in future reserved matters applications).
- (iii) Loss of natural light (As above).
- (iv) Introduction of allotments would lead to a shanty town appearance (Off site provision is sought via Section 106 Agreement).
- (v) Loss of panoramic view.(There is no right to a view across other owners land).
- (vi) Mix of house types (inclusive for elderly i.e. bungalows). (House types to be controlled via Design Code).
- (vii) Development will dominate the skyline. (Heights to be controlled via Design Code).
- (viii) Loss of views from the cycle way. (Exact siting of bund and future realignment of cycle way to be confirmed via future reserved matters applications, however there is no right to a view over other owners land).

Highway Implications

- (i) Increase volume of traffic.
- (ii) Road safety concerns.
- (iii) Loss of public footpaths.
- (iv) Mud and debris on roads.
- (v) A690/A19 junction concerns.
- (vi) Need for Ryhope/Doxford Link Road to be constructed.

Socio-Economic Impacts

- (i) Sunderland has below standard educational facilities (Non material).
- (ii) Sunderland provides a poor standard of shopping and leisure facilities (Non Material).
- (iii) There are no plans to build a new school (Section 106 funding sought for education and the construction of a new school).
- (iv) The areas population is continuing to decrease.
- (v) The area does not require further retail units (Sequential test undertaken).
- (vi) The proposal will result in the loss of an existing farming business. (Site identified for housing and land under City Council's ownership).

Ecology and Nature Conservation

- (i) Wildlife – Loss of species and habitats.
- (ii) Protected species not covered within supporting documents.
- (iii) Loss of woodland.

Water Resources and Flood Risk

- (i) Flood risk concerns – inadequate mitigation.
- (ii) Detention basins are a health and safety risk.
- (iii) Basins will be source of smell and virus (Zica Virus) (Non material and considered to be covered by Public Health legislation.
- (iv) Diversion of surface water flows, due to overwhelmed basins (Proposed basins considered to be satisfactory in overall size) .
- (v) Existing Drainage system unable to cope.
- (vi) The proposal fails to meet the technical requirements of SUDS Manual CIRIA 6972007. (City Council's Flood and Coastal Group Engineer has been consulted and is satisfied with the proposed development).

Ground Conditions and Hydrogeology

- (i) Impact of development and water drainage upon mine shafts. (Monitoring works required as part of on going ground investigations).

Noise and Vibration

- (i) Increase in heavy goods traffic during construction.
- (ii) Increase in construction work such as drilling and pile driving.

Air Quality

- (i) Exhaust emissions.
- (ii) Dust.

Other Considerations (Material and Non Material)

- (i) Conflict of interest of Siglion Board Members and relationship between organisations. (Non material).
- (ii) Inadequate consultation with residents (Siglion provided a statement of community involvement identifying a satisfactory level of engagement).
- (iii) Application not fit for purpose (All requirements for the application to be made valid and considered have been submitted).
- (iv) Residents reluctance to comment (Non material).
- (v) Increase crime and disorder (Police consulted and future reserved matters applications will be scrutinised in terms of secured by design).
- (vi) Sustainability (A full sustainability report supported the application).
- (vii) Increase in litter, graffiti and reduced security (Future reserved matters applications can be scrutinised in terms of secured by design).
- (viii) Reduction in house prices and claims for compensation (Non material)

- (ix) Agenda 21 (Development assessed in accordance with both national and local planning policies both of which have at their heart a presumption in favour of sustainable development).
- (x) Pressure on existing services i.e Doctors surgeries etc. (The SSGA Infrastructure Delivery Study consulted with the relevant Trust for the area and advised that no additional healthcare facilities are required to accommodate new residents within development of the SSGA).
- (xi) Purpose of the original Compulsory Purchase Order. (Non material).

National Planning Casework Unit

No comments on the application.

The Marine Management Organisation

No response to the application.

Natural England

Natural England's initial consultation response highlighted that the application site is in close proximity to a European designated site (Natura 2000), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the "Habitats Regulations"). The application site is approximately 4km from the Northumbrian Coast Special Protection Area (SPA) and Durham Coast Special Area of Conservation which are European sites. The SPA is also listed as Northumbrian Coast Ramsar site and the sites are notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

In assessing the proposal and the potential impacts upon the Internationally Designated Sites, Natural England have No Objections, however it is recommended that the Local Planning Authority acting as competent authority consider the following in justifying likelihood of significant effects:

- The incorporated mitigation, in the form of Suitable Alternative Natural Greenspace, is in line with the requirements specified within the Draft South Sunderland Growth Area Supplementary Planning Document (SPD) HRA, and as such should be sufficient to ensure there is no likely significant effect resulting from this proposal.
- Sunderland City Council should satisfy themselves that this mitigation is capable of fulfilling the purpose for which it was required, and is in line with the requirements of the draft SSGA SPD HRA.
- The mitigation for each phase should be created and functioning prior to the first property being occupied, and the circular walking route should be created as part of the first phase of development.

With reference to the Nationally Designated Sites, Natural England has “No Objections” to the proposal subject to the following conditions should Members be minded to grant consent.

1. The incorporated mitigation for each phase should be created and functioning prior to the occupation of the first property in that Phase.
2. The circular walking route should be created as part of the first Phase of development.

Environment Agency

No objections.

Northumbrian Water Ltd (NWL)

In making their response NWL has assessed the impact of the proposed development on the sewerage network and offer the following comments:

With regard to surface water, NWL have no issues to raise with the application, provided the development, should Members be minded to grant consent, is carried out within strict accordance with the submitted documents entitled “Flood Risk Assessment” and “Proposed Drainage Layout.” This document states that surface water from the proposed development will discharge in part to the local watercourse, and in part to the surface water sewerage network. The surface water discharge to the sewerage network will connect to manhole 5904 at a restricted rate of 10l/sec.

With regard to foul flows, the applicant has been in discussions with Northumbrian Water regarding an appropriate discharge point to the foul sewerage network. Investigation works to confirm a suitable point remain ongoing, and therefore a connection point has not yet been agreed. As this connection is yet to be agreed, should Members be minded to grant consent it is recommended that the following condition be imposed:

Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with NWL. Thereafter the development shall take place in accordance with the approved details to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Northern Gas Networks

No objections to the proposal.

Historic England

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Highways England (HE)

Comments received have identified three areas of concern requiring further work. These areas are:

1. A19/A690 Junction Assessment : HE are satisfied with the modelling methodology and associated inputs into the A19 / A690 LinSig model. However, the results demonstrate that the junction currently operates with no reserve capacity in both the morning and evening peak hours.

HE are aware that the council is currently implementing their Pinch Point Fund improvement scheme at the junction, which proposes to accommodate South Sunderland Growth Area developments, the applicant's transport consultant has not demonstrated that these improvements are sufficient to accommodate Chapelgarth development traffic.

HE require the applicant to demonstrate that the development traffic can be mitigated at the strategic road network junction that is already operating over-capacity.

2. Merge and Diverge Assessments : HE have identified existing and future constraints for the northbound merge and southbound diverge at the A19 / A690 junction. Based on the trip generation provided in the Transport Assessment (which assumes 900 dwellings), the Chapelgarth development would add the following trips to these links:

Northbound merge: 88 vehicles in the morning peak, 47 vehicles in the evening peak.

Southbound diverge: 30 vehicles in the morning peak, 85 vehicles in the evening peak.

HE require the applicant to demonstrate that the development does not increase demand on these links to ensure the safe operation of the strategic road network.

3. Interim Travel Plan : HE suggest that an updated version is provided including the following additional details which would help reduce potential future impacts on the strategic road network:
 - Firm commitment to implementing effective measures to encourage sustainable travel.
 - Planned funding mechanisms for the ITP and how these relate to the responsibilities and timescales outlined in the action plan.
 - Provision of interim targets reflecting the vehicle trips in the TA and surveys designed to monitor these and the mode split.

Should it be identified that physical mitigation is required, this would then need to be subject to an independent Stage 1 Road Safety Audit.

It is therefore recommended that the planning application is not determined until such time that the above concerns are addressed.

Further to receipt of the above, the applicant has undertaken various pieces of work to respond to the requests of HE. An addendum to the TA has been issued to the HE and the following updated comments received that withdraw the previous instruction for non-determination.

1. A19/A690 junction has been remodelled to reflect the existing road layout and markings. The results indicate that the junction is currently operating over capacity, however the results also indicate that the proposed Chapelgarth traffic will not have a significant impact on junction capacity in either 2017 or 2032. Furthermore it is fully anticipated that due to Section 106 contributions the Ryhope to Doxford Link Road will be operational.

HE accept that the revised junction model is fit for purpose and agree with the results which show that there is not a significant residual impact at the Doxford Park junction as a result of the proposed development.

2. Merge and Diverge Assessments. No future works required, evidenced in the TA addendum.

The HE have undertaken independent assessments of the predicted impact of the proposed development on the merge and diverge. The assessment confirm that, whilst both the northbound merge and southbound diverge require upgrade, this is as a result of base traffic rather than development traffic.

3. It is considered that should Members be minded to grant consent a condition can be imposed requiring the submission of an updated Interim Travel Plan and should include:
 - Firm commitments to implementing effective measures to encourage sustainable travel.
 - Planned funding mechanisms for the Travel Plan and how these relate to the responsibilities and timescales outlined in the action plan.
 - Provision of interim targets reflecting the vehicle trips in the Transport Assessment and surveys designed to monitor these and the mode split.

Nexus

The following comments have been received.

The application site, despite the view of the developer, is not in the best location with regards to public transport services, the nearest being a service which operates to the Doxford Park shopping centre, but not back (being a one-way loop), and the next closest being inaccessible in terms of unacceptable walking distances from the most of the site.

The NPPF states that:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, development should be located and designed where practical to...

have access to high quality public transport facilities;

consider the needs of people with disabilities by all modes of transport.”

It is the view of Nexus that there are accessibility deficiencies in the application which should be addressed by the provision of high quality public transport services.

Nexus have raised the following for further consideration.

The indicated internal road layout does not meet the standard for bus accessibility (NOTE: The application is a hybrid and layout is a reserved matter).

Accessibility from most of the site to the existing bus services is poor.

With the above in mind Nexus note the following:

- The use of the internal roads by bus services is assumed in the Transport Assessment. It is the experience of Nexus that bus operators will not automatically gravitate toward new housing development without incentives.
- The Travel Plan does not provide any incentive for modal shift from private car to public transport. Nexus requests that the applicant be asked to fund two four week Network One travel tickets per household upon first occupation of new dwellings.
- The intention to visibly narrow the width of Weymouth Road in order to reduce speeding will not be appropriate given that it is used by buses and other large vehicles which need to pass one another. It would be more appropriate to reduce speeds by installing a school safety zone for Portland School.
- Nexus would request the upgrading of bus infrastructure on Weymouth Road and Moorside Road to include, where appropriate, the installation of enclosed shelters to protect waiting passengers from the elements.

County Archaeologist

The desk based assessment concludes that there are known archaeological features within the site. However as the land has never been developed, and thus never archaeologically investigated, archaeological features could exist.

Bell's map of 1820 shows a farm called "South Moor" within the site. By 1861 the farm was renamed Silksworth Moor. The farm was demolished by 1976. Buried remains of this may survive.

The geophysical survey has identified possible soil filled ditches, a track, a possible ring ditch and pits. Medieval or post medieval ridge and furrow (former ploughing) has also been detected.

The County Archaeologist has drawn up a trench location for preliminary archaeological trenches to investigate the geophysical anomalies to ascertain if they represent features. One further trench is required on the site of South/Silksworth Moor Farm.

The trenches were excavated by Archaeological Services Durham University in February 2016 and an Archaeological Evaluation Report 4117 March 2016 submitted for consideration.

Following receipt of the above document the County Archaeologist has made the following observations and recommends that a series of further work is required.

Six archaeological trenches have been excavated thus far. Twenty are required altogether. Of the Six trenches excavated, trench 5 recorded a gully which had spelt wheat in its fill (suggests an Iron Age date). Trench 4 contained a gully which had heath grass in its fill (potentially prehistoric). A further gully was recorded in trench 3.

With the above in mind the County Archaeologist has recommended the following work is required:

1. Radiocarbon dates to be obtained from the three gullies. It is recommended that this work is done now.
2. Remaining 14 evaluation trenches to be excavated.
3. Strip and record excavation to fully record and excavate any archaeological features found in the preliminary trenches, including the gullies found in trenches 3,4 and 5.

