

DEVELOPMENT PLAN

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

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre
Executive Director City Development

Reference No.: 21/02676/OU4 Outline Application Regulation 4

Proposal: **Outline application for residential development - Class C3 - Up to 110 Units (All Matters Reserved)**

Location: Land north of Emsworth Road, Carley Hill, Sunderland

Ward: Southwick
Applicant: Gentoo Group Limited
Date Valid: 12 November 2021
Target Date: 11 February 2022

UPDATE:

The application is back before Members following its deferral at the 28 March meeting to allow Members to undertake a site visit. At the time of the preparation of this report the site visit has been scheduled for the 10th of June.

Since the deferral, a single letter of representation has been received from an occupier of nearby Watford Close which lies to the west of the host site. The representation sets out their objection to building on the Green Belt land and notes that the site should be viewed when it is in full bloom. This objection has been included within the representation section of this report.

PROPOSAL:

Outline planning permission is sought for residential development (up to 110 units) on land to the north of Emsworth Road, Carley Hill Sunderland.

All matters are reserved for subsequent approval therefore details of layout, scale, landscaping, appearance and access would all be subject to consideration at the reserved matters application stage.

The site in question comprises a 4.81-hectare parcel of open space which forms a green wedge between existing residential sites to the east and west, with Fulwell Quarry Local Nature Reserve adjoining the northern boundary and Emsworth Road abutting the south boundary. The residential properties to the east include the 3 storey flats of Earls Court, Euston Court and Edgeware Court, whilst the semi-detached properties and abutting rear gardens of Wentbridge lie to the west.

The gently undulating site primarily comprises open amenity grass land with areas of sporadic and more concentrated tree planting throughout. The land has a number of public footpaths running east-west and north-south which provide connectivity around the site and onto adjoining sites including Emsworth Road, Whitechurch Road, Fulwell Quarry and Eyemouth Lane. A derelict play area sits slightly east of centre.

The northern most section of the host site as delineated by the accompanying red line location plan, lies within the extent of the Tyne and Wear Green Belt.

The proposal is to develop the site for up to 110 dwellings. As noted above, all matters have been reserved for future approval. The covering letter and associated application

correspondence qualifies that the proposal forms part of a wider programme of affordable home to be delivered throughout Sunderland with over 1,200 new homes set to be provided by 2026. It should be noted that the developer has outlined an intent for 100% of the housing to be affordable based on an anticipated ratio of 75% affordable rent, 10% rent to buy and 15% shared ownership.

The application has been accompanied by an indicative illustrative site plan and parameter plans (in respect of the proposed build and no build zones and vehicular access and pedestrian cycle routes) as well as technical documents which include, but are not limited to, the Planning and Design and Access Statements, a landscape appraisal, an archaeological desk based assessment, a Geo-environmental Report, Ecological Impact Assessment, a report to inform a Habitat Regulations Assessment Flood Risk Assessment, an Air Quality Assessment, Noise Assessment, an Arboricultural Survey and Method Statement and a Transport Assessment and Travel Plan.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Public Rights Of Way Officer
Southwick - Ward Councillor Consultation
Network Management
Environmental Health
Land Contamination
Northumbrian Water
North Gas Networks
Northern Electric
Director Of Childrens Services
Flood And Coastal Group Engineer
Planning Policy
Northumbria Police
Fire Prevention Officer
NE Ambulance Service NHS Trust
Tyne And Wear Archaeology Officer
Nexus
Environmental Health

Final Date for Receipt of Representations: **28.02.2022**

REPRESENTATIONS:

The application has been advertised by means of a press notice and by site notices positioned around and within the site. In addition, a total of 124 individual notification letters were sent to neighbouring properties in the immediate area. As a result, 2no objections have been received.

One response has been received by Ward Member Alex Samuels who has raised the following concerns:

1. Removal of any green space or break between the existing Carley Hill estate and Witherwack - Gentoo are also consulting with local residents about building on the land directly opposite, south of Emsworth Road on Old Mill Road. This would mean there would be no differentiating line between Carley Hill, Witherwack, Marley Pots and High Southwick.
2. The land is not designated as housebuilding land, so is not required to meet any of the council's requirements for new home building set by the Government.
3. The site appears to encroach on greenbelt land.
4. The adjacent site is a SSSI site, and the impact on nature and wildlife should not be underestimated.
5. There will be a loss of amenity in the area. The SARA project in Southwick over the last year have been carrying out a lot of work in the quarry, including specifically in this area being considered for the planning application. Volunteers have been carrying out regular litter picks and a large number of people use the area here for leisure and dog walking.
6. The site has also been considered by the North Area Committee as an area designated for improvements to green spaces. The SARA project has already planted hundreds of trees in the area and further improvements to the green spaces for both people and wildlife are being considered by the council and the project.
7. The most significant impact on residents will be due to the increased traffic flow on the Thompson Road/Carley Hill Road junction. This is considered in the Transport Assessment; however, it claims there will be no material impact on the junction and therefore no accommodation for this is suggested.
8. The junction is a significant issue for residents and one that ward councillors have long campaigned for changes to be made to, only to be told by SCC Highways that no further improvements can be made due to the impact on the wider network and the position of the junction.
9. Increasing the traffic at the junction in a considerable way like this will only lead to further congestion at the junction which will exacerbate an already existing problem to which there is no solution, and this is not acceptable. Additionally, the traffic report only considers the two Gentoo planning applications for building in the area which have been currently submitted, and not the potential site south of Emsworth Road. It is also based on data from 3 years ago, which is possibly not reflective of the true future use of the junction, which can't be determined currently due to the ongoing coronavirus pandemic and the impact that has on current traffic.

The second objection also references developing within the Green Belt and encourages that the site be viewed when in full bloom.

The issues raised above will be addressed within the main body of the report.

Statement of Community Involvement

Prior to submission, the developer undertook a leaflet drop which contained details of a website containing information on the proposals and other activities undertaken by Gentoo in the area. This leaflet, providing details of the proposals was sent to 1,500 local residents between the dates of 23rd September and 26th September. The applicant also contacted Ward Cllrs and local stakeholders, including residents' associations to inform of the proposals and to address any queries.

It should be noted that the responses to the public consultation event were done so on the basis of a fully worked up detailed scheme which has since been amended to an outline submission. Out of the 1,500 leaflets dropped a total of 24 responses were received whilst a further 15 responses were made directly via the website. The developer has confirmed that whilst direct responses to the leaflet drop were low, significantly larger engagement took place via social media posts on platforms including Facebook and twitter through 'liking a post' commenting, or 'retweeting'. The SCI, including the questions posed and responses received can be viewed online as part of the supplementary information submitted with the application.

External consultee responses

County Archaeologist - In summary, the comments from the County Archaeologist qualify that proposed development area is identified to be located in an area associated with pre-historic activity. The desk-based assessment does however demonstrate that the site has been extensively impacted by quarrying and landscaping. Some areas of the site do retain archaeological potential therefore further information should be provided with any future detailed application to determine whether an intermittent watching brief will be required.

Nexus

No objection offered, noting access to sustainable transport through bus stops within the vicinity of the site. Comments are offered in respect of the benefits of providing a broad range of access points in and out of the development to increase likelihood of residents making use of active travel modes and that consideration be given to a safe pedestrian crossing. Nexus have welcomed the intention of the developer to provide passenger information to residents within the Residential Travel Guide and would recommend, in line with nexus Planning Liaison Policy, that the developer meets the cost of two introductory tickets per dwelling, equalling 4 weeks travel per ticket to be introduced to residents via their welcome pack. This is recommended to be achieved via the imposition of a planning condition

Northumbria Police (Designing out Crime Officer)

Raised objections to the initial indicative layout qualifying that they had concerns over resident's safety and security due to the levels of pedestrian permeability throughout the site. This included the potential inclusion of 'green fingers' and a multi-user route crossing the site. A revised 'indicative options' plan has been provided which presents a more traditional back-to-back garden arrangement and the Designing out Crime Officer has removed the objection.

Fire Safety Officer

No objections offered

Northumbrian Water

No objection is offered subject to the imposition of a condition requiring that the application be approved in accordance with Flood Risk Assessment and Drainage Strategy.

Northern Powergrid

No objections offered

Natural England

No objection offered subject to appropriate mitigation being secured with regard to ensuring upgrades to the existing footpath network adjacent to the Suitable Alternative Natural Green Space (SANGS) are in place prior to first occupation of the development and the mitigation measures set out in the Report to Inform Habitats Regulations Assessment.

Internal consultee responses

Highway Engineers

The Council's Highway Engineers have provided a response on the proposal offering comments on matters relating to site location, access, visibility and layout, pedestrian safety, pedestrian access, stopping up arrangements, on-site parking, servicing and trip generation and distribution on the local road network, the travel plan and road safety. The comments are discussed in detail within Section 6 of this report.

Lead Local Flood Officer

No objections to the proposal subject to the imposition of a condition requiring final details need to be submitted with regards to detailed hydraulic calculations, provision of source controls SUDS and detailed drainage drawings in line with final proposals and site layout.

Environmental Health

Considers that the proposed development is acceptable in principle subject to the inclusion of conditions in relation to noise and a Construction Environmental Management Plan (CEMP).

Ecology

The Council's Ecological Consultant has offered the following comments in response to consultation:

Habitats

Botanical surveys of the proposed development site were completed in line with current guidelines and at an appropriate time of year to allow an accurate assessment to be made of the nature of the habitats on site. The site supports locally common plant species typical of such habitats and the surrounding area and the assessment of their value as set out in the EclA is considered to be appropriate.

A high proportion of the existing tree cover within the site will be lost through the proposals, which is of value to a range of protected or notable species, as well as being of value in its own right; while it is accepted that it will not be possible to retain all of, or replace the woodland on site, tree planting should be included within the site design wherever possible, with such habitats subject to appropriate lighting strategies where features are created with the aim of benefitting wildlife such as bats and breeding birds.

A biodiversity net gain (BNG) assessment using the most up-to-date version of the metric should be provided to quantify the proposed changes, and to ensure that an overall increase in biodiversity within the site is achieved.

Protected and Notable Species

Potential impacts upon species such as great crested newt, otter, water vole and other aquatic species were scoped out of the assessment based on the lack of accessible aquatic habitat in the area surrounding the site.

No evidence confirming the presence of badger was recorded; site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of the species being adversely affected in the event a population persists in the local area.

Evidence of squirrel activity was recorded on site, which was considered most likely to relate to grey squirrels based on the lack of red squirrel records in the area, the large number of grey squirrel records, and the lack of connectivity to known populations of red squirrel.

Bat transect surveys and remote monitoring found that the site was used by a small range of locally common species as a foraging area, with activity focused around the woodland edge towards the centre of the site. No data was gathered from the spring period however, based on the nature of the habitats present and the results of the summer and autumn work, it is not considered that data from earlier in the year would result in any changes to the site assessment or nature of the mitigation works proposed. A small number of trees with low bat roost suitability are present which will be affected by the proposals; the residual risk of bats being present will be addressed through appropriate working methods.

It is accepted that habitats on site have some potential for reptiles, and that current anti-social activities on the site hindered the potential for survey data to be gathered. Site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of such species being adversely affected.

Populations of Dingy Skipper and Small Heath butterflies (Priority Species) were identified on site; the plans submitted with the application (Figure 5 of the EclA) should be updated to confirm where Small Heath were recorded in the event of a full planning application being made. Habitats with the potential to support both species should be retained and/or created within the site and will be subject to an appropriate management strategy for the lifetime of the development. Where it is not possible to retain such habitats in situ, turves from areas in which such species were recorded should be stripped and translocated to an appropriate location within the site.

Appropriately precautionary working methods will be required to minimise the risk of other species, such as hedgehog, being adversely affected. The site supports a small range of locally common bird species during the wintering and breeding periods, including a number of conservation concern. As the Birds of Conservation Concern (BoCC) lists were updated in early December 2021, which affected the conservation status of a number of species recorded on the site, e.g. Greenfinch moving from the Green to Red list, the reports submitted in support of any full planning application should be updated to reflect this change. However, the assessment of value as based on the number and range of species present, and the associated mitigation strategy are considered to be robust for the purposes of this assessment, with habitats suitable to support such species to be retained or created within the site through the development. The site is not considered to have the potential to support species which form the qualifying interests of the sites of ornithological importance along the coast. Japanese rose was recorded on site which should be removed through the works by an appropriately licensed contractor.