Should Members be minded to grant consent the County Archaeologist has requested that four conditions are imposed. These conditions are as follows:

1. Radio carbon dating.
2. Archaeological excavation and recording.
3. Archaeological post excavation report.
4. Archaeological publication report.

POLICIES:

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

B2 Scale, massing layout and setting of new developments
B3 Urban green space
B10 Development affecting the setting of listed buildings
B11 Measures to protect the archaeological heritage of Sunderland (general)
B13 Sites and monuments of local importance affected by development

B14 Development in areas of potential archaeological importance
 B15 Large scale disturbance
 B16 Historic sites
 CN8 Versatile agricultural land
 CN16 Existing woodlands
 CN17 Valuable trees
 CN18 Promotion of nature conservation (general)
 CN19 Special areas of conservation
 CN21 Local nature reserve sites
 CN22 Developments affecting protected wildlife species and habitats
 EN1 Improvement of the environment
 EN5 Protecting sensitive areas from new noise/vibration generating developments
 EN6 Limit exposure of new noise/vibration sensitive developments to existing sources
 EN9 Clean environment
 EN12 Conflicts between new development and flood risk / water resources
 EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas
 H1 Provision for new housing
 H7 Executive housing
 T8 The needs of pedestrians will be given a high priority throughout the city.
 T9 Specific provision will be made for cyclists on existing/new roads and off road
 T10 Protect footpaths; identify new ones & adapt some as multi-user routes
 T11 People with disabilities and other special needs
 T13 Highway improvements
 T14 Accessibility of new developments, need to avoid congestion and safety problems arising
 SA9 Land for housing
 SA24 Sport and recreation
 SA27 Amenity open space
 SA31 Allotments and leisure gardens
 SA48 Multi-user routes.

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

1. Principle of Development.
2. Siting, Design & Appearance / Landscape & Visual Impact.
3. Highway Implications.
4. Socio-Economic Impacts.
5. Ecology & Nature Conservation.
6. Water Resources and Flood Risk.
7. Ground Conditions & Hydrogeology.
8. Noise & Vibration.
9. Air Quality.
10. Archaeology.
11. Planning Obligations.
12. Conclusion & Environmental Impacts.

1. Principle of Development.

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

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the NPPF, the greater the weight can be given to the development plan.

In addition to the above, planning policies and decisions must reflect and where appropriate promote relevant European Union obligations and statutory requirements.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

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

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with the development plan and without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - (a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - (b) Specific policies in this Framework indicate development should be restricted.

Paragraph 19 of the NPPF underlines the Government's commitment to supporting sustainable economic growth;

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and

not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Section 6 of the NPPF : Delivering a wide choice of high quality homes is also of particular relevance in the assessment of this proposal.

Paragraph 47 states that:

“To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five-year's worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from the later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five year of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.”

Paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

As indicated by paragraphs 47 and 49 of the NPPF, the local planning authority should identify an available and deliverable five year supply of housing 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.

In line with the city's housing requirements outlined in the emerging Core Strategy (Revised Preferred Options Draft 2013), the Strategic Housing Land Availability

Assessment (SHLAA), the most recent of which was the 2013 SHLAA, indicates that a 5 year supply of deliverable sites is in place. However, as with the emerging Core Strategy, the SHLAA has not been subject to independent examination via a public inquiry and as such, on balance, at this stage the Council cannot say with certainty that a five-year supply of deliverable housing sites is available in the City. Accordingly, it is considered that the more up to date development management and housing policies in the NPPF should therefore be given significant weight.

Notwithstanding the above, it is important to note that although the Council cannot robustly demonstrate a five-year supply of deliverable housing sites, the main strategic aims and area land use policies are aligned and in most cases fully compliant with the NPPF.

The Council's SHLAA (2013) has identified the site as being deliverable for housing within 1-5 years. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within 5 years. To add further weight to the site as a location for housing development is the fact that the emerging Core Strategy (the new local plan) proposes the wider area as a Location for Major Development (LMD) via Core Strategy Policy CS2. The LMD includes four key sites; Chapelgarth, Cherry Knowle, South Ryhope and Land North of Burdon Lane i.e SSGA.

In terms of the mix and type of housing, paragraph 50 of the NPPF requires local authorities to plan for the delivery of a mix and type of housing based on local trends, demographics and demand. The 2016 Strategic Housing Market Assessment Update (SHMA) underlined the need for the provision of 3+ bedroom detached and semi-detached houses - indeed, moving to a better/more pleasant area and larger/better property were found to be the most frequently cited reasons for moving out of Sunderland. The SHMA highlights that an increase in provision of larger properties is needed in Sunderland to achieve both population retention and economic growth.

The proposal being put forward proposes a housing mix which consists of 75% 3-4 bed dwellings and 20% 5 bed dwellings, with the remainder consisting of 2 bed properties for which a demand was also felt in the SHMA and as such is considered to be aligned to the most up-to-date locally defined need.

Paragraph 112 of the NPPF requires Local Planning Authorities (LPA's) to take into account the economic and other benefits of the best and most versatile agricultural land and states that:

"...where significant development of agricultural land is demonstrated to be necessary, LPA's should seek to use areas of poorer quality land in preference to that of a higher quality."

The local planning policy is set out in the Sunderland Unitary Development Plan (UDP) which was adopted in September 1998. The policies contained within the UDP were saved after September 2007 until such time when they are superseded by replacement local policies i.e. the adoption of the Core Strategy.

However, regard has to be given to Annex 1 of the NPPF that states that where Development Plan Policies were adopted before 2007 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It states that the closer the policies in plan are to the policies in the NPPF the greater the weight that may be given.

The main strategic aims of the UDP in part include:

- Reduce the net level of out-migration to zero by the end of the plan period, principally through policies for housing and economic development.
- Have a sufficient range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.
- Protect and enhance the best features of both the built and natural environment.

To achieve the aims, the UDP provides a number of relevant strategic policies. These include housing policies H1 and H7, countryside and nature conservation policy CN16 and built environment policy B3.

Policies H1 and H7 are both fully compliant with the NPPF. Policy H1 requires housing to be developed which maximises locational choice whilst allowing for a variety of needs in appropriate environments, the policy also aspires for development to take place which caters for reduced out-migration, whilst policy H7 encourages the provision of high quality, low density executive housing.

Policy CN8 seeks to protect the loss of the best and most versatile agricultural land (Grades 2 and 3A) and is fully compliant with the NPPF. In terms of considering the development proposal it is noted that an Agricultural Land Classification Survey has been submitted in support of the application. In conclusion of the 49.73 hectares of land surveyed, 14.03 hectares of land are considered to be non-agricultural land, with the remaining 35.7 hectares categorised as grade 3B land – moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.

Policy CN16 is fully compliant with the NPPF and seeks to retain and enhance existing woodlands, tree belts and field hedgerows, whilst policy B3 aims to protect public and private open space from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. Policy B3 is broadly compliant with the NPPF with an emphasis on consideration being given to the latest evidence contained within the Draft Greenspace Audit.

The aforementioned Draft Sunderland Greenspace Audit and Report 2012 identifies the application site as falling within the area of Hall Farm and Chapelgarth and stipulates that the area has a very small deficiency (quantity) of amenity greenspace providing 5.28

hectares per 1000 population against a current city average of 5.34 hectares, however the overall quality of the existing amenity greenspace is considered to be very low when compared with the wider city.

In addition to the strategic policies, the majority of the site is allocated for housing development and covered under policy SA9 of the UDP. Policy SA9 covers land for housing and is considered to be fully compliant with the NPPF. The site is identified as Chapelgarth, Doxford Park, with an indicative capacity for 860 units covering a gross area of approximately 72 hectares. Phase 1 of the allocation on land to the north of Weymouth Road being developed for 128 units under planning permission ref : 97/00614/FUL.

The housing allocations site is surrounded to the west, south and east, by allocations for land for new sports facilities, amenity open space and allotment and leisure gardens. Policies SA24.5, SA27.13 and SA31.2 respectively are all fully compliant with the NPPF. Policy SA48 (fully compliant NPPF) identifies the route from the City Centre to Burdon Lane via Silksworth Sports Complex, Doxford International and Chapelgarth as a strategic multi-user route to be protected from development.

The above allocations cover approximately 5.25 ha of the developable area of the site, however it is noted that the current proposal seeks to provide 6 ha of recreation open space in the remaining land within the allocation, increasing to 9 ha if the green links are included. With the above in mind, it is worthy of note that the draft SSGA has considered the requirements for the most appropriate locations for sport facilities and pitches and has identified land north of Burdon Lane as the most appropriate location, whilst also recommending that the previously allocated land use for allotments can be provided offsite.

As previously mentioned the emerging 2013 Core Strategy Revised Preferred Options is currently at Draft Revised Preferred Options stage and whilst it carries limited weight the spatial objectives for housing, neighbourhoods and communities and well-being all directly align to the existing allocation of the Chapelgarth site.

An area of retail development is proposed to form a community hub within the scheme and is proposed to consist of a maximum of 1000 square metres of ancillary commercial uses. As such, it is necessary to undertake a sequential test for the retail element of the proposal in line with the requirements of paragraph 24 of the NPPF which states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

The application site can be considered an out of town location, and as such a sequential test has looked at Doxford Park, Thorndale Road and Silksworth as District and Local Centres. The assessment has considered, location, physical characteristics, vacancy levels, planning policy designations, accessibility levels and concludes with an

assessment of suitability, availability and viability in accordance with the National Planning Practice Guidance. The findings of the assessment are considered to be acceptable in that no sequentially preferable locations are suitable, viable or available to accommodate the commercial element of the proposed scheme. It is considered therefore, that the sequential test is satisfied.

CONCLUSION.

In summary, it is noted that in local policy terms the vast majority of the proposed development site has been allocated for housing since the adoption of the UDP in 1998. The allocation for the site was estimated at 860 on a developable area of 34.51 hectares, of which 128 units (5.18 hectares) were delivered as part of Phase 1 at Burdon Vale.

The site is also being brought forward via the emerging Core Strategy identifying Chapelgarth as one of four major housing sites proposed within the SSGA.

In order to deliver the remaining developable area of the original estimated housing allocation 732 (29.33 hectares), whilst ensuring commensurate areas of public realm and suitable alternate natural greenspace (SANG) are delivered, additional land outside of the housing allocation has been identified for development. This land is currently allocated for leisure and recreation, and hence the application has been advertised as a departure.

With the above in mind, it is worthy of note that at this moment in time the City Council cannot robustly demonstrate a five year supply of deliverable housing sites, subsequently paragraphs 14 and 49 are particularly relevant, in that housing applications should be considered in the context of the presumption in favour of sustainable development.

The current application has been supported by a Chapelgarth Sustainability Statement, providing four key themes of health, happiness and wellbeing, regeneration, environmental sustainability and urban design and a core thread which is the delivery of up to 750 new homes, a new community heart, 13.74 hectares of alternative natural greenspace, connected recreational routes and an improved drainage strategy.

Notwithstanding the above, and with reference to the draft Sunderland Greenspace Audit and report 2012, it is acknowledged that Hall Farm / Chapelgarth Area currently provides below average levels of amenity greenspace in both quantity and quality in relation to city averages. The current proposal identifies two significant areas of public realm along with buffers zones between existing hedgerows and trees adding an additional 6.27 hectares of amenity greenspace to the area, along with 13.74 hectares of SANG. In this particular instance and further to ensuring delivery, it is considered that the introduction of this maintained, managed and accessible amenity greenspace, along with the introduction of the SANG is considered to be of significant benefit to the area and sufficient in quantity and quality to outweigh the loss of the allocated land for future leisure and recreation.

The development proposal has also been master planned in accordance with the draft SSGA Supplementary Planning Document, with this in mind financial contributions have been identified towards recreation, education, biodiversity, public transport, allotments and the provision of the Ryhope/Doxford Link Road.

In terms of the commercial element of the proposal, the application has demonstrated via a sequential test that the introduction of a community hub is acceptable.

The development proposal through the preparation of a comprehensive master plan for the entire site, has identified the provision of key infrastructure to enable the site to be delivered in phases over the next 15 – 20 years. In terms of land use considerations, the vast majority of the site is allocated for housing. The slight increase between the remaining site allocation and the maximum number of dwellings applied for is considered to be justified as, the City Council cannot demonstrate a robust five year supply of deliverable housing sites within its most recent SHLAA. With this mind, paragraph 49 takes precedence in that housing applications should be considered in the context of the presumption in favour of sustainable development.