Biodiversity Net Gain (BNG)

Based on the supplementary documents referring to BNG, the Council's Ecology advisor is satisfied with the arguments that have been presented in relation to the proposals resulting in a net gain for biodiversity which cannot be illustrated through the current version of the BNG metric. In this regard, there is a number of factors included which cannot be taken into account in the calculations, but which have the potential to be of real benefit to local ecology / wildlife. On this basis, it is recommended that the following the suggestion that part of the financial contributions from the schemes be used towards providing ecological enhancement / management of the SANG and SSSIs wherever possible due to the obvious benefits of such works and their close proximity to the proposed housing sites.

Designated Sites

The site lies within the impact risk zone of a series of designated sites, including Carley Hill and Fulwell Quarries SSSI, and the Northumbria Coast SPA and Durham Coast SAC.

Due to the proximity of the proposed development site to another proposed residential development by the applicant (referred to as the 'Carley Hill' site for which full planning permission is currently being sought (21/02679/FU4)) the assessments submitted take into account the potential effects of both sites, in order to ensure a robust assessment and mitigation strategy are in place.

The documents submitted indicate that the proposals have the potential to result in likely significant effects as a result of indirect disturbance upon the coastal designations via increased recreational pressure in the absence of mitigation. Such impacts will be mitigated via a per unit financial contribution to the Council's Strategic Access Management and Monitoring (SAMM) strategy, and the provision of Suitable Alternative Natural Green Space (SANG) which is linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the objectives of the SANG are met, this area must be available for use prior to occupation of the first property.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition. Site design measures have been built into the indicative landscape plans to create a buffer zone between the proposed development area and the SSSI, which will support habitats of ecological value both in their own right and for a range of species, with a series of further measures designed to help reduce the effects of anti-social behaviour on the sites also included within the documents, which should be secured via condition.

No objection, subject to the implementation of the implementation of a series of planning conditions as outlined below.

Landscape Architect

No objection in principle although the comments note that given the large number of trees that are to be removed from the site, the success of the scheme will be dependent on the quality of the landscaping scheme that comes forward through the reserved matters application. In this regard, the indicative masterplan, which includes extensive tree planting throughout the site is welcomed although new trees should be planted as large specimens and there are concerns that the tree planting along the front of Emsworth Road may not be possible due to existing

underground services and would request assurances that this can be carried out prior to any decision being made.

Tree Officer

Qualified that the Arb Impact assessment is a fair and accurate record of the current conditions on the site with the main harm in terms of loss of amenity resulting from the loss of the group/plantation G3 located to the front of the site adjacent to the main road. G3 comprises a semi mature group that is made up of fairly poor-quality trees that have suffered serious damage from the recent storm force winds. There is also a high proportion of Ash trees within this group which are likely to have a very short safe useful life potential as a result of Ash die back which is well established in the area. This description could be applied to all of the group plantations within the site although in terms of visual amenity are lower as they are less prominent within the street scene.

Considering the significant anticipated loss of trees on the site it will be important to secure a high quality and detailed landscape scheme which focuses on replacement tree planting on public open space areas in order to mitigate the loss of the existing tree cover. It will be especially important to focus on the front of the site adjacent to Emsworth Road. This element is key in ensuring that the amenity of the trees is properly considered.

As the proposal is outline with all matters reserved it will be necessary to provide an updated Arb impact assessment when the final design is known together with an Arb method statement and Tree Protection scheme that is designed to ensure that trees that are identified to be retained, can be protected during the construction process. Detailed soft landscaping proposals should accompany the reserved matters application at an early stage in order to consider whether it is sufficient to mitigate the anticipated proposed tree losses.

COMMENTS:

Planning policy background

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the policies in the Core Strategy and Development Plan 2015-2033 (CSDP) together with saved policies from the City Council's Unitary Development Plan (UDP). The Draft Allocations and Designations Plan is emerging planning policy and as it progresses through the adoption process will gain further weight in the assessment of applications.

National Planning Policy Framework (NPPF)

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the

different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Core Strategy Development Plan

The following CSDP policies are material to the consideration of this application:

CSDP Policy BH1 - Design quality
CSDP Policy BH2 - Sustainable design and construction
CSDP Policy BH9 - Archaeology and recording of heritage assets
CSDP Policy SP1 - Development Strategy
CSDP Policy SP4 - North Sunderland
CSDP Policy SP7 - Healthy and safe communities
CSDP Policy SP8 - Housing supply and delivery
CSDP Policy H1 - Housing mix
CSDP Policy H2 - Affordable housing
CSDP Policy HS1 - Quality of life and amenity
CSDP Policy HS2 - Noise sensitive development
CSDP Policy HS3 - Contaminated land
CSDP Policy NE2 - Biodiversity and geodiversity
CSDP Policy NE3 - Woodland's hedgerows and trees
CSDP Policy NE4 - Greenspace
CSDP Policy NE6 - Green Belt
CSDP Policy NE9 - Landscape character
CSDP Policy WWE2 - Flood risk and coastal management
CSDP Policy WWE3 - Water management
CSDP Policy WWE4 - Water quality
CSDP Policy WWE5 - Disposal of foul water
CSDP Policy ST2 - Local road network
CSDP Policy ST3 - Development and transport
CSDP Policy ID1 - Delivering infrastructure
CSDP Policy ID2 - Planning obligations

Saved Unitary Development Plan Policies

The following retained or partially retained UDP policies are material to the consideration of this application.

UDP Policy NA20 - Recreational and cultural facilities

UDP Policy NA7.6 - Land for housing

Supplementary Planning Documents (SPD)

Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs) or saved UDP policies. SPDs are a material consideration in the assessment and determination of any planning application.

The following SPDs are considered relevant to this application.

- o The Development Management SPD (Sections 3 and 4)
- o Planning Obligations SPD

Planning Assessment

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

1. Principle of the development including land use implications
2. Housing policy
3. Design, layout and visual impact;
4. Residential amenity;
5. Health and wellbeing;
6. Highways and transportation;
7. Landscape and ecology;
8. Flood risk;
9. Land contamination and stability;
10. Archaeology;
11. Sustainability;
12. Economic impacts; and
13. Planning obligations

1. Principle of the development/land use implications

Strategic policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It further states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the existing urban area and emphasising the need to develop in sustainable locations.

CSDP Policy SP4 'North Sunderland' states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability.

CSDP Policy SP7 'Healthy and safe communities' sets out that the council will seek to improve health and wellbeing in Sunderland through a range of measures, stipulating that large scale development should be accompanied by a Health Impact Assessment (HIA)

CSDP Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

CSDP NE6 'Green Belt' protecting Green Belt from inappropriate development.

With regard to the above, it is considered that the proposed development would be in a sustainable location with good access to public transport, and for the purposes of housing delivery it would assist in meeting the Council's housing requirement. In this regard the proposal would accord with Policies SP1 SP4 and SP8 of the adopted CSDP. With regard to Policy SP7, the developer has submitted a HIA with the application. The purpose of a HIA is to undertake an analysis of the positive and negative impacts that might result from a development (for example the creation of jobs/being a positive or the generation of pollution being classed as a negative). A matrix has been provided which offers an assessment on a variety of themes including populations, access to healthy foods, access to open space and nature, accessibility to healthy travel, social cohesion, air quality and noise, crime reduction and community safety, access to work, climate change and use of resources.

This document has been considered by the Council's Public Health Team and is discussed in further detail within Section 5 of this report.

As set out within the Council's Planning Policy teams consultation response, the eastern most section of the land is subject to a longstanding UDP allocation for housing under the partially saved policy HA7.6 with the majority of the remainder of the site designated as greenspace under partially retained UDP Policy NA20. The most northern part of the redlined site (as presented by the submitted location plan) is allocated as Green Belt. The site in its entirety (forming part of a large swathe of greenspace) is considered to form natural or semi natural greenspace within the Council's Greenspace Audit (2020).

Going forward, the Council's emerging Allocations and Designations Plan (A & D Plan) (December 2020), proposes to allocate the site (save the northern section which is retained as Green Belt) for housing under draft Policy H8.27. In terms of how much weight to give the draft policy, the provisions of the NPPF are relevant. The NPPF, at paragraph 48, states that;

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to the above, the Planning Policy section of the Council's website confirms that:

"The Council consulted on the Draft Allocations and Designations Plan between 18 December 2020 and 12 February 2021. Representations are currently being logged and taken into consideration".

In addition, the A & D Plan, at paragraph 1.7, outlines

"The Plan has been prepared in accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and legislation"

In this regard, the A & D Plan is not currently an adopted Council document and, whilst it is clear from the draft land use allocation that the Council's aspirations are for the site to be brought forward for housing, it can only be afforded limited weight at this time.

Although it is acknowledged that the site is identified as amenity greenspace in the Council's Greenspace Audit 2020, it is noted, at chapter 6 of the Audit, that recommendations for those sites which could be released for development (i.e., those which are proposed to be allocated as housing sites within the Draft A&D Plan), could be deemed acceptable providing that an improved quality of greenspace for the area can be provided. This position is clear insofar that the release will only be deemed to be acceptable on the basis that upgrades/contributions towards open space improvements within Fulwell Quarries are provided.

The above position aligns appropriately with CSDP Policy NE4 which sets out at criterion 3 that all major residential development will provide:

- I. A minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- II. A financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

And at criterion 4 of policy NE4 that;

Development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

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

With regard to criterion 3, the site in its entirety amounts to some 4.81-hectares and based on the build zone parameters plan, the proposals will seek to retain some 1.9 hectares of greenspace. Evidently the scheme is in outline form and therefore certainly over final bedspaces cannot be provided at this time, however, based on typical estimates of 4 and even 5 bed spaces being provided per 3-bedroom dwelling, both the illustrative and parameter plans indicate that there is more than sufficient scope to provide onsite greenspace to meet the requirements of criterion 3 (i).

With regard to criterion 4 (iii), the applicant has agreed to make a financial contribution to improve local open space provision. This will be directed to Fulwell Quarry.

In light of the above, it is considered that the policy requirements of NE4 have been met and that appropriate mitigation has been secured to ensure that the development will not have detrimentally adverse impact on the amenity and recreational impacts of the area.

It is recognised that the two representations received make reference to the development encroaching on/or being built within Green Belt land. As has been touched on above, it is observed that the 'red line' of the planning application includes land which is beyond the boundary of the housing allocation identified by policy H8.27 of the emerging Allocations and Designations Plan. The area in question is allocated as Green Belt and represents an area of 0.6 hectares or some 12.5% of the overall site, running horizontally to the north. The purpose of including this strip of land into the site's boundary is to enable substantially improved landscaping to take place, to create a robust and recognisable border to the built form and to clearly define a defensible Green Belt boundary for the future. It is unequivocally set out within the planning submission that the area of Green Belt included within the red line will not contain any built form (as highlighted on the Build Zone Parameters Plan) but will actually be enhanced through improved planting and through its role as a landscape buffer to Fulwell Quarry SSSI.

The planting of trees, plants, shrubs and grass and general improvements to soft landscaping do not constitute development for planning purposes and therefore such works do not require planning permission from the Council as Local Planning Authority nor do they require to be assessed under Green Belt Policies set out under CSDP Policy NE6 or the NPPF. Subject to arriving at a positive recommendation, the Build Zone Parameters Plan would be conditioned thereby ensuring that there would be no built encroachment into the Green Belt.

Conclusion in respect of land use implications

The proposal accords with the strategic aims set out within Policies SP1, SP4, SP7 and SP8 insofar that it will provide regeneration and housing delivery within a sustainable location with good access to public transport.

With regard to CSDP Policy NE4, the loss of open space has been appropriately mitigated through the provision of a financial contribution which will serve to provide the enhancement of nearby open space in Fulwell Quarry.

The developable build zone will not extend into the adjacent area of Green Belt and thus the proposal will not conflict with Green Belt Policy.

As such, the principle of utilising the site for new residential homes is considered to be broadly acceptable, subject to appropriately addressing the matters below.

2. Housing policy

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their

housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

With regard to the above, the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies potential housing sites and the likely timeframe for their development. This assists with demonstrating a sufficient supply of land for housing to meet the identified need, and, in respect of this site, the SHLAA sets out that there is potential to accommodate around 100 dwelling houses at a density of 33 dwellings per hectare. Within this context it does need to be recognised that the (SHLAA) report is not a policy document and whilst identifying land with the potential to accommodate housing, it does not determine whether a site should be allocated for housing as part of the Local Plan or be granted planning permission for housing, nor does it dictate a definitive density.

As touched on within the open space section above, the draft Allocations and Designations Plan will, subject to formal adoption, allocate the site for housing going forward but only limited weight can be given to the A & D plan at this time.

CSDP Policy H1 advises that residential development should create mixed and sustainable communities by;

- contributing to meeting affordable housing needs, market housing demand and specialist housing needs as identified through the Council's Strategic Housing Market Assessment (SHMA) or other evidence,
- providing a mix of tenures and sizes which is appropriate to its location;
- achieving appropriate density for its location which takes into account the character of the area and level of accessibility;

In addition, and where development is appropriate and justified, policy H1 also seeks to ensure that there is a choice of suitable accommodation for older people and those with special housing needs, including bungalows and extra care housing.

Additionally, Policy H2 of the CSDP states that all developments of 10 or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. As a general rule, such affordable housing should be provided on-site in order to help achieve mixed and balanced communities, however, exceptionally, offsite provision or a financial contribution made in lieu, can may be considered acceptable where it can be justified. The housing needs to be retained in affordable use in perpetuity and reflect the latest available evidence with regards to the tenure split and size of dwellings.

The applicant, Gentoo, has set out within their submission that they are planning to deliver a 100% affordable housing scheme on this site subject to receipt of funding from Homes England and Homes England have qualified that the scheme appears to meet the over-arching principles of their Affordable Homes Programme (AHP) and that it has been included in their pipeline of projects to potentially receive funding subject to support from the Local Authority.

The AHP grant is made available only for affordable housing projects and without the grant the development would not be viable and so would be unlikely to come forward for delivery as affordable housing.

The potential for the creation of 100% affordable housing across the site is welcomed and substantial weight is given to this accordingly, whilst site is also accessible by public transport and is in a sustainable location with regard to access to local shops, services, recreational and community facilities.

In this regard there is considered to be no conflict Policies H1 and H2.

3. Design, layout and visual impact

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high-quality architecture, detailing and building materials.

The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF goes on to state that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Within appendix 1 of the emerging Allocations and Designations Plan the site-specific policy requirements are set out. Again, qualification must be given that only limited weight can be given to this document, but it does nonetheless provide appropriate parameters and best practice for the future development of the site. In terms of design and layout such measures include ensuring that;

- a suitable buffer is provided to the existing residential properties to the east and west.
- an active frontage is provided to Emsworth Road.
- the layout responds to the topography and long distant views of the site.
- that the design and layout are informed by ecological mitigation hierarchy.
- that the tree belt to the western and southern edges and hedgerows are maintained where possible.

Given the outline nature of the submission, detailed designs and layouts have not been worked up at this time. Notwithstanding, it is incumbent on the developer to satisfactorily demonstrate that the site has the potential to be developed appropriately taking into consideration all relevant constraints including densities, spacing, levels of internal amenity and those areas as highlighted within the A&D Plan.

In this respect the application has been accompanied by indicative layouts and illustrative masterplans and landscape plans as well as a parameter plan which defines the areas within which the future built development will be restricted to.

In terms of density, it is noted that the maximum number of dwellings sought by the developer on the land is 110 which is broadly in line with the recommendation of 100 as set out within the SHLAA and the emerging A&D Plan.

The submission in terms of evaluating how the layout of the development could come forward, has been revised to accommodate initial concerns expressed by Northumbria Police by way of their designing out crime officer as set out within the consultee comments above. Whilst this revision demonstrated that the concerns relating to permeability through the site could be overcome from a safety/security perspective, the revised design and layout as presented, is not definitive and is likely to be subject to changes within the reserved matters submission.

With regard to the comments above, it is also important that established footpath links should be retained to provide a connection into the existing network, in order to create a legible and permeable development and provide routes to adjacent areas for recreational use, including the allocated site of alternative natural green space (SANG) which lies to the east of the site. In this regard the proposed footpath links shown on the New Access, Pedestrian and Cycle Routes Parameters Plan and Illustrative Site Plan demonstrate that there are ample opportunities for recreational walks whilst seeking to mitigate the impact of the development upon the nearby site of special scientific interest (SSSI). These aims, will need to be balanced against the comments offered by the designing out crime officer when producing the final site layout at the reserved matters stage.

The illustrative layouts demonstrate that the individual plots would likely benefit from good levels of amenity with appropriately sized gardens whilst it has also been established within the open space section of this report that an adequate level of on-site amenity open space can be provided within the development. This would include new areas of landscape and planting which is discussed further in section 7.

The site is set within a largely residential area with residential properties located to the east, west and on the opposing side of Emsworth Road and development for housing would be in keeping within this context.

In light of the above reasoning, it is considered that a suitable scheme can be brought forward at the density sought with the indicative plans demonstrating that a workable layout can be both achievable and appropriate to the charter and context of the area. In this regard the proposal is considered to be in accordance with the NPPF and Policy BH1 of the CSDP.

4. Residential amenity

Policy BH1 of the Council's Core Strategy and Development Plan also seeks to achieve positive improvement by retaining acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

This is reinforced through Paragraph 127 of the NPPF which states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

The NPPF continues that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new

development - and avoid noise giving rise to significant adverse impacts on health and the quality of life (in accordance with the Noise Policy for England).

As has been set out in Section 3, it is considered that the density sought through this submission can be accommodated appropriately within the context of the site thus providing reassurance that satisfactory on-site amenity for future residents can be provided. This would manifest through appropriate plot sizes and through the developer's assurances that all new dwellings will meet national space standards.

The indicative layout also provides assurances that a suitable physical buffer can be retained between the existing residential developments to the east and west in line with spacing standards set out within the Council's adopted Development Management SPD to ensure adequate levels of light and outlook will be retained.

In terms of noise, the Council's Environmental health Officer is satisfied that appropriate living conditions can be achieved on site. A condition would need to be attached to any consent granted to ensure that a detailed scheme for noise mitigation measures is submitted for agreement and approval of the Local Planning Authority prior to commencement of works on site.

In order to mitigate impacts arising during the construction phase, it will be necessary for a Construction Environmental Management Plan to be submitted prior to works commencing on site and this would also need to be a condition of approval.

In considering the above, it is considered that the future residential development of the site can provide appropriate amenity for prospective residents and coexist satisfactorily with adjacent residential occupiers, in accordance with the requirements of policy BH1 and HS1 of the CSDP and the NPPF.

5. Health and wellbeing

CSDP SP7 'Healthy and safe communities' seek to improve health and wellbeing in Sunderland by ensuring that new developments are;

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

With regard to the above, it is considered that indicative layouts and supporting information provide qualification as to the sustainable location close to open space, transport hubs and local amenities, offer sufficient assurances that the future development of the site can satisfactorily support the aims and objectives of Policy SP7.

In accordance with criteria 7, the application has been supported by HIA which has been scrutinised by the Council. Some additional clarifications were requested from the developer on matters pertaining to the accessibility and adaptability of the future properties, whether the dwellings would meet nationally prescribed spacing standards, capacity within nearby schools and medical centres and whether there will be apprenticeships and real living wage paid to employees involved in the construction works.

In response it has been confirmed that the homes will meet M4(2) accessibility requirements which is the Building Regulation standard met when a new dwelling provides reasonable provision for most people to access a dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

Confirmation has also been received that the dwellings to come forward at the reserved matters stage would meet national spaces standards as a minimum.

With regards to schools and nearby medical centres, the Councils Education Officer has confirmed that the Council has already created the places at the new Willow Wood Primary School in 2021 that would be required to facilitate the projected increase in pupil numbers as a consequence of this development, whilst the NHS who routinely monitor new residential development submissions have sought not to offer any observations to this proposal.

With regard to the final point for clarification the applicant has confirmed that, whilst not a planning policy requirement, it is appreciated that weight is placed on this in the City Plan to ensure more local people have better qualifications and skills as part of Sunderland being a Dynamic Smart City with a goal for Sunderland to be a Real Living Wage city. In this regard they have qualified that all Gentoo employees are paid the Living Wage and the company is an accredited Living Wage Employer. The response also highlights that Gentoo is committed to providing employment and training opportunities through an apprenticeship programme and since being formed in 2001, Gentoo has created 277 apprenticeship opportunities and 90% have gone on to secure a full time, permanent job with the company. The response advises that there are currently 24 people in apprenticeships at Gentoo in both trades (gas, electric, plumbing etc.) and office-based roles (paralegal, business admin, human resources, procurement etc.). Gentoo also encourages its contractors to provide apprenticeships across various disciplines including bricklaying, plumbing, plastering, engineering and quantity surveying. Contractors are also encouraged to engage with young people in the local area during construction through careers talks, workshops and other activities in both primary and secondary schools to develop knowledge and skills.

With regard to the above, the developer has qualified that the Fulwell Quarry and Carley Hill developments will safeguard apprenticeships both within Gentoo and its contractors. Furthermore, Gentoo's Wise Steps programme also provides specialist support to help tenants take positive steps towards securing employment. Last year, 72 tenants were supported by the programme.

Overall, it is considered that the development meets the aims and objectives of improving health and wellbeing in Sunderland in line with CSDP SP7.

6. Highways and transportation

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

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

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

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

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

Paragraph 112 goes on to advise that within the context of paragraph 110, applications for development should:

- give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- allow for the efficient delivery of goods and access by service and emergency vehicles;
- be designed to enable charging of plug-in and other ultra-low emissions vehicles.

The submission in its current outline form, does not set out a fixed point of access to the site although an access parameters plan has been provided which provides key areas along the southern curtilage of the site within which vehicular access could be taken as well as setting out key pedestrian links (north-south axis and east-west axis) which will be provided as part of the future reserved matters submission. The internal road layout associated with the development will be also be determined as part of a reserved matter.

With regard to the access parameters plan and indicative layout, the Council's Highway Officer is satisfied that both a suitable access point can be achieved from Emsworth Road and an appropriate level of internal parking can be provided based on the quantum of development proposed and when taking highway safety matters into perspective. The Highway Officer has however stipulated that a ghost island right turn lane along with a pedestrian refuge should be provided on Emsworth Road. A condition would therefore be placed on any outline consent granted to ensure that satisfactory visibility splays (in respect of the access point) and a right turn lane ghost island and pedestrian refuge within the existing carriageway of Emsworth Road are provided and in situ prior to first occupation of the development.

Through the access parameters plan and more prescriptively through the indicative site layouts, the submission demonstrates that appropriate access points and routes through the development can be achieved. An order authorising the stopping up of any highway rights will

need to be made and the new routes provided on site, which will be defined at the reserved matters stage and will be dedicated as highway under Section 38 of the Highways Act. The parameters plan also set out deterrent measures for illegal motorcycle access with the scheme proposing to incorporate an 'A Frame' entrance feature to prevent such access through the site to the SSSI/Quarry.

The Highway Officer has qualified that the site is sustainably located, situated within easy walking distance of bus stops and relatively close by to a metro station and the facilities and amenities available in the local area.

A Transport Statement (TS) has been submitted with the application. The proposed trip generation from the development is predicted to generate 48 and 53 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The highest impact would be on Old Mill Road, where approximately 30 two-way vehicle trips would be generated during the weekday AM and PM peak hours. On average this equates to less than one additional vehicle on the network every two minutes in both directions during both peak hours. This is considered to be acceptable.

The Council's Highways Officers also requested that a sensitivity assessment was undertaken to account for the cumulative impact of the proposed development and the proposed residential development comprising 115 dwellings at Carley Hill, located approximately 500m to the east of the proposed development site for which a separate full planning application has been submitted. The assessment was undertaken with specific regard to the impact on operation of the Carley Hill Road / B1291 Thompson Road / Carley Road four-arm priority junction located to the southeast of the site.

It is noted that the table within the TS indicates that the proposed developments are predicted to have a cumulative impact of 27 and 30 two-way vehicle trips at the junction during the weekday AM and weekday PM peak hours, respectively. This equates to a cumulative impact of approximately one additional vehicle at the junction every two minutes during the weekday AM and PM peak hours.

The Highway Officer has confirmed that this would not represent a material impact on the operation of the junction.