In light of the above it is considered that the proposal represents a sustainable form of development, focusing on an improved drainage strategy for the site, increased availability of amenity open space, improved permeability to a variety of users in terms of the urban design and layout, coupled with a desire to reduce levels of car dependency via improving both public transport and multi user routes.

Having regard to all of the above it is considered that the representations made in respect of the 'principle of the development' as set out on page 7 of the main report have been satisfactorily addressed within this section.

2. Siting, Design & Appearance / Landscape & Visual Impact.

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 also produced the Residential Design Guide Supplementary Planning Document in order to ensure the delivery of sensitive and appropriately designed sustainable development across the city.

Each of the above national and local planning policies and guidance have provided the backdrop and framework for the future delivery of housing, whilst also shaping the delivery of the masterplan of the area conceived throughout pre-application discussions.

The current proposal whilst primarily outline in nature has been supported by a Design and Access Statement and a Design Code for the site. The Design and Access Statement

describes the masterplan which has been produced to encapsulate the vision for the Chapelgarth Site. In accordance with guidance provided within paragraph 59 of the NPPF the Design Code has been produced to be read in conjunction with the Design and Access Statement and seeks to provide instructions for developers to bring forward each parcel of land in a controlled manner. The Design Code will also be used by the Local Planning Authority in determining future reserved matters applications and ensuring the delivery as intended, should Members be minded to Grant Consent.

It is worthy of note that whilst the Design Code should be read alongside the Design and Access Statement, the Design Code is intended to be the definitive record of the planning consent via condition should Members be minded to grant consent.

The Design Code seeks to commit to specific requirements of a large scale housing development, in terms of the layout of the scheme and the design and provision of the landscaping elements via fixing a number of parameters, rules and regulatory plans. The principle is that the plan is very firm on the master planning parameters of siting, massing and use, but flexible in terms of detailed design, materials and architecture. The principle is that layers of detail can be added as the scheme develops over time.

The Code itself is comprised of 3 chapters :

- 1. Chapelgarth Neighbourhood Strategy** : sets out the parameters for the area of the master plan concerning housing, the community heart and roads.
- 2. Chapelgarth Landscape Strategy** : sets out the landscape parameters and includes the location and design of the public open space to be delivered.
- 3. Delivery and Implementation** : provides information on how each area of green space will be delivered within the provisional timescales and will be secured either via condition or as part of the Section 106 agreement.

The Chapelgarth Neighbourhood Strategy seeks to introduce 4 Regulatory Plans, covering matters pertaining to the site boundary; access, movement and streets; character areas and developable areas and land uses.

Additional rules and parameters have added to the aforementioned whilst also covering matters relating to building lines, height, density, sustainable urban drainage and parking in order to reflect a comprehensive sustainable approach to development.

Following consultations with both the City Council's Urban Design Section and Network Management Section minor modifications and amendments have been agreed and the plans, parameters and rules updated where applicable, to reflect comments.

In conclusion, the concept of introducing character areas across the site, identifying a hierarchy of streets, developable areas and densities for development, in addition to establishing constraints around building lines and heights to provide a framework to both control and inform future development of the site, without compromising or restricting the

overall design or appearance of each development area is considered to provide a positive framework for future development proposals. It is therefore concluded that the design code provides a satisfactory mechanism from which to deliver high quality homes within the development in accordance with both NPPF and UDP policies.

Chapelgarth Landscape Strategy seeks to introduce 2 Regulatory Plans, relating to the overall open space strategy for the site and recreational routes, additional parameters have been added to each of these to identify the location and extent of open spaces throughout the site and the green links to be provided, along with the location and connections between recreational routes to be retained/enhanced or proposed as part of the masterplan.

Further rules have also identified a control mechanism for :

- a. Green gateway requirements.
- b. Required treatment for areas of Suitable Alternative Natural Greenspace.
- c. Recommended treatment for the Central Park (Joe's Paddock).
- d. Recommended treatment for Pocket Parks and Doorstep Play.
- e. Recommended treatment for Green Links and Amenity Open Space.
- f. Guidance on Public Art provision and location.
- g. Recommended treatments for Buffer Areas.
- h. Planting Strategy for Planting Character Areas.
- i. Planting Strategy for Street Types.
- j. Guidance on Materials.
- k. Guidance on Boundary Treatment.
- l. Guidance on Lighting across the site.

Following consultations with the City Council's Urban Design Section, Network Management Section including the Public Rights of Way Officer and the City Council's Ecologists, in addition to Natural England, the above regulatory plans, parameters and rules have all been assessed and where necessary modified to ensure that the code is reflective of local need but has also been developed and influenced by the existing landscape and natural site context.

As previously mentioned in the section covering the principle of development, the Hall Farm and Chapelgarth area suffers from both a deficiency in quantity and quality of amenity open space, subsequently the proposal has sought to deliver a large amount of accessible open space to the development and wider area. With this in mind, the proposal seeks to introduce a perimeter circular route around the developable area of the site, this suitable alternative natural green space, provides access from both within the development site and from outside of site, thus ensuring increased accessibility to a multitude of users.

In conclusion, it is considered that the landscape strategy has fully considered the constraints of the site, Blakeney Woods Local Wildlife Site, National Route 70 Multi-user Route, the existing tree and hedgerows, the existing agricultural nature of the site, deficiency of accessible footways and the below average levels of amenity space provided within the immediate area. The proposal has also sought to introduce a significant area of suitable alternative natural green space in order to be compliant with the Habitat

Regulations. In light of the above, it is considered that this element of the proposal is compliant with UDP policies CN16, CN19, CN21 and SA27.

The Delivery and Implementation of certain elements of the proposal is subject to rules governing the quantum of amenity open space, SANG and equipped play space. Heads of Terms are included within the Section 106 to safeguard the delivery of both the open space and SANG, whilst the equipped play space will form part of any subsequent reserved matters proposals should Members be minded to grant consent. It is intended that the long term maintenance of each of the above will be ensured by a maintenance schedule contained within the Section 106 agreement.

The Phase 1 Infrastructure Works seek to introduce the SUDS for the early phases of the development and along with the future areas of SUDS contained within the outline housing element of the proposal are also planned to be maintained by a private management company and secured via Section 106.

The delivery of the noise attenuation bund and living acoustic barrier that is proposed to be delivered running parallel with the A19 is to be constructed prior to the occupation of housing areas outlined within an adjacent noise buffer area. These works are to be secured via Section 106.

Notwithstanding the above, it is considered that all aspect of the development, SANG, open space, equipped children's play, SUDS and noise barriers can be secured via Section 106 with appropriate trigger points for delivery agreed, to ensure that the development is implemented in full and provides a high quality of design and a longevity of maintenance.

In summary, the three chapters of the design code are considered to provide a robust planning tool, that provides a degree of certainty to both developers and the Local Planning Authority. By outlining constraints contained within the code and by implementing the guidance provided within the parameters and rules, it is considered that the site can be delivered in a sustainable, cohesive and well planned manner.

In assessing the landscape and visual impact of the development the relevant chapter of the Environmental Statement has predicted that the significant effects can be summarised as follows:-

- The most sensitive receptors of the new development and construction works are the residents of Burdon Vale to the north and recreational users of informal footpaths around the field boundaries.
- Properties which have the greatest visibility of the site and highest sensitivity to change are those along the southern edge of the Burdon Vale estate. Following mitigation the proposal is predicted to have a moderate adverse significant effect.
- The loss of the fields is considered a moderate adverse effect.
- The change of use provides a provision of publicly accessible open space and a network of paths and is considered to be of major benefit to the local area.
- The effect on tranquillity of the site was considered to be minor adverse due to the increased activity associated with the development and increased street lighting.
- The addition of the acoustic treatments to the south west of the site are considered to be a great benefit to all from the effects of the A19 transport corridor.

- The current openness of panoramic views across the largest field and southern site area is predicted to be more reduced, but framed along and down street networks.
- The increase in vegetation, through mitigation of loss of existing vegetation and “gapping up” of existing hedges as well as extensions to hedge planting, new woodland planting and new street trees would be a major benefit.

In summary and based upon the information provided in both the Design and Access Statement and Design Code, it is considered that there would be a net enhancement to the landscape value and amenities of Chapelgarth with an overall impact of minor benefit.

Having regard to all of the above it is considered that the representations made in respect of the ‘siting, design and appearance / landscape and visual impact’ as set out on page 8 of the main report have been satisfactorily addressed within this section.

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.

Paragraph 35 states in part, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and paragraph 36 emphasizes the use of Travel Plans to facilitate this movement.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst 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.

Policies T8,T9,T10,T11 and T13 are all fully compliant with the NPPF, whilst policy T14 is broadly compliant with an emphasis placed upon supporting TA's as prescribed within the NPPF.

The application has been supported by a TA and an Interim Travel Plan.

The TA has been compiled and shaped by pre-application discussions with officers of Sunderland City Council (SCC) and Highways England (HE) and seeks to set out the likely impact of the proposed residential development at Chapelgarth.

In addition to the NPPF, the TA has been prepared in accordance with and mindful of The Strategic Road Network, Planning for the Future (2015) Highways England and LTP3 : Third Local Transport Plan for Tyne and Wear, Strategy 2011-2021 whilst on a local plan level the Chapelgarth site is identified within the Core Strategy as an area for major housing development and is included within the SSGA. In order to test and appraise the

local plan proposals on the highway network a Local Plan Evidence Base (LPEB) report was prepared in 2014.

The LPEB concludes that the impact of the SSGA can be accommodated if specific junction improvements (A19 and A690) and the Ryhope Doxford Link Road is provided. To facilitate the specific junction improvements identified, the draft SSGA Supplementary Planning Document states that Pinch Point funding has been secured (via the Department for Transport) to implement the required junction improvements.

Further to consultations with the Network Management Section the following comments have been received.

Transport Assessment (TA)

The land subject to the proposal has historically been identified for a residential development of 650 dwellings within the (SHLAA). The road identified to serve this land (named as Weymouth Road) was built with capacity to serve both Chapelgarth developments and the land to the south. A number of key junctions on the Local Road Network have been assessed within the TA. The TA has also been modified and a Transport Addendum submitted 18.07.2016.

Traffic Impact

Initially the applicant proposed up to 900 dwellings on this land, but following pre-application discussions has revised this number to 750 units. For a residential scheme of this size, the build rate would be expected to be in the region of 50 homes per year so the impact of new traffic would be expected to be incremental and increase gradually as the site is built out in a number of phases.

The provision of a Stage 1 Road Safety Audit would be beneficial to review the road network and given that this application is outline only with part of the access roads submitted as detail this requirement could be dealt with through a suitably worded planning condition should Members be minded to grant consent.

Junction Assessments

As part of the transport scoping exercise, eight junctions were requested to be assessed for traffic demands to check operational capacity for existing and future years including annual traffic growth for this development.

The applicant has considered traffic growth for a 15 year period up to 2032, based on the site being fully developed and open to traffic by 2017, including traffic from those nearby developments included that benefit from planning permission. The applicant has included phase 5 of the redevelopment of Doxford Park and the new ALDI retail development as traffic generated by known committed developments in the nearby area following advice at the pre-application stage.

The following junctions have been checked for existing capacity and assessed to include new development traffic and future on year traffic growth up to 2032. The junctions assessed are:

A690 Durham Road / A19 City Way

As mentioned previously, this grade separated junction which meets the strategic road network with traffic control on the local road network. Both the morning and afternoon peak periods have been assessed as the worst case situation where traffic demands are at the busiest and when delays are expected to happen.

Analysis of traffic flows identify that the junction is experiencing issues with queue lengths on approaches and operational capacity of the A690 circulatory carriageway during the peak hour periods. The traffic signals are currently set on specific timing patterns with queues controlled by loops installed within the surface of the roads at approaches to the roundabout.

The recent Pinch Point scheme at this junction, implemented with a government funding award included the renewal and upgrading of traffic signal equipment. The work included a number of measures to help improve traffic flows through the local road network element of the junction which is separated from the A19. These measures include the installation of Microprocessor Optimised Vehicle Actuation (MOVA) which will improve vehicle flows as it is more reactive than traditional signal timings and can prioritise demand on queue lengths and assist clearing traffic along the busiest approaches first. In addition, Urban Traffic Management Control (UTMC) has been installed which allows for the signal timings to be adjusted remotely should there be any exceptional situations influencing traffic queuing on the local or strategic road network.

The installation of MOVA is considered to help improve capacity of traffic moving through the junction by up to 5% and reduce delays by 15%. The recommendation to install MOVA was made within a study produced by the then Highways Agency now (Highways England) with a recommendation for implementation by 2018.

It should be noted that these measures were not fully complete at the time of the on-site traffic surveys, so the applicant has made assumptions on the benefits on the improvements brought about by optimising the signals with the MOVA equipment. There are also recent changes to lane-markings to consider with some still to be implemented.

It is also worth of note that the development will not cause a significant impact on traffic using the A19 strategic road network. The introduction of the MOVA/UTMC installation will bring improvements to enable initial development to commence on site.

However, based on recommendations made by Highways England it is recognised that a review of the A19 and its junctions in Sunderland would be beneficial to assist with the wider development proposals to be brought forward by the Sunderland Local Plan.

Doxford Park Way / Silksworth Way / Moorside Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Doxford Park Way / Mill Hill Road / Hall Farm Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Weymouth Road / Hall Farm Road roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the proposed increase can be accommodated by the existing roundabout.

Weymouth Road / Portland College roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that this increase can be accommodated by the existing roundabout. This roundabout was built as part of the original access roads constructed for Chapelgarth with capacity to serve both the existing and development of land to the south.

Weymouth Road / Englemann Way roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that this increase can be accommodated by the existing roundabout. This roundabout was built as part of the original access road constructed for Chapelgarth with capacity to serve both the existing and development of land to the south.

Weymouth Road / Moorside Road / Midgeley Drive roundabout

The junction has been reviewed identifying a minimal increase in peak hour queuing associated with new traffic generated by this proposal. It is considered that the increase can be accommodated by the existing roundabout.

Weymouth Road / Site Access new T-junction

This is a new junction which has been designed as a priority junction and includes for localised widening for right-turn movements on Weymouth Road with capacity to accommodate new development traffic.

Junction Assessments Conclusion

At the request of Sunderland City Council, a further review of the operation of the Doxford Park Way / Silksworth Way / Moorside Road roundabout was undertaken following concerns raised by residents and Ward Councillors. This review considers traffic associated with the development and queuing during the morning peak hour. The results show that the proposed development will increase queue lengths and delays, but not at a level significant enough to require any mitigation measures to the roundabout.

Site Access

The proposal seeks permission to construct two lengths of new access road to serve the site. The first section is formed by a new T-junction with Weymouth Road; the second is an access from the existing stub on the fourth arm of the roundabout at the junction of Weymouth Road and Englemann Way. Both access roads will need to be constructed to the Local Highway Authority's standards.

Parking Provision

Parking for individual dwellings should be provided on the basis of a minimum 1 in-curtilage space per dwelling, increasing to two spaces depending upon the size of property. Visitor parking provision is normally applied at 1 space per 3 dwellings; this however can be relaxed subject to locations where dwellings have double driveways. It is recommended that visitor parking should be distributed evenly throughout the development and sited so as not to restrict through traffic particularly along bus routes.

Parking provision needs to be included for the local shopping centre, with the number of spaces provided based on gross floor area of proposed retail uses.

It is further recommended that new homes should be provided with the option of installing home charging equipment for electric vehicles. Additional publically available EV charging points should be included within communal facilities for the local shopping centre.

Public Transport

The TA states that the Chapelgarth site location has good access to regular bus services. This statement is considered to be questionable. The nearest existing bus services are operated as commercial routes serving Doxford Park / Hall Farm as part of the wider bus network. This development would benefit from the provision of a faster route into the City Centre with a bus stop provided in proximity to a proposed local shopping centre located within this development.

The illustrative Master-plan identifies a primary route through the development which could potentially be used as a bus route. This road width, will need to be a minimum of 6.7 metres with any on-street parking provided outside of this width to prevent obstruction of this route. The final layout of a 6.7 metres wide route to facilitate a bus service route through the development can be detailed at the design stage.

In light of the above, it is recommended that a short section of the primary route will need to be realigned to replace a block of the grid-style homes with a curved road alignment suitable for bus traffic. The layout of homes can then be redistributed to follow the realigned roadway.

It is further recommended that the development will need to be permeable and incorporate strong pedestrian links to assist in achieving public transport accessibility standards by ensuring direct walking distances of no more than 400 metres to a bus stop. (A bus stop should be provided on the primary route adjacent the proposed local retail centre with associated infrastructure i.e. lay-by, shelter, clearways and raised kerb platforms).

New westbound bus stops should be provided at two locations along Weymouth Road. Currently the only stops provided are eastbound. A drawing has been submitted to show two new westbound bus stops on Weymouth Road to complement the existing eastbound stops with new footways extended to serve these stops.

The person trip generation makes the assumption that 9% will travel by bus, in order to achieve that it is recommended that new bus infrastructure be provided to support the provision of bus services to help meet these targets.

Pedestrian and Cycling Provision

The applicant has confirmed that the new footway / cycleways to be constructed adjacent Weymouth Road are to be 3 metres wide shared use. Footpaths located within the proposed areas of green space adjacent Weymouth Road containing steps and gated access are proposed to be maintained by a private management company.

Public Rights of Way

There are no registered public rights of way across, or routed directly through the development site. The applicant should however be aware of the provisions of Section 31 of the Highways Act 1980 which relates to presumed dedication of public rights of way where there has been 20 years use by public as of right and without interruption, and also of Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map.

It is recommended that the site layout will need to include positive footpath links to the nearby public rights of way, bridleway and multi-user routes. Any diversions to routes would need to be covered by a legal order. The existing multi-user route to the southern side of the development which runs parallel with the A19 corridor linking Burdon Lane and Doxford International is to be retained.

Sunderland City Council has received a number of claims relating to the use of unmade tracks and potential pedestrian routes across the land which is the subject of this planning application. These are currently being assessed and any necessary arrangements to stop up and divert these routes progressed via the relevant section of the Highways Act 1980.

Section 38 Highway Layout

The proposed highway arrangements involve the construction of new public highway to enable access to the future development sites. The developer will need to enter into an agreement under Section 38 of the Highways Act to ensure the necessary technical and highway adoption arrangements are in place. Other highway adoptions to address at the detailed stage include:

- The road, footways, footpaths, visitor parking and associated street lighting will be subject to future adoption through a Section 38 agreement.
- Road layout to adoptable standards and associated highway improvements.
- Maximum limit of 3 dwellings to be served by private shared driveways.

The illustrative Master-plan identifies potential prospectively adoptable public highway. It is noted that the layout is illustrative and may change subject to reserved matter applications for future housing developments.

Traffic Calming in Development

The development should be designed to ensure traffic speeds are managed within the development with physical measures provided to deter speeds in excess of 20mph within the internal road layout.

Highway Drainage and Sustainable Urban Drainage Systems (SUDS)

The development includes proposals for two detention basins. These proposals include new surface water drainage pipe runs, some of which will be located in the existing highway. The installation of these connections will need to be carried out as part of the Section 278 Highway works. The basins are planned to be constructed at the start of the development with stubs provided to connect into future residential plots.

Any additional surface water management or highway drainage arrangements for the remainder of the development can be considered at a later stage. The provision of swales and water features adjacent pedestrian or driveway crossing points within residential areas needs to be reviewed. The design of these areas will need to be carefully considered to ensure there are no future issues with adoption as public highway, however it is considered that should Members be minded to grant consent the detail can be further considered at the reserved matters stage.

Traffic Management on Existing Highway

The applicant has included the drawing “Proposed Off Site Highways” within the Transport Assessment some proposals to introduce central hatching along Weymouth Road to narrow the available road widths and assist management of traffic speeds.

As part of the transport scoping exercise, the need to consider the influence of development traffic on existing traffic flows along both Weymouth Road and Moorside Road was highlighted. As a result, traffic counts were undertaken which have recorded vehicle speed data over both a 5 day and 7 day period. Results even with an allowance for isolated speeding incidents still show that general speeds along Weymouth Road are above the 30mph limit.

Section 278 Highway Works

The proposed highway alterations to Weymouth Road and the forming of the new access roads will involve construction works within the adopted public highway. The developer will need to enter into an agreement under Section 278 of the Highways Act to ensure the necessary technical and funding arrangements are in place before works start on site.

At the request of Sunderland City Council, the applicant has submitted drawings identifying proposals for traffic management measures along with both Weymouth Road and Moorside Road. Following a meeting to discuss the proposals, the drawing now includes for the provision of a School 20mph Zone on the sections of Weymouth Road covering Portland Academy. Physical measures include entry treatments, build-outs, speed cushions, signs and road-markings to enforce the 20mph limit. The applicant will be required to fund these works including costs associated with implementing traffic orders.

Additional parking restrictions are proposed along Moorside Road towards the junction with Weymouth Road. The applicant will be required to fund these works including costs associated with traffic orders. Further restrictions may be necessary as part of future phasing of development. No further restrictions are considered appropriate at this stage.

Road Safety

The applicant has undertaken a full review of road safety over a three year period. Detailed analysis indicates that there has been no traffic incidents involving personal injury with vehicle speed recorded as a contributory factor. There are records of collisions at junctions but those identified have no single or underlying issue highlighted as a reason.

Ryhope – Doxford Park Link Road

The completion of the Ryhope to Doxford Park Link Road is essential to enable the wider distribution of traffic across the local road network and help alleviate traffic relying on the A690/A19 junction. This link road will provide the east-west connection to the A1018 /St Nazaire Way and include junction capacity improvements to support the delivery of the SSGA.

Section 106 funding contributions for this key infrastructure project are to be provided by the Chapelgarth Development to assist on the phased delivery of this scheme.

Highways England Consultation

Discussions with Highways England confirm that they are satisfied with the assessment method the applicant has used to review the A690 /A19 junction. These however have raised capacity issues during AM and PM peak periods, but recognise that some capacity improvements are still to be made as part of the Pinch Point scheme to this junction.

Highways England have recommended that an additional piece of work be undertaken to review the potential impact on both the northbound merge and southbound merge lanes onto the A19. The response includes predictions for increases trips onto the A19 which are based on the original proposal for 900 dwellings covered in the Transport Assessment not the 750 now proposed.

Highways England has requested changes to update and amend the submitted Interim Travel Plan and suggested the provision of a Stage 1 Road Safety Audit subject to any physical changes to the existing highway layout.

In light of the above and at the request of Highways England, the transport consultant has undertaken additional traffic modelling work for the A19/A690 junction to provide a review of traffic signal timing, queuing capacity and lane arrangements.

The results of the additional modelling work provided by the applicant demonstrate that traffic from the proposed Chapelgarth development will not result in significant impact during the AM peak hour and that there will no additional impact during the PM peak hour. This is based on the planned year of opening to traffic in 2017.

Merge and diverge assessment for slip roads onto the A19 show that the existing south and northbound merge and southbound diverge arrangements can accommodate traffic associated with the Chapelgarth development. Based on this the applicant considers that no mitigation measures are required.

Highways England have reviewed both the additional traffic modelling for the A19/A690 junction and the merge / diverge assessment for the A19 slip roads, and are now satisfied that the Chapelgarth development will not result in a significant change to the performance of this junction taking into account the existing traffic demands at peak hours.

Network Management Response

The Pinch Point scheme mitigations completed to A19/A690 were developed with guidance from Highways England, and will bring improvements to the operation of the main circulatory carriageway.

Further mitigation measures to address capacity to include the completion of future phases of the Ryhope to Doxford Park Link Road will allow the wider distribution of traffic across the local road network and help alleviate traffic relying on the A690/A19 junction.

The provision of a Stage 1 Road Safety Audit is raised by Highways England, and it is agreed that this would be beneficial subject to any potentially significant physical changes to both the local and strategic road network.

It should also be noted that the development will lead to an increase in traffic using the A19 strategic road network but will not cause a significant impact. However based on recommendations made by Highways England a review and update of the previous Sunderland Infrastructure Study of the A19 corridor produced by the Highways Agency (now Highways England) would be beneficial to assist with the wider major development proposals to be brought forward by the Sunderland Local Plan.