With regard to the above and whilst it is noted that concerns have been expressed by a local Ward Member in relation to traffic generation, the Council's highway officer is satisfied that the cumulative traffic impact of both developments would be accommodated satisfactorily on the existing local highway network and would not represent a material impact on the operation of the Carley Hill Road / B1291 Thompson Road junction.

Whilst the results of the requested sensitivity testing note that traffic generated by the proposal will increase demand on use of the Carley Hill Road / Thompson Road junction during peak periods and result in some additional queuing on the Carley Hill Road leg during peak demand, the residual cumulative impacts of the proposed development are not considered severe within the context of Paragraph 111 of the NPPF and on this basis no objection has been offered by the Highway Officer.

An outline Travel Plan has been submitted with the application which has been amended in line with comments from Nexus and the Council's Highway Officer to provide assurances that they will meet the costs of two introductory tickets per dwelling equalling four weeks travel per ticket to be introduced to residents via their welcome pack. This will serve to encourage a greater take

up of public transport overall and will be offered to residents as part of the Residents Welcome Pack. The Travel Plan will be conditioned as part of any consent granted.

The Highways Officer has welcomed the intention to provide each new home with a dedicated electric vehicle charging point, or wiring suitable for an electric vehicle charging point, to encourage the uptake of electric cars. A condition will be placed on any consent granted to confirm final details of these installations.

7. Landscape and ecology

CSDP Policy NE3 supports the retention and protection of valuable trees within development proposals whilst CSDP NE9 states that proposals should incorporate high quality landscape design, implementation and management.

The application has been accompanied by a Landscape Appraisal which offers analysis and overview of the site and surrounding context. The site lies within the wider extent of Landscape Character Type 8 (Coastal Limestone Plateau as set out within the City of Sunderland Landscape Character Assessment 2015) and was previously a quarry and landfill site which has since been remediated and restored. Currently the site comprises natural and semi natural greenspace with extensive blocks of mature mixed tree and shrub planting blocks around the edges and in the central area of the site within unmanaged grassland. The most visually prominent area of tree planting is found along the southern curtilage of the site adjacent to Emsworth Road although a further tree belt runs adjacent to the western boundary.

Although the proposed landscaping of the site is reserved for subsequent approval, the application does make it clear through the build zone parameter plan and indicative layouts that future residential development of the site would be dependent on the removal of the southern and western tree belts. In this regard, advice from both the Councils landscape architect and tree consultant has been sought to ascertain the landscaping implications of this approach.

In response to consultation, the landscape architect has noted that the proposals will result in the removal of almost all of the existing trees on site, qualifying that the trees are important, attractive features within the landscape and contribute to the landscape character of the area and its visual amenity. In addition, the response also notes that the proposal would result in the removal of an existing well-maintained hedge and estate railing which run alongside an existing public footpath along Emsworth Rd. It is considered that these features are also important landscape features contributing to the visual amenity of the site and the landscape character.

Following inspection by the Council's Tree consultant they have confirmed that the Arboricultural Impact Assessment provides a fair and accurate record of what is on the site whilst noting that the main harm in terms of loss of amenity will arise from the loss of the group/plantation G3 located to the front of the site adjacent to the Emsworth Road. The Council's consultant has however noted that individually, this semi mature group is made up of fairly poor-quality trees that have suffered serious damage from the recent storm force winds. The comments also note that there is a high proportion of Ash trees within this group which are likely to have a very short safe useful life potential as a result of Ash die back which is well established in the area. This description could be applied to all of the group's plantations within the site although in terms of visual amenity are lower as they are less prominent within the street scene.

Both the Council's landscape architect and tree officer have stipulated that the significant anticipated loss of trees on the site will need to be mitigated by a high quality and detailed

landscape scheme which focuses on replacement tree planting within public open space with particular regard given to the frontage of the site.

The provision of a high-quality replacement planting scheme, particularly across the frontage of the site would be crucial and, in this regard, the indicative landscape masterplan demonstrates that there is scope to provide extensive areas of tree planting throughout the development which would be welcomed. This includes a formal row of trees to the front of the development, notable lengths of new hedging and significant landscaping improvements within the Green Belt buffer to the north of the site. Assurances have been sought and received from the developer that the land to the front of the site on Emsworth Road is capable of accommodating new trees. Both the Council's landscape architect and tree officer have stated that new trees within the public domain should be planted as large specimens to ensure that the trees provide visual and amenity compensation of those to be removed and this will be expected to be laid out as part of a future reserved matter submission.

Overall, whilst the loss of trees from the site, particularly across the frontage, is regrettable. Both the Council's landscape architect and tree officer are satisfied that a high-quality landscaping scheme submitted at the reserved matters stage can provide appropriate mitigation. In this regard, the proposal, insofar this will be required to provide a quality compensatory planting scheme, is considered broadly reflect the aims and objectives of CSDP Policies NE3 and NE9.

In turning to ecological matters, the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The NPPF continues that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied a raft of assessments, comprising of an Ecological Impact Assessment (EclA), an Ornithological Assessment, a Walkover Assessment, a Report to Inform a Habitats Regulation Assessment and a planning note and metric regarding biodiversity net gain calculations in respect of pre and post development of the site. The documents have been considered by the Council's consultant Ecologist who has offered comment on the proposals impacts on habitats, protected and notable species and designated sites.

In this regard the consultation response reiterates observations offered by the Council's Landscape Architect and Tree Officer, noting that a high proportion of the existing tree cover within the site will be lost through the proposals, which are of value to a range of protected or notable species, as well as being of value in its own right. In this regard and whilst the response accepts that it will not be possible to retain all of, or replace the woodland on site, new tree planting should be included within the site design wherever possible, with such habitats subject to appropriate lighting strategies where features are created with the aim of benefitting wildlife such as bats and breeding birds.

In summary, the ecologist is satisfied that the submission, in terms of appropriately assessing and mitigating impacts on habitats, protected and notable species is acceptable, and a number of planning conditions have been advised to be attached to any consent granted. Conditions that would need to be imposed include the submission of an Ecological Construction Environmental Management Plan which will amongst other matters confirm the roles and responsibilities of those involved in ensuring the protection of features of ecological value during the construction phase, detail habitat and species-specific measures to reduce biodiversity impacts during the construction phase and the biosecurity protocols to be implemented to ensure the protection of those habitats, species, and sites within or in close proximity to the development area during the construction phase. The future development of the site will also be required to deliver the mitigation and compensation measures that have been set out in Sections 5.2 and 5.3 of the accompanying Ecological Impact Assessment. These mitigation measures are set out below for information.

- Site design in relation to lighting will be sympathetic to retained and habitat features including boundary habitats and created features within the site (enabling "dark corridors"), and in accordance with highway and street lighting requirements.
- Site clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless advice is sought from a Suitably Qualified Ecologist (SQE).
- Retained trees will be protected from damage during the construction phase in line with the recommendations in BS5837:2012.
- Trees to be impacted by the development and assessed as being of 'low' suitability to roosting bats will be felled/pruned under a soft felling method statement.
- Residual impacts of increased visitors to Fulwell & Carley Hill Quarries SSSI resulting from the development to be mitigated for, with the mechanism to secure to be agreed through the application. Specifically, mechanisms will be:
 - I. Barriers to be installed at the entrances of the SSSI in order to prohibit vehicular access to the site.

- II. Installation of interpretation boards on the ecological/geological value of Fulwell Quarry SSSI within the SSSI itself
- III. Information and awareness raising campaign conducted by Gentoo as Landlord to encourage residents to understand the value of the SSSI and to utilise the SANG.

The compensatory measures are:

- Incorporation of opportunities for roosting bats and nesting birds via installation of bat/bird boxes. Number of boxes installed of each type should be determined by 10% of residential units proposed.
- Hedge-line and scrub barrier on the northern edge of the development to reduce opportunities to access the designated sites of Fulwell Quarry to be planted (see Figure 3), comprising of native berry and seed-bearing species
- A native planting strategy should be used for open areas and along northern boundary which includes areas of native woodland, scrub and wildflower meadows.
- Planting of wildflower rich areas of grassland will use seed mixes of local provenance used such as 'Northumberland Meadow Seed Mix'.
- An onsite habitat management plan to be drawn up and implemented by the Gentoo maintenance team which should include habitat for dingy skipper in the form of butterfly scrapes. BioC20-010 | Fulwell Quarry East ECIA Report V4 August 16, 2021 Page 26 of 56.
- Onsite Interpretation Board to be installed within Butterfly Mitigation area to promote understanding of butterfly conservation areas.

A condition requiring an onsite habitat management plan pursuant to Section 5.3 of the Ecological Impact Assessment will also be attached for approval in writing by the Local Planning Authority to ensure the development retains the habitat creation and enhancement measures detailed above for the life of the development.

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement, for an applicant to provide 10% biodiversity net gains. However, in accordance with Policy NE2 and Paragraph 180 of the NPPF, the Local Planning Authority requires biodiversity net gains to be provided as part of a proposed development wherever possible.

In terms of biodiversity net gain, the submitted report and metric calculations demonstrate that the current proposals for the development would result in a net loss of biodiversity units across the application the site. Notwithstanding the identified loss, it is considered that this can be offset, to an acceptable level, by habitat creation (reduction in the impact on the adjacent SSSI, 10% of the new properties will have bat and bird boxes incorporated into the development, 20 butterfly scrapes, species rich grassland, native structural planting) within the areas of greenspace provided within the development and through the financial contributions being made towards both open space and HRA. Consequently, whilst it is acknowledged that the proposal, when using the Defra metric 3.0 methodology, does not provide a gain in biodiversity, the development will create numerous ecological enhancement opportunities not only within the site but also within the wider area (including the adjacent SANG). These additional features whilst not forming part of the DEFRA metric are nevertheless an important material consideration in the overall planning assessment and should be seen as a benefit to the scheme.

The site lies within the impact risk zone of a series of designated sites, including Carley Hill and Fulwell Quarries SSSI, and the Northumbria Coast SPA and Durham Coast SAC.

Due to the proximity of the proposed development site to another proposed residential development by the applicant (referred to as the 'Carley Hill' site for which full planning permission is currently being sought (21/02679/FU4)) the assessments submitted take into account the potential effects of both sites, in order to ensure a robust assessment and mitigation strategy are in place.

The documents submitted indicate that the proposals have the potential to result in likely significant effects as a result of indirect disturbance upon the coastal designations via increased recreational pressure in the absence of mitigation. Such impacts will be mitigated via a per unit financial contribution of £557.14 to the Council's Strategic Access Management and Monitoring (SAMM) strategy, and the provision of Suitable Alternative Natural Green Space (SANG) which is linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the objectives of the SANG are met, this area must be available for use prior to occupation of the first property.

Members should note that the applicant has agreed to make a financial contribution to this value and the making this contribution also addresses the concerns raised in Natural England's consultation response.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition.

As has been identified in the mitigation and compensatory measures above, site design measures have been built into the indicative landscape plans to create a buffer zone between the proposed development area and the SSSI, which will support habitats of ecological value both in their own right and for a range of species, with a series of further measures designed to help mitigate direct and indirect impacts of the development and reduce the effects of anti-social behaviour provided within the submitted documents. These include the provision of barriers to be installed at the entrances of the SSSI in order to prohibit vehicular access to the designated sites, the installation of interpretation boards on the ecological/geological value of Fulwell Quarry SSSI and an information and awareness raising campaign conducted by Gentoo as Landlord to encourage residents to understand the value of the SSSI and to utilise the SANG.

In conclusion, the Council's consultant Ecologist has raised no objection, advising that the proposal is acceptable in principle, subject to the implementation of a series of planning conditions in order to secure the protection and enhancement measures required to ensure features of ecological value within and around the site are protected through the development.

8. Flood risk

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- (b) the development is appropriately flood resistant and resilient.
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- (d) any residual risk can be safely managed.
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment which provides an overview of all potential sources of flood risk at the development site, including, coastal (no risk), fluvial (no risk), surface water (very low risk), groundwater (low risk) sewer (no risk) and infrastructure (no risk).

The drainage strategy is outline in nature and the final details will be approved through a subsequent reserved matter approval. The indicative drainage strategy comprising permeable paving, detention basin and a storage tank has been prepared to indicate how the site could possibly be developed and drainage provided. However, it is acknowledged that this will likely need to be reassessed once the final scheme details come forward in due course.