The suggestion to update and amend the submitted Interim Travel Plan with effective measures to encourage sustainable travel and so help reduce potential future traffic impacts on both the strategic and local road networks is supported. It is considered that should Members be minded to grant consent this could be dealt with by a suitably worded condition.

Nexus Response

Nexus have raised a number of concerns with the development proposal, with the main issues raised as follows:

- The location of the development is isolated from existing bus services (and does not support access to local amenities.
- Suitability of the alignment of the internal road layout to accommodate a new bus route.
- A large proportion of the development does not meet with accessibility standards in terms of falling within the maximum 400m walking distances for residents.
- Lack of information on bus stop infrastructure provision and
- The provision of the central hatching along Weymouth Road.

Network Management Response to Nexus Comments

In terms of the proposal to introduce central hatching to Weymouth Road, it is recognised that while effectively narrowing the available road width to help manage traffic speeds, the reduced lane width would be detrimental to the free flow of buses. A recommendation would be to reduce the speed limit on Weymouth Road to 20mph with the addition of two on-street bus sites at appropriate locations and introduction of complimentary traffic management measures. It is noted that Nexus would be supportive of this solution.

In terms of the issues raised regarding the internal road layout and lack of detail regarding bus infrastructure, it should be noted that the application is a hybrid, (part full, part outline)

with the layout reserved for future consideration. Furthermore the bus service proposals to be supported by the Section 106 contribution help address the initial concerns raised by Nexus in respect of public transport accessibility, isolation from existing bus services and the suitability of the internal road layout.

Interim Travel Plan

The Interim Travel Plan should be developed further to promote sustainable transport options to help reduce single car occupancy. Consideration should be given to incorporating sustainable travel incentives bus travel within Welcome packs to help promote non-car options at an early stage.

Details will need to be submitted based on the Interim Travel Plan and include effective measures to encourage sustainable travel and reduce single car occupancy, and so help reduce potential future traffic impacts on both the strategic and local road networks. The Interim Travel Plan will need to include for any relevant financial contributions.

Travel Plans will need to be submitted for each phase and incorporate sustainable travel incentives including bus travel within Welcome packs to help promote non-car options at an early stage.

Concluding Highways Comments

In conclusion, it is considered that the TA and Addendum have satisfactorily demonstrated that subject to the imposition of planning conditions, the delivery of financial contributions towards ensuring the completion of the Ryhope to Doxford Park Link Road, and increased provision and frequency of public transport, the proposed development site, surrounding and wider highway network will be able to cope with the increase in both pedestrian and vehicular traffic. The proposal is considered to be acceptable and in accordance with paragraph 32 of the NPPF and saved UPD policies T8, T9, T10, T11, T13, and T14.

In assessing the environmental impact of the traffic and transportation issues associated with the proposed development the ES has concluded that through the use of appropriate mitigation measures that most adverse effects in relation to transport impacts are to be suitably controlled, with the exception of vehicle flows on Weymouth Road. This is however, primarily as a result of Weymouth Road currently accommodation a low level of traffic. The increase in flow is seen as likely to generate a moderate adverse impact on Weymouth Road, however it is noted that the development is likely to be constructed in separate phases and a sudden change to the levels associated with up to 750 houses would be gradual.

Having regard to all of the above it is considered that the representations made in respect of the 'highway implications' as set out on page 8 of the main report have been satisfactorily addressed within this section.

4. Socio-Economic Impacts.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF outlines 12 core planning principles that should underpin plan making and decision taking. Seven of these are particularly relevant to the assessment of the socio-economic impacts of the proposed development of the larger Chapelgarth site.

They are summarised below:

- to enhance and improve places in which people live their lives;
- to promote sustainable economic development to deliver homes, businesses, infrastructure and local places that are needed, based on the assessment of local need;
- to provide high quality design and amenity;
- to take account of the different roles and character of different areas including promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside;
- to promote mixed use developments;
- to maintain growth to make the fullest use of sustainable modes of transport and focusing development in sustainable locations; and
- to improve health, social and cultural wellbeing and delivering community facilities to serve local need.

As previously mentioned, the site is primarily allocated for housing within the UDP under policy SA9, however part of the site is also covered by policies SA24, SA27 and SA48, relating to the provision of outdoor sport facilities, amenity open space and the retention of a strategic multi-user route. The site is also identified in the most up to date SHLAA as having a capacity of 650 residential units, while also forming one of four sites collectively known as the South Sunderland Growth Area. The draft SSGA SPD is supported by the South Sunderland Growth Area Infrastructure Delivery Study (IDS).

The IDS has been produced to identify and define all of the requirements that are needed to make places function efficiently and effectively and in a way that creates sustainable communities. The delivery of the infrastructure requirements will be sought via planning conditions and also by Section 106 contributions.

The supporting Environmental Statement has established that Sunderland has a slowly declining population whilst economically it performs poorly in comparison with regional and national statistics. The ES has demonstrated that the City is losing residents to surrounding towns and cities, as it struggles to compete with the professional job and housing offer in other cities. Sunderland also has a high unemployment level in comparison with the region and nationally.

Mitigation measures have been produced to ensure the positives of the development are long term and that they benefit the local area. This includes:-

- Offering employment opportunities locally.
- Procuring local goods and services
- Section 106 financial contributions towards education, recreation, biodiversity, highways, allotments and the delivery of approximately 75 affordable houses.
- Enhanced open spaces and improved accessibility

In terms of job creation, the ES predicts that 57 full time jobs will be created as a result of the development of the village heart. In addition to this 222 jobs are estimated to be generated during the construction phase with the associated boost to the local economy.

With all of the above in mind it is considered that the development is in accordance with the relevant core principles of the NPPF and will have a moderate benefit on the local economy, employment and community benefits.

Having regard to all of the above it is considered that the representations made in respect of the 'socio-economic impacts' as set out on page 8 of the main report have been satisfactorily addressed within this section.

5. Ecology & Nature Conservation.

The current proposal raises a number of issues in relation to the impact on ecology, in terms of both species and habitats. The biodiversity issues raised by the scheme have been fully assessed in accordance with the duties imposed on Local Planning Authorities, namely:

The Conservation of Habitats and Species Regulations 2010 (as amended): Containing five Parts and four Schedules, the Regulations provide for the designation and protection of "European sites", the protection of "European protected species", and the adaptation of planning and other controls for the protection of European Sites.

Natural Environment and Rural Communities Act 2006: Section 40 of this Act introduced a new duty on public bodies to have regard to the purpose of conserving biodiversity in the exercise of their functions.

The Wildlife and Countryside Act 1981 (as amended): This is the primary UK mechanism for the protection of individual species listed within the Act.

Hedgerow Regulations 1997: In England the Hedgerow Regulations 1997 are intended to protect important countryside hedges from destruction or damage.

Chapter 11 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains

in biodiversity where possible, including by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments.

UDP policy CN16 encourages the retention of and enhancement of field hedgerows and to undertake and encourage new planting in order to, in part, enhance main transport corridors, employment areas and wildlife corridors. Policy CN18 of the UDP promotes the preservation and creation of habitat for protected species where possible, whilst policy CN21 requires the Council to avoid adverse impacts on Local Nature Reserves. Policy CN22 goes on to state that:

"development which would adversely affect any animal or plant species afforded 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."

Each of the aforementioned UDP policies are considered to be fully compliant with the NPPF.

Policy CS7.7 of the emerging Core Strategy and Development Management Policies sets out that the Council will:

- a) Protect, conserve, enhance and review designated ecological and geological sites of international, national and local importance;
- b) Ensure that development does not adversely impact upon existing locally distinctive priority habitats and species and makes the fullest contributions to enhancing their biodiversity, both through on-site measures and by contribution to local biodiversity improvements; and
- c) Ensure that development does not adversely impact upon local geo-diversity assets.

Considerations

The current proposal which seeks to develop the existing agricultural land for residential and commercial use has been subject to the following surveys:

- Phase 1 Habitat Survey;
- Bat emergence and transects surveys;
- Automated monitoring survey of bats;
- Brown hare transect survey;
- Great crested newt surveys;
- Badger, otter and water vole surveys;
- Breeding bird surveys.

In addition to the above, a number of additional surveys were undertaken, starting with a verification survey undertaken by Argus Ecology Ltd. dated 21.04.2015 which included a further breeding bird survey and walkover survey to verify habitats present and to assess whether the risk of occurrence of protected species had changed since the publication of the above reports in 2013 and 2014. The findings of the report are contained within the relevant ecology chapter of the environmental statement.

A hedgerow survey and report was undertaken and an arboricultural report was also provided in support of the proposal.

In assessing the current proposal, a variety of constraints in terms of habitats and vegetation were identified, within the site, adjacent the site and in the surrounding area, that have assisted in shaping the current masterplan proposal through the pre-application process and throughout the planning application consideration process.

Within the development area the site comprises three arable fields, separated by hedgerows with trees, and two areas of semi-improved neutral grassland. A total of 97 individual trees and 14 tree groups were surveyed, and it is noted that 12 trees have been categorised as unsuitable for retention. A plan illustrating the relevant category of each tree contained within the site has been submitted and should Members be minded to grant consent it shall be attached to the approved plans condition.

Furthermore should Members be minded to grant consent conditions shall be imposed to ensure that tree work recommendations and prescribed maintenance are undertaken in accordance with the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016. Additionally, following the submission of any and all future reserved matters applications should Members be minded to grant consent, it is recommended that a condition be imposed requiring the submission of a full Arboricultural Impact Assessments to establish the impact of any future layout on the existing tree constraints.

The site contains a total of 1.79km of hedgerows located within 8 discreet units, of these units and following a hedgerow survey, it is considered that only two units would qualify as important under the Hedgerow Regulations 1997, although all the hedgerows within the survey area could be regarded as priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). Notwithstanding the above, the current masterplan indicates that only one hedge is to be removed and three others are identified to be breached to accommodate roads.

With the above in mind and should Members be minded to grant consent, it is considered that a condition should be imposed to ensure that all necessary works to the existing hedgerows are undertaken outside of the bird nesting season.

In terms of protected and priority species, it is noted that representations have been received claiming the site provides a habitat for a variety of species, during the phase 1 survey a note was made of any field signs indicating the presence of those protected species listed and mapped. A record was also made of any other animal species identified

within the site or adjacent areas during the survey and an assessment of the suitability of the habitats for protected species was carried out in order, to identify any potential impacts upon such species or whether there was a requirement for further survey.

With regards to protected and priority species, no amphibians were found, including great crested newts, in either the pond within the site or in Blakeney Woods. Furthermore, the suitability of the site for reptiles is considered very low due to the existing arable farming of the site. No signs of badgers were recorded and it was concluded that the site supports a very small population of brown hares, song thrush, and up to two skylark territories while common toads occupy a pond outside the site.

The site has been subject to an extensive programme of bat emergence and activity surveys which have identified a foraging area surrounding existing hedgerows as well as identifying two trees that may support roosting bats. In light of this and given the outline nature of the application to the pertinent areas, it is considered that should either or both these trees require felling pre-felling surveys and licenses would be required from Natural England.

Adjacent to the east of the site is Blakeney Woods Local Wildlife Site (LWS), the potential impact of the proposed development in terms of encroachment, damage to trees and contamination of the water course have all been considered throughout the development process and appropriate buffers and long term management plans prepared to safeguard the long term health of the site.

In light of the above, a number of mitigation measures have been incorporated in to the project design to avoid or reduce the magnitude or significance of potential ecological impacts, including:

- Open buffers of a minimum of 25 metres to be maintained around Blakeney Woods and belts of mature trees.
- 10m buffers around hedgerows:
- A SUDS scheme that not only functions as a flood protection mechanism but also provides a number of ecological benefits, actively contributing to the network of open space provision.

The City has a number of European Designations (N2K) within its boundary i.e. Northumbria Coast Special Protection Area (SPA –species) and the Durham Coast Special Area of Conservation (SAC – habitats); as a consequence it is necessary to consider the implications of the Habitat Directive (1992).

The Habitat Directive is the European legislation governing the management of N2K sites and this piece of legislation has been transposed into the UK planning system via the Conservation of Habitats and Species Regulations 2010 (as amended) (hereby referred to as the Habitat Regulations (2010)) and Paragraph 119 of the NPPF. The Habitat Directive requires plans and projects to undertake, in the first instance, an assessment of whether

proposals are likely to result in “Likely Significant Effect” (LSE) on designations. If LSE is deemed unlikely, then no further assessment is necessary.