The submissions have been considered by the Council's Lead Local Flood Officer who is satisfied that an appropriate strategy can be provided on site. A condition will therefore need to be attached requiring final details to be submitted with regards to detailed hydraulic calculations, provision of source controls SUDS and detailed drainage drawings in line with final proposals and site layout. The condition will also ensure that foul flows and surface water pursuant to the drainage scheme are discharge to the combined sewer in Emsworth Road and that the surface water discharge rate shall not exceed the available capacity of 5.1 l/sec that has been identified in this sewer.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

9. Land contamination and stability

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

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

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase I Geo-Environmental Report, the conclusions of which have been accepted by the Local Planning Authority. In this regard there is considered to be no impediment to the development of the land based on ground conditions, subject to the imposition of planning conditions regarding the characterisation of the site (phase II report), the submission of a remediation scheme, confirmation of the implementation of the remediation scheme and reporting any unexpected contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

10. Archaeology

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policy BH9 states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ. However where the loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

As qualified by the County Archaeologist in their consultee response, the proposed development area is identified to be located in an area associated with prehistoric activity.

A ditched enclosure was identified in 1990 c.120m east of the proposed development area and radio-carbon dating has suggested that the site was occupied in the Bronze Age. A Roman figure was also identified during quarrying near the proposed development area and nearby Neolithic barrow was re-used for a Roman period inhumation. In the post-medieval period the northern extent of the proposed development area was quarried. A wagonway was constructed northwest-southwest through the eastern section of the site.

In 2020, Vindomora Solutions produced an archaeological desk-based assessment for land at the former Fulwell Quarry, Carley Hill. In the report, it is estimated that quarrying has removed some 82% of the proposed development area, and subsequent reclamation, landscaping and tree planting has led to the potential loss of 94% of the proposed development area and this may have been impacted by subsequent landscaping and road construction works. In this regard, the report concludes that it is unlikely that further archaeological work will be required unless the north verge of Emsworth Road will be impacted by the proposed works or the narrow corridors either side of the western north-south pedestrian footpath.

In essence, whilst the proposed development site is located within an area associated with a number of significant archaeological records, the desk-based assessment provided as part of this application has demonstrated that the site has been subject to extensive quarrying and landscaping in the past. As such and whilst there remains some archaeological potential in certain areas of the site, the County Archaeologist has noted that the illustrative site plan provided with the outline submission suggests that the majority of the works will be located within the parts of the site which have low archaeological potential.

Notwithstanding, the County Archaeologist has qualified that further information should be submitted with future detailed applications associated with the development of this site to determine whether an intermittent watching brief will be required for any groundworks located in areas of the site that have some archaeological potential. Conditions to cover this would need to be attached to decision notice if consent is granted.

Subject to the imposition of the conditions, the proposal is considered to be acceptable from an archaeological perspective and in accordance with the requirements of the NPPF and CSDP Policy BH9.

11. Sustainability

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CSDP Policy BH2 requires that sustainable design and construction should be integral to development, highlighting mechanisms by which this can be achieved, including maximising energy efficiency and integrating the use of renewable and low carbon energy, reducing waste and promoting recycling during construction and in operation and to include a sustainability

statement setting out how the development incorporates sustainable resource management and high environmental standards.

The application is in outline form therefore the information provided at this stage is limited. Nonetheless, the Design and Access Statement qualifies that the developer has the ambition to deliver low carbon housing, highlighting that the properties would be designed with significant carbon savings over current building regs standards as part of Sunderland City Council's aim to be carbon neutral by 2030. The submission also highlights that there are a number of sustainability upgrades identified which would be considered for the final scheme which include air source heat pumps, triple glazing, improved insulation, smart metering, thermal bridging improvements, reduction in the use of plastics and high embodied carbon materials, enhanced landscaping, reduction in construction waste, local supply chains and electrical car charging points.

With regard to the above, a condition will be required that any application for reserved matters be accompanied by a sustainability statement which fully outlines details and mechanisms outlining how the development will minimise energy demand and to reduce whole life CO2 equivalent emissions.

Taking all of the above into account it is considered that the development is in accordance with the NPPF and CSDP Policy BH2.

12. Economic impacts

The NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Strategic CSDP Policy SP1 aspires to support sustainable economic growth and meet people's needs by amongst other things, the delivery of new homes and new jobs and by ensuring that sufficient physical, social and environment infrastructure is delivered to meet identified needs. Policy SP1 continues that such development will primarily be delivered within sustainable urban locations close to transport hubs and by utilising those sites allocated for new homes in the A&D Plan.

The application has been accompanied by an Economic Benefits Statement which sets out that direct and indirect construction related employment (resulting from the combined Carley Hill and Fulwell Quarry sites could support approximately 286 roles on site and in the wider economy per annum over the average build out time (predicted to be slight in excess of 2 years). The construction phase, in terms of the increase in the value of goods and services generated within the area, is also predicted to generate an additional £16.1 million gross added value (GVA) per annum during the construction time frame. This would potential equate to £36.3 million over the entire build phase.

The premise of 100% affordable housing contribution for both the Carley Hill and Fulwell Quarry sites (equating to up to 225 dwellings and housing over 500 people) would also provide a significant contribution towards the City Council's affordable housing target whilst generating new expenditure of in the region of £4.1 million per annum.

With regards to the above and in accordance with the Council's strategic vision outlined by CSDP Policy SP1, it is clear that the site will deliver new homes and jobs within a sustainable

urban location which is close to transport hubs. The development of the site would also seek to provide 100% affordable housing and contribute to the local economy.

It is considered that the development will contribute positively to sustainable economic growth in accordance with the aspirations of both national and local policy.

13. Planning obligations

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise 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 development; and
- Fairly and reasonably related in scale and kind to the development;

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

With regard to the above and considerations presented within this report, the following matters will need to be covered in a section 106 legal agreement to make the development acceptable in planning terms:

- Affordable Housing
- Contribution to the improvement of local open space provision to be directed to Fulwell Quarry. The figure will be based on the final number of bedspaces proposed by the development in line with the formula set out within the Planning Obligations SPD.
- The developer has confirmed agreement to the figure of £557.14 per dwelling towards Strategic Access and Monitoring Measures.

An agreement to this effect has been drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the making of the decision

Summary and planning balance

On the basis of the reasoning offered above, it is considered that the principle of the residential development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The table below summarises the residual impacts arising from the construction and operational phases of the development; subject to the completion of a planning obligation and the recommended conditions.

	Positive	Neutral / Negligible	Negative
Economic	<p>Short term moderate benefit of job creation during construction.</p> <p>Medium - long term moderate benefit of potentially more customers to support local facilities (such as the local centre at Southwick and Sea Road)</p>		
Environmental	<p><u>Sustainability</u> The development is sustainably located with good access to amenities, transport hubs and recreation and will incorporate numerous sustainable measures and low carbon technologies into the new homes.</p>	<p><u>Amenity</u> Air Quality Assessment advises "no adverse air quality impacts at existing receptors". Noise Assessment recommends mitigation for proposed occupiers. No objection from Environmental Health Officer. Illustrative plan provides assurances that appropriate spacing between existing and prospective dwellings can be achieved and that good levels of amenity open space can be retained on site.</p>	<p><u>Ecology</u> Net loss of biodiversity across the site <u>Trees</u> The majority of trees will be removed from the site including prominent belt fronting onto Emsworth Road.</p>

		<p><u>Drainage</u></p> <p>Acceptable drainage scheme can be provided. No objection from Lead Local Flood Authority and Northumbrian Water.</p> <p><u>Highways</u></p> <p>Proposal provides assurances that appropriate parking standards, safe access and pedestrian networks can be provided within/linked to the site. Increase within local highway network but within acceptable parameters. No objections from Local Highway Authority.</p>	
Social	<p><u>Housing</u></p> <p>Accommodation would be 100% affordable</p>		

Conclusion

In conclusion, a view needs to be taken as to whether the benefits identified in the table immediately above outweigh the adverse impacts.

The benefits from the development are generally economic and social, arising from short term construction jobs and medium to longer term support for local facilities (economic) and the provision of affordable and accessible accommodation, although environmental benefits will arise through the developers focus on implementing low carbon housing.

The adverse impacts are generally environmental, arising from a loss of biodiversity across the site including the loss of trees.

In terms of assisting Members, consideration of whether the economic and social benefits outweigh the environmental harm, officers would draw to attention the comments below.

The proposed development, as noted within the description, would bring forward a housing scheme which will be 100% affordable, with the tenure proposed as per definition A of Annex 2 of the NPPF."

The definition noted in the paragraph above has been provided in full below.

"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

In this respect, Members are directed towards a recent planning appeal decision for 86no homes at Cragdale Gardens, Hetton-le-Hole, wherein the Planning Inspectorate noted the fact that all dwellings within that site would represent affordable homes, which would be maintained in perpetuity. The Inspectorate qualified in their decision that this represented a significant contribution to meeting the need for affordable housing, and subsequently carried significant weight in favour of the proposal.

The Agent has agreed that the provision of 100% affordable housing on this site can be secured via a planning obligation.

Allied to the above, the Council is of the view that the development in question would be sustainably located for local amenities, recreation and transport hubs and would provide a good standard of amenity for future occupiers.

In terms of the adverse impacts, these are generally environmental, arising from the loss of trees and a loss of biodiversity across the site. In this regard, it should be noted the developer has agreed to make contributions for Strategic Access and Monitoring Measures, which will be used to offset the loss through creating biodiversity improvements and ongoing maintenance of the area of the identified SANG adjacent to the site whilst an open space contribution has also been provided to ensure the improvement and enhancement of open space in Fulwell Quarry. This has been accepted by the Council's Ecological Consultant.

In summary, officers would advise that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm; subject to the completion of a planning obligation and the recommended conditions.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to the satisfactory completion of the S106 and the draft conditions set out below.

Conditions:

1. (A) No Development (other than Enabling Works) shall be commenced until an application(s) for written approval of the matters reserved by this planning permission (the "Reserved Matters") in respect of the relevant part of the development/phase has been made to and

approved in writing by the Local Planning Authority. The Reserved Matters application or applications shall include detailed plans, sections and elevations showing:

Layout
Scale
Appearance
Landscaping
Means of access

(b) Application(s) for approval of the Reserved Matters must be made not later than the expiration of THREE YEARS from the date of this decision notice; and

(c) Development must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters, in the case of approval on different dates, the approval of the last such matter to be approved.

2. Prior to the commencement of development, other than enabling works, a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the phasing of the development hereby approved. Thereafter, the development shall be undertaken in strict accordance with the approved Phasing Programme.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way.

3. The application(s) for approval of Reserved Matters for which outline planning permission is hereby granted shall be in accordance with the approved plans and documents. The approved plans and documents are: -

- o Site Location Plan (4022-10-01 Rev G)
- o Build Zone Parameters Plan (4022-10-03 Rev F)
- o New Access, Pedestrian and Cycle Routes Parameter Plan (4022-10-06 Rev B)

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

4. The Reserved Matters application(s) to be submitted under Condition 1 shall include details of the proposed boundary treatments for each dwelling in the phase, or part thereof, as approved by Condition 2, to which those Reserved Matters relate and no dwelling shall be occupied in that phase until the boundary treatment for that dwelling has been approved in writing by the Local Planning Authority and implemented, in full.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan

5. The Reserved Matters to be submitted under Condition 1, in respect of each phase of the development, or part thereof, as approved by Condition 2, shall include a schedule of all proposed external facing materials to be used in respect of each dwelling, in each phase. The development in that phase shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

6. With the exception of enabling works, no development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which includes the following:

- i. Site layout including location of site compound, materials, and waste storage
- ii. Location of the site access during construction
- iii. Provision for workforce and visitor parking
- iv. Traffic management measures - e.g., delivery times and avoidance of queuing and idling
- v. Sheeting of wagons
- vi. Dust - provision of vacuum extraction or wet arrestment to masonry cutting equipment
- vii. Provision of mains water or suitable alternative supply
- viii. Noise - use of mobile noise barriers where necessary, particularly around compressors and generators
- ix. Site lighting - location, height, angle to ensure no spill or glare impacting off site occupiers
- x. Use of solid screens or barriers around particularly dusty activities, where applicable.
- xi. Given the location, working times should be 07.30 - 18.00 Mondays to Fridays, 0800 - 14.00 Sat. No Sundays or Bank Holidays. No working should take place outside these times without the prior agreement of the LPA and Environmental Health and this will only be in exceptional circumstances and subject to conditions.

Reason: In the interests of amenity and highway safety to accord with policies BH1 and ST3 of the Core Strategy Development Plan.

7. Prior to commencement of development in any phase, or part thereof, as approved by Condition 2, a detailed scheme setting out appropriate noise mitigation measures for that phase shall be submitted to and approved in writing by Local Planning Authority. The scheme shall identify the plots to be subject to noise attenuation measures such as enhanced glazing and ventilation specifications and any necessary acoustic barrier to ensure that the noise climate within habitable rooms and in garden areas meets the guidelines set out in BS8233:2014.

Reason: To ensure that a satisfactory level of amenity is provided to residents and to accord with policies BH1 and HS2 of the adopted Core Strategy Development Plan.

8. No development shall commence, other than enabling works, in each phase of development, or part thereof, as approved by Condition 2, until full engineering, drainage, street lighting and constructional details of the streets in respect of that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development, in the phase, shall be constructed in strict accordance with the details approved by the local planning authority.

Reason: To ensure that utility infrastructure is delivered in a coordinated and planned way and to accord with the Core Strategy Development Plan

9. With the exception of enabling works, prior to the commencement of development above damp-proof course level in any phase, or part thereof, as approved by way of condition 2, full

details of building and design measures to minimise energy demand and to reduce whole life CO2 equivalent emissions for dwellings within that phase, or part thereof, shall be submitted to the Local Planning Authority for formal written approval within a sustainability statement which also includes a timetable for implementation. Thereafter, the development hereby approved shall be carried out in full accordance with the agreed details.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

10. Other than enabling works, no development shall commence until full a detailed drainage scheme, reflecting the principles approved in the "Flood Risk Assessment and Drainage Strategy Ref: H77124-JNP-XX-XX-RP-C-1002 PO3" prepared by JNP Group dated August 2021, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include, detailed hydraulic calculations, provision of source controls, SUDS and detailed drainage drawings in line with the final proposals and site layout and shall ensure that foul flows discharge to the combined sewer at manhole 3401 shall not exceed the available capacity of 5.1 l/sec that has been identified in this sewer.

Reason: To ensure, in accordance with policies WW2 and WWE3, the development hereby approved considers the effect on flood risk, on-site and off-site and to accord with Policies WWE2, WWE3 and WWE5 of the Core Strategy Development Plan.

11. No groundworks or development shall commence except for in the areas marked as 'disturbed area' in Figure 15 of the Archaeological Desk Based Assessment prepared by Vindomora Solutions Ltd (report 324-20-DBA), until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

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

12. The dwellings shall not be occupied except for those located in the areas marked as 'disturbed area' in Figure 15 of the Archaeological Desk Based Assessment prepared by Vindomora Solutions Ltd (report 324-20-DBA), until the report of the results of observations of the groundworks pursuant to 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. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9

13. No dwellings shall be occupied until the site access on Emsworth Road has been constructed and is made available for use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such details shall include for the avoidance of doubt the provision of:

- i. satisfactory visibility splays;
- ii. a right turn lane ghost island and pedestrian refuge within the existing carriageway of Emsworth Road.

Thereafter the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the development provides safe access arrangements for all users and in order to comply with Policy ST3 of the Core Strategy Development Plan.

14. The Reserved Matters application(s) to be submitted under Condition 1 shall include details of car parking for all dwellings and visitor parking, in each phase, or part thereof, as approved by Condition 2, and no dwelling shall be occupied in that phase, or part thereof, until the car parking for that dwelling and associated visitor parking bay(s) have been approved in writing by the Local Planning Authority and provided in full. Thereafter, all such car parking arrangements shall remain in place at all times.

Reason: In the interests of highway safety and to comply with policy ST3 of the Core Strategy

15. All car use reduction, monitoring/action plan measures and travel ticket initiatives set out in Section 5 of the Travel Plan (Fore Consulting Ltd, Version 5 dated 14 March 2022) must be adopted in full and in accordance with the timescales set out in the action plan (tables 3 and 4).

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

16. No development shall commence until a Phase II: Site Investigation report which ascertains whether the land in that phase is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report(s) shall be based upon the findings of the approved Phase I report undertaken by JNP Consulting Engineers, and any additional comments provided by the Local Planning Authority and shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - a. human health
 - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
 - c. adjoining land
 - d. groundwaters and surface waters
 - e. ecological systems
 - f. archaeological sites and ancient monuments
- iii) a site-specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and Policy HS3 of the Core Strategy Development Plan.

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

17. No development shall commence until a detailed Remediation Scheme for that phase to bring the land 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 for each phase should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme for the phase has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme for the phase.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and Policy HS3 of the Core Strategy Development Plan.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and Policy HS3 of the Core Strategy Development Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d and Policy HS3 of the Core Strategy Development Plan.

20. As part of the site development any on-site stands of Schedule 9 invasive non-native plant species will be removed by an appropriately licensed contractor.

Reason: To prevent the spread of the species and to comply with policy NE2 of the Core Strategy Development Plan.

21. No works shall commence on site until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will include:

- I. confirmation of the roles and responsibilities of those involved in ensuring the protection of features of ecological value:
- II. details of habitat and species-specific measures to reduce biodiversity impacts during the construction phase, and:
- III. biosecurity protocols to be implemented to ensure the protection of those habitats, species and sites within or in close proximity to the development area during the construction phase.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

22. Prior to commencement of development a detailed scheme setting out the precise details to deliver the mitigation/compensation measures and where appropriate, a timetable for their implementation, as set out within sections 5.2 and 5.3 of the Ecological Impact Assessment prepared by Biodiverse Consulting (Reference BIOC20-010 V4.0) shall be submitted to and approved by the Local Planning Authority.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

23. No development shall commence, other than enabling works, until an onsite habitat management plan as referenced in Section 5.3 of the Ecological Impact Assessment prepared by Biodiverse Consulting (Reference BIOC20-010 V4.0) must be submitted to and approved in writing by the Local Planning Authority to ensure the development retains the habitat creation and enhancement measures detailed in Section 5.2 and 5.3 of the approved Ecological Impact Assessment (Reference BIOC20-010 V4.0) for the life of the development.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

24. No dwelling house within any phase, or part thereof, approved by way of Condition 2, shall be occupied until details of the location, specification, and number of bat and bird boxes within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved boxes shall thereafter be provided and retained in strict accordance with the approved details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

25. No external lighting shall be installed within any phase, or part thereof, as approved by way of Condition 2, until details regarding the siting and design of such lighting, including details on how such siting and design will minimize impacts on bats within and adjacent to the phase have been submitted to and approved in writing by the local planning authority. Thereafter the external lighting shall be installed and maintained in strict accordance with the approved details.

Reason: In order to protect the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

26. With the exception of enabling works, no development, removal of vegetation or felling of trees, shall be undertaken, in any phase, or part thereof, as approved by way of Condition 2, between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

27. The Reserved Matters application(s) for each phase, or part thereof, approved by way of Condition 2, shall include an updated Arboricultural Impact Assessment, Arboricultural Method Statement, a scheme of landscaping, planting, and treatment of hard surfaces for each approved phase which shall include indications of all existing trees and hedgerows on the land, details for their protection during the course of development and how the development has been informed by their presence.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1, NE2 and NE4 of the adopted Core Strategy Development Plan.

28. No properties shall be occupied until all internal footways and pedestrian networks have been completed to ensure accessibility to the SANG.

Reason: In order to minimise potential impacts upon surrounding designated sites and to comply with Core Strategy Development Plan policy NE2.

Reference No.: 22/00355/FUL Full Application

Proposal: **Change of use from residential (C3) to residential children's home (C2) and demolition of garage.**

Location: Fir Tree Lodge Silksworth Hall Drive Silksworth Sunderland SR3 2PG

Ward: Doxford

Applicant: Mr Derek Butler - ROC Family Support Limited

Date Valid: 4 March 2022

Target Date: 29 April 2022

PROPOSAL:

The proposal relates to the change of use of an existing residential property to a residential children's home at Fir Tree Lodge, Silksworth Hall Drive, Silksworth, Sunderland, SR3 2PG.

The proposed change of use affects a large two storey detached property with a detached garage. The site is located on Silksworth Hall Drive.

The property has a detached garage and is accessed from Silksworth Road to the north via an unadopted road. There is also a pedestrian access gate onto Warden Law Lane to the west. The dwelling is located on a large plot with an extensive garden area and is surrounded by a number of large mature trees which are protected via Tree Preservation Orders.

The surroundings of the application site are primarily residential in nature with the 'The Lawns' being situated to the south of the site. "The Lawns" comprises a row of bungalows, whilst to the north and east of the site there are large detached two storey houses all set within generous plots. The Grade II Listed Silksworth Hall is to the rear of the site and the properties within Silksworth Hall Drive surround Silksworth Hall.

The application proposes to change the use of the property from residential dwelling use class C3 to a residential children's home, a use falling within use class C2 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

The application has been submitted on behalf of ROC Family Support. A Planning Statement submitted with the application advises that ROC Group, of which ROC Family Support is a part, has offered innovative solutions to providing care solutions for children, young people and families in the Northeast for almost 20 years.

The facility is intended to accommodate 4no. young people (aged 8 - 18) with additional needs. The facility is proposed to be staffed 24-hours-a-day, 7 days-a-week, with 3 staff based at the home (including the home manager). Staff changeover will occur at 9:30am each day. Any management visits would occur in the daytime and all staff parking would be on site.

The home will provide living necessities for the children as well as professional support tailored to their needs. This will include helping with basic daily tasks such as toileting and eating, as well as children and young people with the following challenges:

- o Autism Spectrum Disorders (ASD)
- o Attention Deficit Hyperactivity Disorder (ADHD)
- o Global Development Delay (GDD)
- o Learning Difficulties (LD)
- o Lower level health needs

The applicant's agent confirmed via email on the 26.05.22 that whilst there may be some children living in the home who have a mild physical disability the home is not adapted to accommodate someone who would need to use an adapted vehicle, therefore it is not planned that the children placed in the home would require an adapted vehicle for wheelchairs.

The planning statement goes on to set out that all the Applicant's CQC and Ofsted inspections verify their abilities to safeguard and their homes will be subject to all aspects of Sunderland Safeguarding Children Partnership and the North and South of Tyne Safeguarding Partnership procedures and protocols.

The applicant has set out within the statement that there is a need for the type of accommodation proposed:

'This need has been confirmed in several conversations with commissioners in the north and south of the region. The Applicant has also met on site with Emma Stewart, Commissioning Specialist with Together for Children in Sunderland, who confirmed the need in the local area'

Having consulted Emma Stewart from Together for Children in Sunderland, she confirmed via email on the 23.05.22 that although there would be no issue with the proposal, the current need within Sunderland would actually be for more complex and challenging young people, that would usually require a smaller provision than is proposed.

The applicant's agent has subsequently provided some additional supporting information in an email dated 26.05.22 In this, it is advised that:

Out of the 400,000 children who are cared for around 11,000 have a diagnosis of ASD or a learning disability. Together for Children have opened additional education provisions for children with ASD (SEND inspection report 2021) after recognising the increase in need in the area. Both the numbers of children in care and the numbers of those being diagnosed with ASD/LD are increasing year on year, so whilst there may not be a high demand from Together for Children at present, as national trends continue, this demand will increase. We will also be looking to develop homes for children with more complex needs at a later stage, but these plans do not form part of our Fir Tree Lodge proposal.

There has been a significant rise in the request from local authorities who are part of the NE12 framework (joint commissioning approach by northeast local authorities of which Together for Children is a part) looking for homes for children who would fit into the remit of the proposed Fir Tree Lodge home. For example, from 20th April 2022 to 20th May 2022 there were 12 referrals received for homes for children who needed to stay within the northeast and who had ASD, LD or required personal care. From a previous freedom of information request received in March 2022 from Durham County Council we were informed that there were 21 children in care placed out of area who had ASD or LD.

With regard to the proposed accommodation, it will encompass a mix of communal and private spaces for residents. Private space will comprise 6 no. individual bedrooms, one of which is en-suite, whilst the communal areas will include the porch, entrance hall and reception, kitchen, dining/kitchen room, living room, sitting room and conservatory. There are 2no bathrooms on the

first floor and 2no. storage areas and 1.no storage area on the ground floor. In terms of external amenity space, residents would benefit from the large garden area to the rear of the property.