The relevance of these designations to the development proposal follows the work the Council has undertaken in respect of advancing the Council’s Local Plan i.e. the emerging core strategy and the draft SSGA SPD as well as evidence gathered by neighbouring authorities in their plan-making e.g. Durham County Council’s Local Plan. What has become evident is the LSE of recreational activities (e.g. dog walking) primarily through the in-combination effects of housing growth on the N2K at the coast, leading to the erosion of the SAC habitat and disturbance of the SPA features. As such, for residential development near the N2K sites, it is necessary to consider these within the context of the Habitat Regulations (2010).

In light of the Chapelgarth site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own Habitats Regulations Assessment (HRA) to ascertain whether there would be any LSE arising out of the emerging housing proposals. The screening report concluded that it was not possible to rule out LSEs on the SPA or the SAC and as such mitigation would be required.

Given this conclusion the next stage of the HRA process is to undertake an Appropriate Assessment (AA), which is a scientific appraisal of all the LSEs, which the relevant competent authority, in this case the City Council, can then use to ascertain whether the plan would adversely affect the N2K’s integrity.

In order to summarise, the AA exercise for the SSGA has identified that Suitable Alternative Natural Greenspace (SANG) and accompanying green infrastructure are required in order to absorb the majority of dog-walking activity arising from new residents and to reduce the pressure on the coast from the existing population.

The current proposal has been supported by a report to support the SSGA HRA and concludes and recommends the following:

The development has been considered in terms of its scale, nature and location in relation to the designated sites and also in combination in the wider context of the SSGA. In the absence of mitigation, it has been determined that there would be LSE on two of the qualifying features of the Northumbria Coast SPA and Ramsar site, both alone and in-combination with other planned development in the SSGA.

In light of the above, the masterplan for this development proposal has incorporated mitigation that accords with the requirements of the draft SSGA SPD to provide in excess of 18ha per 1000 dwellings of SANG. As a result of the mitigation, it is considered that the competent authority i.e. Sunderland City Council could safely conclude that there is no LSE on the qualifying features of the SPA and the Ramsar site. It is therefore considered that the potential effects of this development proposal on the Durham Coast SAC could be screened out from further consideration.

With regard the overall design principles, delivery and long term maintenance of the SANG, the following principles are to be adopted and have been added to the Design Code in the form of regulatory rules to ensure adherence:

- Enhancement to existing open space provision. To have a natural open space feel similar to a country park specification.
- Paths to include a combination of surfaced routes for all weathers and mown grass paths to provide a more natural feel.
- To include supplementary tree planting and species rich grassland and wildflower management proposals.
- To include large areas for dogs to be off a lead and signage as to which areas these are.
- Low level lighting to be provided to key routes only.
- 1.2 metres high railings to be included where necessary for safety between dogs off the lead and cars in adjacent areas.
- To include a well connected trail and short loop walks.
- To include markers for fitness trails.
- To include equipment for fitness trails.
- To include a multi user route and a diverted section of the W2W
- To include access control which permits horses, cyclists and pedestrians including double buggies.
- Incorporate public art and interpretation which is in keeping with the country park that references views and the history of the SANG/wider Chapelgarth site including the former railway and industrial use.
- Will not incorporate other uses incompatible to dog walking such as sports pitches.

Following consultations with the City Council's Natural Heritage Officer (ecologist), the following areas have been identified in terms of measures required to mitigate the impact of the development on biodiversity and monies secured via a financial contribution contained within the Section 106 agreement, along with trigger mechanisms to ensure the delivery and longevity of the scheme.

- Blakeney Woods LWS – Production of a management plan reviewed every 10 years. Implementation of the measures identified in the plan including:-
 - Invasive species control and eradication
 - Access management measures
 - Creation of marginal strips
- Contribution towards a Ranger Service for the South Sunderland Area.
- Creation of a Hedgerow Incentive Scheme.
- Farmland management and liaison with Farmers in the immediate area.
- Management fee to cover the cost delivering the mitigation measures.

In addition to the above, and should Members be minded to grant consent, it is recommended that a condition be imposed to cover impacts on breeding birds.

In conclusion, the masterplan and design code have undergone considerable modification to ensure that all ecological effects have been addressed, and through the imposition of a series of constraints, mitigation measures have been introduced to ensure compliance with protected species legislation and relevant national and saved UDP policies.

The Environmental Statement has acknowledged that the loss of the existing land will involve a small magnitude effect on surface water flows in Hendon Burn, within Blakeney Woods LWS, changes to the breeding bird assemblage and effects on hedgerows and trees, it is concluded that the overall residual impact of the development will be no more than minor significance.

Having regard to all of the above it is considered that the representations made in respect of the 'ecology and nature conservation' as set out on page 8 of the main report have been satisfactorily addressed within this section.

6. Water Resources & Flood Risk.

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk, whilst paragraph 103 specifically sets out the requirements for site specific flood risk assessments for proposals of greater than 1ha in Flood Zone 1. (In this instance the site does exceed 1ha in Flood Zone 1 whilst also being located within a Critical Drainage Area as defined by the Council's Strategic Flood Risk Assessment (SFRA)).

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 or 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 or 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. FRA's 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 Applicant has submitted a FRA dated March 2016 and an accompanying Drainage Strategy dated March 2016.

The FRA includes the following:

- An appraisal of the availability and adequacy of existing information on flood risk
- An appraisal of the flood risk posed to the site and potential impact of the development on flood risk elsewhere
- An appraisal of the scope of possible measures to reduce the flood risk to acceptable levels if required.

In appraising the flood risk of the site, matters relating to tidal, fluvial, artificial drainage, overland/surface water, infrastructure failure and groundwater have all been considered and it is concluded that the development is acceptable from a flood risk perspective.

Notwithstanding the above and in order to deliver a sustainable drainage solution for the overall development, the development has proposed a scheme of drainage that splits the sites surface water discharge locations. Where possible by gravity connection up to 50% of the site will be directed to the watercourse at a discharge rate equivalent to greenfield runoff up to a maximum of 40 litres per second, as agreed with the Lead Local Flood Authority (LLFA). The remainder of the site will discharge to the existing public surface water sewer at an agreed discharge rate of 10 litres per second. Attenuation on site will provide storage for flows in excess of the aforementioned rates.

It is proposed that surface water flows from the site are to be connected to the sewer system through a combination of swales and a traditional piped network which will discharge into two interconnected Sustainable Urban Drainage Systems (SuDS) basins. Basin 1 located to the southwest of Portland College roundabout and Basin 2 located to the southwest of Englemann Way roundabout. These are also expected to provide a level of water quality treatment.

The onsite storage will cope with all storms up to and including the 1 in 100 year, 6 hour duration with climate change allowance of 30%. The storage requirements for both basins will have a total of approximately 6000 cubic metres.

Detention basins have been selected for their high SuDS value, high attenuation potential and hydraulic control as well as their compatibility with residential developments. They also have a good habitat creation potential, and are considered to have low maintenance requirements and high community acceptability.

It is proposed that “Downstream Defenders” are utilised upstream of each basin. Downstream Defenders are vortex separators which remove fine particles, oils and other floating debris from surface water runoff.

Swales have been selected as they are a good source of removing urban pollutants, have good amenity and ecological potential and are visually attractive.

Flows for the development area, that are to make connection to the watercourse, will be dealt with using sustainable drainage techniques to be agreed with the LLFA during later stages of the development and should Members be minded to grant consent, a condition will be imposed requiring the submission of full surface water drainage details. In the interim, the outline elements of the application have been informed by an outline SuDS strategy, including an indicative layout illustrating swale conveyance and detention basins to alleviate any potential overland flooding issues while the development is under construction.

The submitted Drainage Strategy produced by Cundall, dated 1.03.2016 provides an operation and maintenance plan for the phase 1 infrastructure, should Members be minded to grant consent, it is recommended that a condition be imposed requiring adherence to the details provided. Furthermore an additional condition shall be imposed for the future operation and maintenance of later phases of SuDS to be implemented via subsequent reserved matters applications.

In assessing the Applicant’s drainage strategy the Council’s Flood and Coastal Engineer has welcomed the use of SuDS in the way of detention basins and the limited discharge rates to greenfield runoff i.e. 40l/s and 10l/s respectively.

In conclusion, the development proposal’s flood drainage strategy demonstrates that the scheme would not likely impede materially the flow of flood water, or increase flooding elsewhere, or increase the number people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, and as such it is acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UPD policy EN12.

The adoption and maintenance of the proposed SuDS is proposed to be undertaken by both the City Council’s Highway Authority as part of the Section 278 Highway works and via a private management company, details of which will form part of the accompanying Section 106 legal agreement.

The Environmental Statement has concluded that there is betterment in the transition from the existing site to the post-development surface water runoff rate, due to the installation of a formal drainage system to attenuate and manage surface water runoff from the site. Overland flows from the greenfield site that currently discharge to the wooded areas will be captured and conveyed through the new development drainage infrastructure, thus reducing offsite flood risks within Weymouth Road.

Secondary sources of flooding such as groundwater, fluvial; tidal; artificial water sources; infrastructure failure; overland flows; and groundwater have been investigated; and are deemed to present a low risk of flooding both at the proposed development site and to other areas.

Following the implementation of the proposed mitigation measures, the residual impacts to or from flooding during all phases of the proposed development, are found to have a moderate positive impact.

Having regard to all of the above it is considered that the representations made in respect of the 'water resources and flood risk' as set out on page 8 of the main report have been satisfactorily addressed within this section.

7. Ground Conditions & Hydrogeology.

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 instability 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 Preliminary Geotechnical & Geoenvironmental Assessment. Potential sources of contamination have been identified in the report and include:

- Made ground associated with demolished farm buildings and former mineral railway. Potential contaminants include asbestos organics and metals.
- Ground gases from backfilled ponds and quarries, offsite clay pit and dissolution of limestone.
- Unidentified contamination (e.g. fly-tipping etc).
- Agrichemicals assuming that the site is developed within 6 months of the application.

In addition to the above, it is noted that whilst the site is not located in an area considered at risk from shallow depth mining or mineral extraction, it was recommended that a coal mining report was sought from the Coal Authority that provided a review of the search area and historical evidence of deep worked seams.

Further to the receipt of the above requested Coal Authority mining report, comments received from the City Council's Public Protection and Regulatory Services section have recommended that further gas monitoring is required, potentially over six months rather than the suggested three months to ensure that sufficient monitoring data is supplied.

Notwithstanding the above coal report, and in light of the findings of the phase I report, it is considered appropriate, should Members be minded to grant consent, to impose the standard land contamination conditions that requires the developer to undertake a phase 2 site investigation that will consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. This investigation will inform any subsequent remediation strategy, if one is deemed necessary; while a verification condition will require the agreement of a validation report demonstrating that the development has been built in accordance with the agreed parameters of the remediation strategy.

In conclusion, with the imposition of conditions as detailed above, the proposed development is considered to accord with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

Having regard to all of the above it is considered that the representations made in respect of the 'ground conditions and hydrogeology' as set out on page 9 of the main report have been satisfactorily addressed within this section.

8. Noise & Vibration.

Section 11 : Conserving and Enhancing the Natural Environment of the NPPF provides relevant guidance on noise, namely paragraph 123 states that:

"Planning Policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."

Policies EN5 and EN6 of the UDP both require the applicant to undertake assessments and set out mitigation, where proposals are likely to demonstrate unacceptable levels of noise or vibration or are to be exposed to unacceptable levels of noise or vibration from

adjacent users. Each of the aforementioned policies are considered to be fully compliant with the NPPF.

The application has been supported by a detailed noise survey that assessed the impacts of construction noise and vibration, the existing and proposed noise impacts on existing and future occupants, new items of plant and equipment associated with the development and changes in traffic flows on existing roads.

Addressing each of the above in turn and following consultations with Public Protection and Regulatory Services it is recommended that:

- Given the largely outline nature of the application a further more detailed construction noise and vibration assessment is undertaken once the construction methodologies have been determined. (Should Members be minded to grant consent it is considered that this could be safeguarded by the imposition of an appropriately worded condition).
- It is recommended that all new items of plant and equipment be selected, designed and where appropriate, mitigated so that the noise emission criteria, which relates to negligible/no impact, as identified in Table 13 Chapter 9 Noise and Vibration of the Environmental Impact Assessment, are not exceeded.
- The majority of predicted changes to road traffic noise are likely to result in a negligible long-term noise impact at nearby receptors since any increase in noise level is predicted to be less than 3 dB. There are however, 4 roads (or road sections) where noise levels are anticipated to increase by up to 5.5 dB and as such give rise to minor long-term noise impacts due to the proposed scheme;
 - i) Weymouth Road, between the junctions with Englemann Way and Portland College;
 - ii) Weymouth Road, between the junctions with Portland College and Hall Farm Road;
 - iii) Moorside Road, between the junction with Weymouth Road and Doxford Park Way;
 - iv) Weymouth Road, between the junction with Moorside Road and Englemann Way.

The Applicant considers that the assumptions on which the noise predictions were based were as a result of an overestimation of traffic flows on the minor roads and not the proposed 750 units. This would result in a corresponding drop in the number of vehicle trips generated by the proposed development and potentially reduce the overall impact at the above locations.

With the above in mind, it has been recommended by Public Protection and Regulatory Services that the above data is remodelled using the correct quantum in order to accurately assess this impact.

Following receipt of the updated road traffic noise calculations to establish the predicted magnitude of impacts, each of the four receptors identified above, with the exception of Weymouth Road, between the junction with Moorside Road and Englemann Way have

been identified as being effected by potential long term minor adverse road traffic noise effects.

The exception to the above (Weymouth Road, between the junction with Moorside Road and Englemann Way has however provided a value that indicates that the introduction of 750 homes will potentially result in a 5dB increase in noise which would amount to a potential long-term moderate adverse road traffic noise effect.

It is worthy of note that whilst this figure potentially may result in a moderate adverse effect, as a result of additional modelling work, this will only be triggered once the number of residential units on site exceeds 740 and as such the overall increase in noise level due to increases in road traffic flows would be gradual, taking place over a significant period of time.

Furthermore, the noise levels identified have been calculated based on the current speed limit of the existing road network, a reduction in the speed limit, which is anticipated via road network improvement scheme would also see a reduction in noise levels equal to less than 5 dB and hence only result in a minor adverse effect.

In conclusion, the noise survey figures submitted do indicate that properties that align and back on to Weymouth Road between the road junctions with Moorside Road and Englemann Way will be subject over time to a potential increase in road traffic noise effects of 5dB. However, should the quantum of development not exceed 740 or should road traffic speeds be reduced via section 278 works this figure will be reduced.

In assessing the existing noise climate on the proposed site, the main noise source is considered to be the A19 located at the southern boundary. Industrial type noise is also evident at the western boundary of the site. The noise assessment therefore considers these noise sources on future occupants of the site.

In order to mitigate the effects of the above the proposal seeks to introduce 4 metres high noise barriers, which involves a 1.5 metres high raised earth bund, with a 2.5 metres high living screen planted above. Should Members be minded to grant consent the delivery and long term maintenance of the bund is to be secured via the Section 106 Agreement.

To summarise, the application has provided survey information to assess the impact on both existing residential units and future occupants and concluded through the use of appropriate mitigation measures, most adverse effects as a result of noise and vibration are likely to be suitably controlled via condition or secured by Section 106 Agreement.

The one exception to the above is that in light of the existing quantum of development that is proposed and existing speed limits along Weymouth Road, noise levels along a strip of Weymouth Road between Moorside Road and Englemann Way will increase existing noise levels by 5dB and be considered as resulting in a moderate adverse effect.

With the above in mind and should Members be minded to grant consent it is recommended that a condition be imposed that Section 278 works to the highway are sought to reduce existing speed levels and ensure through the passage of time that levels of amenity to residents occupying properties alongside this section of road are safeguarded and certainly before quantum approaches 740.

Overall the development is considered to accord with both national and local policy, in that it will not give rise to significant adverse impacts on health and quality of life as a result of new development.

Having regard to all of the above it is considered that the representations made in respect of the 'noise and vibration' as set out on page 9 of the main report have been satisfactorily addressed within this section.

9. Air Quality.

Paragraph 124 of the NPPF states in part that:

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

UDP policy EN9 which is fully compliant with the NPPF states in part that:

"The relationship between proposed residential or other development requiring a clean environment and existing uses in close proximity giving rise to air pollution, dust or smell will be a material consideration in determining planning applications."

Further to consultations with the Public Protection and Regulatory Services the following is noted.

The development site has good air quality. Local Authorities are required to review and assess the air quality within their district and measure it against the air quality objectives (health based objectives) introduced by the Air Quality Strategy and the whole of Sunderland currently meets these objectives.

The assessment has considered the existing air quality and the future air quality of the site when the development is operational. It also considers the constructional phase of the development which may have an adverse impact on air quality.

The assessment has concluded that during the operational phase of the development, impact on air quality will change only slightly and the air quality objectives will still be met comfortably. However, it is recognised that there is the potential for the construction phase to have a negative impact on the existing nearby residents, from activities such as

earthworks. With this in mind it is recommended that should Members be minded to grant consent that a Dust Management Plan should be provided either as a stand-alone document or within the Construction Environmental Management Plan as a condition.

With the imposition of an appropriate condition relating to dust management the Environmental Statement has concluded that the overall air quality impacts of the development are judged to be “not significant.”

The proposal is considered to be acceptable in terms of both compliance with the NPPF and saved UDP policy EN9.

Having regard to all of the above it is considered that the representations made in respect of the ‘air quality’ as set out on page 9 of the main report have been satisfactorily addressed within this section.

10. Archaeology.

Paragraph 141 of the NPPF advises that:

"Local Planning Authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In keeping with the nature of this paragraph, UDP policy B10 promotes the protection of the character and siting of listed buildings, whilst policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

Policies B10, B11, B13, B14, B15 and B16 are all fully compliant with the NPPF.

The current proposal has been supported by an Archaeological Desk-Based Assessment, Geophysical Survey and following consultation with the County Archaeologist, an Archaeological Evaluation. These have all undertaken by Archaeological Services, Durham University.

In light of the above, and given the outline nature of the submission, the significance of the archaeological findings which potentially may be unearthed cannot be established at this moment in time, however, with the imposition of appropriate conditions, should

Members be minded to grant consent, the archaeology of the area will be sufficiently recorded to ensure that the scheme complies with both NPPF and relevant UDP policies.

11. 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 and kind to the development proposal.

Furthermore, Paragraph 203 requires 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 unacceptable impacts through a planning condition.

Following guidance provided and contained within the South Sunderland Growth Area Infrastructure Delivery Study and the South Sunderland Growth Area Draft Supplementary Planning Document the infrastructure requirements identified below have been considered to be necessary in order to make the development acceptable.

Affordable Housing :- In terms of affordable housing provision, UDP policy H16 highlights that the Council will negotiate with developers affordable housing provision on scheme of 50 dwellings or more.

In this particular instance the developer is required to provide a 10% requirement based upon a 75% social rented and 25% intermediate.

Education :- Paragraph 72 of the NPPF states a proactive approach is to be taken to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

Recreation :- UDP policy R3 relates to infrastructure provision and states in part that:

“developers will be expected to enter into a planning obligation to enable suitable provision of additional off site infrastructure, including open space and formal recreation.”

In light of the above, the developer is required to make an overall contribution of £2,141,250 towards the extension of two primary schools and to the development of a new 1.5 form entry primary school sited within either the Doxford Ward or the Silksworth Ward, (£2,855 per dwelling).

In respect of recreation facilities, a contribution of £641,240 is required towards sport and recreation facility within the wider South Sunderland Growth Area including a 3G pitch, multi purpose pitch and wheeled sports area (£855 per dwelling).

With regards to providing the “missing link” of the Ryhope to Doxford Park Link Road a contribution of £1,385,250 is required (£1847 per dwelling).

In respect of public transport, a contribution of £237,000 is required towards the pump priming of a bus link (£316 per dwelling).

In respect of biodiversity, a contribution of £208,153 is required for the enhancement, protection and maintenance of the designated sites (£277.54 per dwelling).

An allotment contribution of £44,000 is required (£4000 per plot, for the 11 required), along with a 20 years management contribution (£20,240).

The developer to provide arrangements for the management of the site including open space, public realm and equipped children’s play space. With respect to the delivery on site of two areas of public realm, the Agreement needs to introduce housing number trigger points to ensure this delivery within the development.

In terms of the delivery and long term maintenance of the living acoustic noise bund that is to run to the south of the site, this will be ensured through the introduction of a trigger mechanism directly related to each phase of the development.

12. Conclusion and Environmental Impacts.

The hybrid application seeks outline planning consent for a residential-led scheme for up to 750 residential dwellings, commercial floorspace and landscaping with all other matters reserved except for implementation of the Phase 1 infrastructure i.e. access and drainage.

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 vast majority of the site has been allocated for residential development since the adoption of the UDP in 1998, whilst the masterplan produced for the site is considered to accord with the UDP. The UDP and masterplan allocation for the site was set at 860 dwellings, and this included the now constructed Phase 1 at Burdon Vale which consisted of 128 units built in circa 1999. The allocation is also being brought forward via the emerging core strategy, identifying Chapelgarth as one of four major housing sites proposed within the South Sunderland Growth Area.

Whilst the development proposal has extended beyond the existing residential allocation, the slight increase has been considered within this report as being acceptable in that the City Council is unable to demonstrate a robust five year supply of deliverable housing sites. Notwithstanding the aforementioned, the site is contained within the most up to date

SHLAA, and is considered to make a significant contribution to the City Council's committed five year land supply. The development is also considered to align with the market requirements of the 2016 SHMA update and will assist in the larger properties needed in Sunderland to achieve both population retention and economic growth.

Furthermore the appropriateness of the retail element of the scheme has been confirmed through the undertaking of a sequential test which found that no suitable, viable and available sites are sequentially preferable to accommodate the proposed commercial component of the scheme.

The proposal has been shaped and informed via formal pre-application discussions and engagement with the local community. A full formal consultation exercise has been undertaken and responses received and where appropriate reflected within the development proposal. Most notable in the preparation of the masterplan has been the reduction in number from 900 to the now proposed 750, the introduction of 13.74 ha of SANG, 6.27 ha of amenity green space and a SuDS across the site, with the introduction of a series of accessible pathways and the retention of the exiting multi-user route. Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, that will assist in the sustainable delivery of this site and wider SSGA.

The considerations section of this report have discussed the various technical planning aspects relating to the development proposal and the overall conclusion is that there are not considered to be any adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF and UDP when taken as a whole.

The principle of the development is considered appropriate, the supporting design code is considered robust and ensures the site can be delivered in a sustainable, cohesive and well planned manner and following consultations with both Highways England and the Local Highway Authority, it is recognised that the surrounding and wider highway network will be able to cope with the increases in both pedestrian and vehicular traffic.

Notwithstanding the aforementioned, it is recognised that the overall size of the scheme, which has been masterplanned for a considerable period, pre-dating even the adoption of the UDP in 1998, will lead to some localised increase in traffic flows, nevertheless the TA and supporting addendum have illustrated that these increased levels are acceptable and can be accommodated by the existing highway infrastructure.

Associated with the increased traffic flows, are noise impact considerations and following the interpretation of the submitted data, it is acknowledged that the properties that have been developed as part of the Phase 1 of Chapelgarth at Burdon Vale, adjacent to Weymouth Road will potentially be subject to a moderate adverse effect on the completion of 740 dwellings. It is however worthy of note that should the quantum of development within the site remain below 740 dwellings the effect associated with noise is considered to be minor. With the above in mind, and with the associated road network improvements

that are potentially envisaged as a result of the development should Members be minded to grant consent, it is considered that this potential moderate adverse effect can be satisfactorily mitigated.

The benefits of the proposal in relation to socio-economic terms are the overall quantum of development; the size and range of the units to be developed; the increased choice of housing; the direct and indirect number of jobs created within the area and the associated boost to the local economy. Furthermore, the scheme seeks to introduce both a new community hub at the centre of the development along with two large areas of managed public realm.

Whilst, it is acknowledged that the proposal will result in the loss of a large agricultural field, it is recognised that the land (soil) is graded as 3B land i.e. is not regarded as being capable of producing high yield crops. Notwithstanding the loss of this land, the added benefits to be introduced in terms of better surface water drainage, along with buffers designed into the design code to safeguard both Blakeney Woods and the existing hedgerows and trees, are considered to provide an opportunity for existing wildlife habitats to flourish. Added to this is the security of a long term Section 106 contribution to assist in the overall development and management of the recognised biodiversity in the immediate area.