No external alterations to the property are proposed however, it is proposed that the detached garage/ outhouse will be removed to allow the parking of 6 vehicles on site.

An application of this nature would normally be determined under delegated powers, however, it has been referred to the Sub-Committee at the request of former Ward Councillor Elizabeth Gibson due to local interest and its location within a conservation area.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Fire Prevention Officer

Final Date for Receipt of Representations: **27.04.2022**

REPRESENTATIONS:

Heritage Conservation- No objection, the proposed change of use and demolition of the detached garage will have negligible impact on the significance of the listed Hall and the Conservation Area.

Network Management- Following the submission of additional detail and a further site visit the Highway Engineers provided no objection to the proposal with regard to:

Access- The access is as existing for residents and therefore considered acceptable.

Parking - It is considered that the provision of 6 car parking spaces is sufficient to meet the needs of staff and visitors.

Traffic impact - It is considered that the change of use in traffic generation terms is considered to be negligible.

Tyne and Wear Fire and Rescue Service- No objections to the proposal subject to adequate access for vehicles and to a water supply. These requirements are dealt with via building regulations approval and as is stated within the response, further comment will be provided on the receipt of a Building Regulations Submission.

Environmental Health- No objection to the proposal, the size of site is significant, and the property is established and detached. The activities on site are not considered likely to generate noise other than that to be typically expected from a similar domestic use.

Public consultation - a total of 30 no. letters of representation and 1no. Petition with 22 signatures, have been submitted in respect of the application, from residents of, Silksworth Hall Drive, Silksworth Hall, Warden Law Lane and The Lawns. The following concerns have been raised:

- o Restrictive covenant which stipulates that the site cannot be used for business purposes

- o Additional usage of Silksworth Hall Drive (unadopted road) will lead to increased maintenance and cost
- o The overall traffic accessing the site would be far in excess of that from a private residence.
- o The track is too narrow and has restricted headroom for emergency service vehicles to access Fir Tree Lodge.
- o The existing unapproved pedestrian access to this property via Warden Law Lane has caused traffic issues in the past
- o Due to their troubling lives the children may demonstrate inconsiderate behaviour and increase noise levels within the area which has a number of elderly residents.
- o Potential for increased police activity and comings and goings from site due to issues with children.
- o The property is within the Silksworth Hall Conservation area, the change of use will impact the character of the area and give precedence to further changes in the future.
- o No guarantee that the children within the home will be from Sunderland.
- o Demolishing the garage and outhouse will affect the amenity of immediate neighbours with regard to privacy and disturbance
- o The access road is not wheelchair friendly
- o Staff and visitors may congregate at the side entrance/exit to Fir Tree Lodge to smoke causing disturbance and smell.
- o Level of public consultation is inadequate

With regard to the level of public consultation carried out in respect of the application. To clarify, the consultation exercise undertaken involved issuing letters to a number of dwellings neighbouring the application site, the posting of site notices and consultation with Ward Members. This level of consultation is fully compliant with the Council's obligations as set out in the Town and Country Planning (Development Management Procedure) Order 2015. It should be noted that it is not necessary for an individual to receive a consultation letter in order to participate in consultation on a planning application and to this end, the level of consultation undertaken has ultimately resulted in the receipt of 30 no. letters of representation and a 22 signature petition from addresses within a wide area around the application site.

With reference to the issues set out by the letters of representation, Members should note that it is not the role of the planning system to vet the credentials of the proposed service provider ahead of determining the planning application. The key matter for consideration is simply whether the proposed use of the building is appropriate given its context, rather than basing a decision on the identity of the service operator and their perceived capabilities. To this end, Members should be aware that in the event planning permission is granted for the proposed change of use, the permission could pass to a different service provider (unless this is explicitly prevented by a planning condition).

With reference to any potential covenants relating to access to the site these would need to be dealt with as a civil matter between the land owners and would not form part of the planning consideration.

The other issues of concern raised by objectors are given further consideration in the next section of this report.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

1. the principle of the proposal;
2. the impact of the proposal on the character and amenity of the locality;
3. the implications of the proposal in respect of highway and pedestrian safety.

1. Principle of proposal

The proposed use of the premises is residential in nature and the building is located within an area which is primarily residential in character and so, in broad terms, the proposal does not conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with UDP policy EN10's requirements in this regard.

This conclusion does not, however, establish that the proposed use of the building is appropriate, rather it is considered to be broadly compatible with the established pattern of land use in the area. In order to reach a conclusion on this matter, regard must firstly be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

2. Impact of use on character and amenity of locality

It is acknowledged that the proposed children's home will, by virtue of its inherent nature, generate some comings and goings, from staff, management, other visitors and residents of the facility. However, it is considered that the proposed use of the building would not necessarily be out of keeping with the character of the locality and its surroundings given that the intensity of the proposed use of the building is relatively low, with no more than 6 no. residents occupying a large detached two-storey building; as such, the comings and goings from residents and staff will be relatively infrequent and it is considered that this intensity of use would not be incompatible with the prevailing character and nature of the area.

With regard to the objections relating to the location of the use within Silksworth Conservation Area, given that it is proposed to operate the premises as a small family home, which as stated above would be in keeping with the existing locale, it would not be considered that the Conservation Area would be negatively impacted by the proposal, nor would this use set a precedent for 'business use' within the area as it would be necessary for all such application to be considered and assessed on their own merits.

The Heritage Officer has confirmed that the proposed change of use and demolition of the detached garage will have negligible impact on the significance of the listed Silksworth Hall or wider Conservation Area. They have in fact stated that, the demolition of the garage will have a minor positive impact through the removal of a 1970s building that detracts from the setting of the Hall and fundamental historic character of the Conservation Area.

Concerns have been raised in relation to the potential impact of the proposed use of the property on the amenity of the locality, particularly in respect of noise and disturbance and potentially anti-social behaviour.

It should be noted that the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.

In relation to this matter, the proposed care home is to provide a family home for children with special needs who require additional care. It cannot be assumed that all, or even a high proportion of, prospective residents of the proposed facility will engage in disruptive behaviour - this would depend upon the nature and background of individual young persons and the supervision/quality of care they receive. In addition, the behaviour of young persons at the premises, and to an extent beyond the site, can be managed and supervised by the staff of the facility. In this regard, the Planning Statement submitted with the application sets out staffing plans and other arrangements which are intended to demonstrate that the facility will be properly managed.

To this end, it is recognised that with effective management, should anti-social behaviour issues occur then it is considered that these could be appropriately dealt with by either the staff or other agencies.

The statement of support submitted with the application set out that the Applicant's CQC and Ofsted inspections verify their abilities to safeguard and their homes will be subject to all aspects of Sunderland Safeguarding Children Partnership and the North and South of Tyne Safeguarding Partnership procedures and protocols.

The applicant has also advised that they have a careful matching process, acclaimed by Ofsted, which would include an impact risk assessment on each of the young people currently residing in the home. This would dictate whether or not they accepted the placement. In the past they have declined placements which were not a good match for the young people who were already living in their homes.

Although it cannot be assumed that residents of the building will engage in anti-social or disruptive behaviour, it is considered reasonable to suggest that children and young persons living together in shared accommodation could be boisterous and noisy, something which would be no different to a family home where 3 or 4 children reside. It is considered, however, that the impact of any such noise on the amenity of the locality would be of a limited nature given the low number of residents and moreover, its effect would be somewhat mitigated by the property being situated on a large well screened plot and occupying a detached house some distance from neighbouring dwellings.

In summary, it is considered that the proposed use of the premises will not be significantly at odds with the character of the area. Furthermore, it is considered that the low intensity of the proposed use means that nearby residential properties are not anticipated to experience levels of noise and disturbance which would cause unacceptable harm to their living conditions. In terms of the standard of accommodation to be provided to prospective occupiers, as detailed previously, the accommodation is of a low intensity and occupiers will consequently be afforded acceptable levels of private space. The property would also afford a good level outdoor space via the large garden to the rear.

With regard to the need for this type of facility, whilst there being a particular need for a facility could be a material consideration in determining a planning application for other forms of development, it must be pointed out that the relevant national and local planning policies do not

necessarily require a specific need for facilities of this type to be demonstrated in order for a Local Planning Authority to approve an application. In any case, the applicant clearly considers there to be a demand for a facility of this nature within the Northeast and has discussed this need with local council authorities.

For the reasons set out above, it is considered that the proposed use of the building as a children's home is acceptable in relation to the prevailing character and nature of the locality and will not be of significant detriment to the amenity of neighbouring properties. Furthermore, the subject building is considered to provide an appropriate standard of accommodation for the children intended to occupy the proposed facility. The proposed change of use is therefore considered to accord with the requirements of the NPPF and policies BH1, HS1, BH7 and BH8 of the CSDP.

3. Impact of development on highway and pedestrian safety

In response to consultation, the Council's Highways Consultant had initial concerns with the proposed development. They noted that the access to the site is via a narrow, unlit private road, which is generally of a substandard nature. They pointed out that it does not appear wide enough to allow two vehicles to pass each other, which would mean one vehicle having to reverse either back into the main driveway of the property, or onto Silksworth Road Drive, which would be a potentially dangerous manoeuvre.

They requested that a swept path analysis be undertaken, as there appears to be insufficient turning space for cars accessing/egressing the 6no. parking spaces and information should be provided on deliveries and servicing arrangements for the site. Finally, they requested further information on vehicle movements to and from the site on a normal operational day, including potential out of hours movements and the use of emergency vehicles.

Following this the agent for the application provided a statement via email on the 14.04.22, addressing the issues raised above. They pointed out that the access is an existing arrangement and there is adequate passing space on Silksworth Hall Drive with the Drive being two directional for exiting the site. There are also passing places which they stated should have been noted during the site visit.

With regard to manoeuvrability on site, they set out that there would be 6 metres behind each vehicle, which is the manual for streets standard for reversing out of parking space.

They confirmed that there are no deliveries or servicing requirements for the site over and above those which already previously have taken place for a residential property. And they set out that the client has confirmed that they have had no problem servicing the property even with furniture removal vehicles, skip wagons and deliveries of building materials on vehicles with Hi-ab lifting equipment.

With reference to vehicle movements on site they confirmed that there would be no out of hours movements and the use of the site by emergency vehicles is exactly that which was required when the site was originally approved for a residential property.

The Council's Highways Consultant considered this additional information and stated that they were satisfied with the clarifications received in relation to deliveries/servicing requirements and emergency vehicles. However, they did consider that additional photography and/or a site visit would be required to determine if the proposed access and parking would be acceptable. Following this, a further site visit was carried out by one of the Council's Highway Engineers and an updated response was provided on the 11.05.22.

The Highway Engineer made the following comments with regard to access and parking

ACCESS

Access to the site can be taken directly from Silksworth Road, or Warden Law Lane. The access from Silksworth Road is narrow in parts, however this is only for a short length of approximately 100m before the private drive is reached, in addition it is likely that vehicles could pull to the side into the vegetation to enable 2 vehicles to pass concurrently. The access is as existing for residents and therefore considered acceptable.

PARKING

The applicant has clarified that none of the 4 children would have access to a vehicle and that no larger vehicles are required for school purposes; the 6 proposed car parking spaces are therefore deemed acceptable for staff, (3 on site at a time) and visitors to the home. The Highway Engineer concluded that the home is a large, detached dwelling which could facilitate a large family with several vehicles. The change of use in traffic generation terms is therefore considered negligible and the additional volume of the traffic likely to be generated by the proposed change of use can be satisfactorily accommodated on the local highway network with minimal impact.

Finally, there has been some concern expressed with regard to the ability of emergency vehicles to access the site. Following discussion with the Councils Highway Engineers, they have stated that emergency vehicles, including fire engines, are able to access the site currently and the addition of 6no. parking spaces would not negatively impact their ability to carry out their function.

Subsequently, the Highway Engineers now offer no objections to the proposal.

Given the above, it is considered that the parking and access arrangements are satisfactory and the proposal would not negatively impact highway safety. The proposal therefore complies with the NPPF and policy ST3 of the CSDP.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/ proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/ proposal due regard has been given to the following relevant protected characteristics: o age; Page 315 of 340

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

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

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

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

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

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

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

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

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property as a children's home is acceptable in relation to the character and amenity of the locality and will provide prospective residents with an appropriate standard of accommodation. The implications of the proposals in relation to parking and highway and pedestrian safety are also considered to be acceptable

The proposed development is therefore considered to be compliant with the aims and objectives of the NPPF, saved policy EN10 of the UDP and policies BH1, HS1, BH7, BH8 and ST3 of the CSDP.