Due to the size and location of the development the application has been supported by an ES in order to fully understand the prospective impacts, benefits and mitigation measures. The ES has considered potential alternatives, and the cumulative impacts and in combination effects. The ES has concluded that whilst there will be some localised adverse impacts upon the completion of the scheme in terms of transportation and noise, there are also beneficial impacts with flood risk, drainage and socio-economics. It is considered that the overall Environmental Impact of the development would not be severe, and as such, it is considered that there are no significant reasons for the application to be refused.

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, as detailed in Section 11, planning permission should be granted consent in accordance with the draft conditions listed below.

Recommendation : Minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement and the draft conditions listed.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application 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.

Conditions :

1. The development of the first phase of infrastructure hereby permitted shall begin no later than three years from the date of this permission and shall be fully operational prior to the occupation of any residential properties.

Reason : 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 to ensure the development is carried out within a reasonable period of time.

2. The development hereby approved shall be in accordance with the following approved plans, unless otherwise agreed in writing with the Local Planning Authority:

Chapelgarth Site Location Plan, received 02.03.2016.

Drawing No. SK-002 Phase 1 Infrastructure Logistics Outline, received 28.07.2016.

Drawing No. CLXX(95)1001 Phase 1 Infrastructure Highway Details, received 02.03.2016.

Drawing No. CLXX(52)1002 Phase 1 Infrastructure Proposed Drainage, received 02.03.2016.

Drawing No. CLXX(40)1002 Site Boundary Plan, received 02.03.2016.

Drawing No. CLXX(90)1003 Section Marks Plan, received 02.03.2016.

Drawing No. CLXX(52)1003 SUDS Basin Details Basin 1, received 02.03.2016.

Drawing No. CLXX(52)1004 SUDS Basin Details Basin 2, received 02.03.2016.

Drawing No. CLXX(52)1005 Outline SUDS Strategy, received 07.04.2016.

Drawing No. CLXX(40)1006 Phase 1 Infrastructure Boundary, received 02.03.2016.

Drawing No. CLXX(90)5001 Existing Ground Levels Long Sections, received 02.03.2016.

Drawing No. L-1515-GAS-001 Detail Design of Weymouth Road Frontage, Site Sections, received 02.03.2016.

Drawing No. L-1515-GAP-002 Detail Design of Weymouth Road Frontage, Overview, received 02.03.2016.

Drawing No. L-1515-GAP-003 Detail Design of Weymouth Road Frontage, West, received 02.03.2016.

Drawing No. L-1515-GAP-004 Detail Design of Weymouth Road Frontage, Central, received 02.03.2016.

Drawing No. L-1515-GAP-005 Detail Design of Weymouth Road Frontage, East, received 02.03.2016.

Drawing No. L-1515-GAP-006 Detail design of Weymouth Road Frontage, Planting Strategy, received 02.03.2016.

Drawing No. L-1515-PRP-024 SANG Area Comparison and Circular Walk Example, received 27.05.2016.

Existing Trees Shown on Existing Layout received 02.03.2016.

Regulatory Plan 944 Reg 01 Rev 0 - Redline received 27.05.2016.

Regulatory Plan 944 Reg 02 Rev A – Access, Movement and Streets received 27.05.2016.

Regulatory Plan 944 Reg 03 Rev 0 – Neighbourhood Character Areas received 27.05.2016.

Regulatory Plan 944 Reg 07 Rev 0 – Development Area and land Use received 27.05.2016.

Regulatory Plan 944 Reg 12 Rev A – Open Space Strategy received 27.05.2016.

Regulatory Plan 944 Reg 13 Rev 0 – Recreational Routes received 27.05.2016.

Reason : For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and to comply with policy B2 of the saved adopted Unitary Development Plan.

3. Applications for reserved matters shall be made to the Local Planning Authority before the expiry of ten years from the date of the permission and the development hereby permitted shall be begun before the expiration of three years from the date of approval of the final reserved matters.

Reason : 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 to ensure that the development is commenced within a reasonable period.

4. No development shall commence on any specific reserved matters site (excluding site clearance, site investigations for assessing ground conditions, ground remediation work in respect of any contamination or other adverse ground conditions, until details of the following reserved matters have been submitted to and approved in writing by the local planning authority for that specific plot.

- Layout
- Scale
- Appearance
- Landscaping

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.

Reason : 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.

5. 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 6 to number 8 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.

Reason : 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.

6. No development shall take place until a 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.'

Reason: 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.

7. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

8. 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.

Reasons: 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.

9. 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.

Reasons: 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.

10. Radiocarbon dates will be sought for the gullies found in the preliminary archaeological trenches (report by Archaeological Services Durham University, March 2016) within six months of planning permission being granted.

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14. The gullies are potentially prehistoric.

11. No groundworks or development shall commence until a second phase of archaeological fieldwork (to include evaluation trenching and mitigation strip and record excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

12. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken undertaken in pursuance of condition 11 has been submitted to and approved in writing by the Local Planning Authority.

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

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

Reason : The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy CS7.11 Development Management Policies DM7.8, DM7.11 and DM7.12 and saved UDP policies B11, B13 and B14.

14. The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Siglion Developments LLP dated 01.03.2016 – Cundall, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

15. Notwithstanding the submitted Phase 1 Infrastructure Proposed Drainage drawing, and prior to the commencement of works on site, a detailed timetable for the implementation of the Phase 1 Infrastructure works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved works shall be implemented, operated and maintained in full accordance with the submitted maintenance schedule (4.2.3 Operation and Maintenance Plan (Phase 1 Infrastructure only) contained with the Drainage Strategy (Cundall dated 01.03.2016).

Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

16. No construction work shall take place in Phase 1 including any remediation works or civil engineering works, 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;
13. Location and containment of redistributed earth mounds.

Reason : 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.

17. Notwithstanding the submitted plans, no above ground construction shall take place within the Phase 1 Infrastructure area, until full details of both the hard and soft landscaping works for that area have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details. The hard landscaping works shall include but not be limited to details of estate railings and gates; gabions, seating, steps and handrails and all surfacing materials.

Reason : In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2, T14, CN18 and CN22 of the saved UDP.

18. All planting, seeding or turfing not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the specific plot or the completion of that plot, whichever is the sooner, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interest of visual amenity and nature conservation and to comply with policies B2, T14, CN18 and CN22 of the saved UDP.

19. Notwithstanding the submitted Phase 1 Infrastructure Detailed Design of Weymouth Road Frontage Drawings, and prior to the commencement of works on site, a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority.

Reason : In the interest of highway safety and to comply with policy T14 of the saved UDP.

20. No construction work shall take place in any phase of the development, including any remediation works or civil engineering works, until details of the routing of construction traffic vehicles arriving and leaving the site have been submitted to and approved in writing by the Local Planning Authority and implemented as such thereafter.

Reason : In interest of residential amenity and highway safety and to comply with policies B2 and T14 of the saved UDP.

21. No construction work shall take place in phase 1 until such time as a Framework Travel Plan covering the entire development has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Coordinator, how a site-wide Travel Plan will be implemented and the timescales of its monitoring and review.

Reason : The implementation, monitoring and review of the Site-Wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with policies T1 and T2 of the UDP.

22. No construction work shall take place in phase 1 until a detailed scheme of highway improvements to Weymouth Road and Moorside Road, including bus stop infrastructure and traffic management proposals have been submitted to and approved in writing by the Local Planning Authority and implemented under a Section 278 Agreement under the Highways Act to enable funding and implementation prior or occupation of any dwellings.

Reason : In the interest of residential amenity and highways safety and to comply with policies B2 and T14 of the saved UDP.

23. The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016 and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence until all tree protection measures set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete.

Reason : in order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the adopted Unitary Development Plan.

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

Reason : In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.

OUTLINE

25. Each application for reserved matters shall be accompanied by a compliance statement which explains how the reserved matters application meets the principles, parameters and rules provided in the Chapelgarth, Sunderland, Design Code dated February 2016.

Reason : In order to define the consent and ensure consistency with the Design Code and to comply with Policy B2 of the saved UDP.

26. Development shall not commence within each reserved matters phase until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason : In order to prevent the increased risk of flooding from any source in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

27. No development shall commence until full details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority for the developable land indicated as areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 1.03.2016). The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling within each of these phases and retained in perpetuity.

Reason : In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site and to protect Blakeney Woods Local Wildlife Site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

28. Notwithstanding the details provided in condition 27 Full Surface Water Drainage Details, no development shall take place within land indicated as areas 4 and 5 contained within the submitted Drainage Strategy (Cundall dated 1.03.2016), until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason : In order to prevent the development from causing increased flood risk off site over the lifetime of the development and to accord with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

29. Unless otherwise agreed by the Local Planning Authority, no development (within each reserved matters submission) other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 30 to number 33 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 32 has been complied with in relation to that contamination.

Reason : 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.

30. No development (within each reserved matters submission) shall take place until a 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.'

Reason: 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.

31. No development shall take place (within each reserved matters submission) 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

32. No occupation of any part of the permitted development (with each reserved matters submission) 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.

Reasons: 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.

33. 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)(within each reserved matters submission) 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.

Reasons: 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.

34. No construction work shall take place in each reserved matters submission including any remediation works or civil engineering works, 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 Pollution Prevention and Regulatory Services;
3. Mitigation measures as defined in BS 5528: parts 1 and 2: 2009 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 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.
13. Location and containment of redistributed earth mounds.
14. Location of site sales office.

Reasons : 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.

35. No development (with the exception of the phase 1 infrastructure works) shall be undertaken until a detailed construction noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the assessment shall identify construction methodologies likely to generate the highest levels of vibration (e.g. piling).

Reasons : 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 and EN6.

36. Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority.

Reasons : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.

37. The 1000 square metres of commercial floor space hereby approved and outlined on Regulatory Plan 07 Development Area and Landuse – drawing no. 944/REG07 rev 0 dated 29.03.2016 shall be occupied exclusively by uses falling within Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), D1 (Non-Residential Institutions) or D2 (Assembly and Leisure as set out in the Town and Country Planning (Use Classes) Order, or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order either in whole or in part, for the lifetime of the development and shall operate for no other use unless otherwise first agreed in writing with the Local Planning Authority.

Once operating within one of the aforementioned use classes, the commercial unit, or subdivided units if applicable, shall benefit only from the permitted changes of use applicable to the initial use class within which the unit(s) operates, as set out in the Town and Country Planning (Use Classes) Order or any subsequent Statutory Instrument revoking or amending that order either in whole or in part and no other change of use shall be permitted without the prior written consent of the Local Planning Authority.

Reasons : In order to achieve a satisfactory form of development and to accord with policies B2, EN5 and T14 of the saved UDP.

38. Extraction/Ventilation

No construction work shall take place on any unit where the preparation and serving of food on a commercial basis will be carried out, until details of a scheme for the extraction of cooking fumes and odours and for the prevention of odour penetration through that building has been submitted to and approved in writing by the Local Planning Authority for that unit. Thereafter, these schemes shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times.

Reasons : In the interest of the amenity of the occupiers of premises and neighbouring premises, in accordance with policy EN1 of the saved UDP.

Hours of Operation (Commercial Units)

39. Prior to the occupation of any retail, financial and professional services, restaurant and cafes, offices, non residential institutions and assembly and leisure use units (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order)) the uses proposed opening shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate within the hours approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of the residential amenity and to comply with policies B2 and EN5 of the saved UDP.

40. The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Tree Constraints Assessment issued 08.01.2016 by AllAboutTrees and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence until all tree protection measures set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete.

Reasons: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved UDP.

41. Notwithstanding the details provided within the Arboricultural Tree Constraints Assessment issued 08.01.2016 by AllAboutTrees, each application for reserved matters shall be accompanied by an Arboricultural Impact Assessment to establish site specific arboricultural management for the proposed layout.

Reasons: In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved UDP.

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

Reason : In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved UDP.

43. Development shall not commence within each reserved matters phase until samples of the materials to be used in the construction of the external surfaces of the building 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.

Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.

44. Development shall not commence within each 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.

Reason : In the interest of visual amenity and to comply with policy B2 of the saved UDP.

45. The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property.

Reason : In order to achieve a satisfactory form of development and to comply with policy B2 of the saved UDP.