RECOMMENDATION: Approve

Conditions:

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

Location plan, drawing number AL(0)002, received 22.02.22

Existing block plan, drawing number AL(0)003, received 22.02.22
Existing elevations, drawing number AL(0)005, received 22.02.22
Proposed site plan, drawing number AL(0)011, received 22.02.22
Existing floor plans, drawing number AL(0)001 Rev A, received 04.03.22
Existing site plan, drawing number AL(0)004, received 22.02.22
Proposed floor plans, drawing number AL(0)010 RevA, received 22.02.22
Existing garage elevations, drawing number AL(0)006, received 04.03.22

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

- 3 The dedicated parking area shown on the proposed site plan received on the 22.04.22, shall be retained for the lifetime of the approved use and shall be made available at all times for the parking of vehicles on site. In the interest of highways safety and to comply with the requirements of the NPPF and policy ST3 of the CSDP.

Reference No.: 21/01566/FUL Full Application

Proposal: **Agricultural land improvement and remediation of sink holes, utilising imported soil materials and creation of temporary works access.**

Location: Land South of Low Haining Farm Stoneygate Houghton-le-Spring

Ward: Copt Hill

Applicant: Jean Stratton Potts

Date Valid: 18 August 2021

Target Date: 17 November 2021

PROPOSAL:

The host site comprises some 1.44 hectares (3.5 acres) of agricultural land which lies to the south of Low Haining Farm and to the north of Stoneygate Lane in Houghton-le-Spring. Access and egress to the site is via gates located on Stoneygate Lane with a public right of way also accessed at this point, running south/north across the land.

The parcel of land in question forms part of a wider 12-hectare (30 acres) landholding which lies within a rural setting and within the extent of the Tyne and Wear Green Belt. The land is owned by the applicant and utilised for grazing and haymaking for sheep, cattle and horses.

The application has been accompanied by a Planning Statement which provides the context as to the existing condition of the land, qualifying that the site is of very poor quality due to a combination of steep slopes, poor drainage and the presence of sink holes which is making agricultural productivity particularly difficult. During the Officer site visit, it was noted there were two prominent sink holes located towards the western part of the site, some six metres deep. The Planning Statement sets out that the holes are in the lower part of a substantial depression in the land with the holes forming as a result of removal of the underlying soluble magnesian limestone by rainfall over a period of years.

It is understood that a number of other sinkholes and associated depressions in the land have historically appeared in the area and these have previously been filled to restore the agricultural land. The submission sets out that these sinkholes are subject to regular "blow outs" in wet weather when water draining from higher land to the south along the road permeates through to the limestone strata below the sinkholes and then blows out of the sinkholes due to water pressure. This is understood to be one of the main causes of poor drainage in the site. The agent has confirmed that the holes represent a danger to farm stock and pedestrians utilising the public right of way which crosses the site. It was noted during the Planning Officer site visit that large straw bales had been placed into two of the sink holes for safety reasons.

In light of the issues set out above, the application seeks consent to undertake agricultural land improvements to the site which involve the remediation of the sink holes and the regrading of the land through utilising imported soil materials. The proposal would involve the importation of 20,500 cubic metres (32,850 tonnes) of soil materials which would be sourced from development sites in the Sunderland, South Tyneside, Gateshead and County Durham areas.

The submission qualifies that the importation of certified soil materials and subsequent grading of the soil across the site will provide the means to resolve the problems on site thereby providing

productive and safe land for grazing and haymaking and removing dangerous features adjacent to the public footpath. The application has been supplemented by a proposed Restoration Plan, whilst sections through the restored site indicate the extent and nature of the filling and regrading operations.

In order to facilitate the works, the existing access from the public highway (Stoneygate Lane) is proposed to be temporarily widened to 6 metres from the eastern point to accommodate two-way access/egress for lorries, with a temporary access track running some 18 metres deep to accommodate internal vehicular movements.

The submission sets out that the first phase of site operations will be in the field containing the sink holes and the large depression on the western side of the site. Existing topsoil and subsoil (where deemed worthy of retention as some is of extremely poor quality) will be stripped and stored on the site on a phased basis. Soil will be stripped using a bulldozer and, where required, transported within the site using a dumper loaded by an excavator. The area around the sink holes will be excavated down to a solid rock base and then backfilled with imported material. Imported soils material will be tipped and then spread by bulldozer to achieve the required final levels. Coarser grade material will be utilised for the lower layers to facilitate good drainage and higher quality material utilised for subsoil and topsoil horizons. Where deemed suitable any stripped subsoil and topsoil from the site will be also be placed on the regraded surface. On completion of the Phase 1 western section, operations will then progress in a similar manner to Phase 2 at the southern end of the site and then progress northwards.

The submission confirms that 3 people will be employed on the site, with associated plant consisting of a bulldozer, excavator and water bowser with dumper and road sweeper brought onto site as and when required.

The operating hours are set out to be: Monday to Friday - 07:30 to 18:00 hours, Saturday - 07:30 to 13:00 hours, Sundays and Bank Holidays - no working.

In addition to the Planning Statement, the application has also been accompanied by a Protected Species Risk Assessment, a Hedgerow Survey Report, an Archaeological Assessment Report and Surface Water/Drainage Management details.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Copt Hill - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **17.05.2022**

REPRESENTATIONS:

As part of the public consultation undertaken nearby properties were notified of the proposal in writing and a site notice was posted and press notice published.

No representations have been offered as a result of the public consultation carried out.

External consultation responses

County Archaeologist - The applicant has provided an archaeological desk-based assessment with this application. The site focused upon a dene which is considered in the report to be of some interest as a local landscape feature and routeway. The archaeological potential of the site is concluded to be relatively low as no specific evidence was identified to suggest the presence of pre-modern settlements or land-use. It is recommended in the report that no further archaeological evaluation and or subsequent mitigations works will be required if the proposed works are approved.

Based upon the conclusions drawn upon in the desk-based assessment, no further archaeological mitigation is recommended in association with the proposed works.

Internal consultee responses

Planning Policy - As the site is located in the Green Belt CSDP Policy NE6: Green Belt is relevant. It indicates that development in the Green Belt will be permitted where the proposals are consistent with the exception list in national planning policy subject to all other criteria being acceptable.

Environmental Health - Has considered the submitted documentation and has no objections to the proposal. This proposal is for reclamation of land some 250m from nearby properties. The duration of the project appears to be up to 12 months with substantial movement of soils and reclamation materials. The main issues would appear to be dust generated during adverse weather conditions (addressable in this location by the use of a water bowser as suppression) and noise arising from heavy wagons attending the site over what is presumed to be at least in part a poor-quality road surface. Empty wagons create the most noise. Loaded wagons should be sheeted at all times. Given the extended duration of works and the proximity of residential accommodation it is suggested that the working times on site should more appropriately be Mon - Fri 08.00 to 18.00; Sat 09.00 to 14.00 only.

Transportation Development - The consultation response offers no objections to the proposal but highlights the following observations;

Temporary site access and signage

With regards to the provision of the temporary site access the applicant should be advised to contact the Council's Asset and Network Section to agree the temporary crossing specifications and to arrange for the appropriate licences. Signage will need to be in place throughout the course of the scheme to advise of site access and plant turning.

Construction Environmental Management Plan (CEMP)

The applicant should be advised to produce a Construction Environmental Plan in respect of;

- Road cleanliness including brush frequency and any mitigation measures to prevent the migration of mud and debris onto the adopted highway.
- Parking provision within the development in order to avoid road wagons stacking on Stoneygate Lane.
- Details of dust suppression methods on site to prevent the migration of dust and other airborne particulates onto surrounding properties.

Public footpath

It is noted that a public footpath runs through the site and will be impacted by this development, subsequently, the agent is proposing a temporary diversion during the regrading works. In the event that the planning application is approved the applicant should be advised to contact the Council's Public Rights of Way Officer: to discuss arrangements around the temporary diversion of the path and the protocols for doing so.

Public Rights of Way Officer - No in principle objections to the proposal. The public footpath will need to be restored to precisely the same alignment following the works.

Regarding temporary diversion of the path for the works, it is understood from discussion that the applicant proposes to carry out the works in the field to the west with the sink holes first and this will not require a path diversion. In this regard the applicant will need to confirm the route of access they intend for this first phase of the works.

Regarding the larger field to the east in which the footpath is located, the execution of the works is clearly incompatible with the path staying open therefore there is no issue in principle with supporting a temporary traffic regulation order to provide the path on a different alignment for the duration of the works. The caveat to this is that the temporary traffic regulation order will have to be applied for in advance of the works so that it can be applied to facilitate and enable the works by allowing the path to be lawfully relocated temporarily. The temporary route for the path will need to be to an agreed standard. This doesn't necessarily mean it needs to be built, but it may be that a strip of ground along the temporary route will need to have the grass cut short, and the root must be to an adequate standard to allow for regular use.

Temporary traffic regulation orders allow for but do not require a path to be closed. Accordingly, if there are significant periods during the six months when the path does not need to be closed either because the works are not being carried out or the works being carried out are no longer impacting on the path, we may require it to be opened. Temporary traffic regulation orders must be applied for by the party interested in having it in place and they need to commit to conditions such as the supply of an alternative route and payment of associated costs for the order. The applicant is advised to contact the PROW Officer to discuss arrangements around the temporary diversion of the path in the event that the application is approved, on order to discuss more precisely the protocols for doing so.

Ecology - The comments from the Council's Ecological confirm that no objections are offered subject to the provision of necessary conditions. The matters pertinent to the proposal in respect of the Hedgerow Survey Report, the Ecological Assessment and the Tree Impact Assessment, are set out below;

Habitat

The Hedgerow Survey Report provides information on the species composition and associated features of the hedgerows to be removed and confirms that none of the sections surveyed qualify as 'important' under the Hedgerow Regulations. The report notes that hedgerows are considered

a Priority Habitat in the Durham and UK BAP; hedgerows are also listed as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006. As such, the reinstatement and enhancement work as described in both documents are considered to be necessary. The Protected Species Risk Assessment document also highlights a recommended species list for re-instated and enhanced hedgerows; further details will be required confirming the location, species mix, planting and management strategy prior to the start of works on site.

The use of heavy plant to import the required 32,850 tonnes of soil has the potential to adversely affect habitats within and adjacent to the proposed works area indirectly through pollution. A Construction Environmental Management Plan (CEMP) should be produced and approved in writing by the Council prior to works commencement. The CEMP should include, but is not limited to, measures designed to address the risk of pollution of habitats during refuelling, measures to minimize air pollution, appropriate storage of plant and chemicals, and the presence of spill kits on site.

Trees

Information has been provided in relation to the mature ash tree in close proximity to the proposed works area. It is suggested that the tree is 11m from the existing access track (which will be subject to additional hardcore additions as part of the proposals) and over 30m outwith any infill operations. The document submission suggests a root protection area of 9.5m for this specimen (using BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction Guidance), and as such, it is considered that the tree is unlikely to be adversely affected by the proposals. Fencing should be erected to prevent undue encroachment of vehicles or personnel into this root protection area during the operations, details of which can be confirmed in the CEMP.

Protected Species

No protected or notable species were identified during the field surveys carried out to date; the potential presence of species including bats, nesting birds, badger, and amphibians such as great crested newt have been considered within the recent submission. Measures recommended within the Protected Species Report, which are designed to mitigate for the potential presence of nesting birds within or adjacent to the works area should be implemented and conditioned. These include carrying out any vegetation clearance outwith the active nesting season (March - September inclusive) unless areas have been searched for signs of nesting activity by a Suitably Qualified Ecologist (SQE) prior to works commencement. The Protected Species Report also recommends the installation of 1 x Kestrel nest box on a mature tree or pole within the hedgerow which will enhance conditions on site for the species. The specification and location of this box should be confirmed prior to works commencement and should be installed in line with manufacturer guidance. The report indicates that badger are likely to be present within the area or may utilise the site on an intermittent basis, although no evidence of the species was found during the survey. Measures to ensure the protection of this, and other protected or notable species should be detailed within the CEMP / Ecological Method Statement document.

The Lead Local Flood Officer (LLFA)

Comments initially requested that to provide comfort that water flows from the site would not be displaced to adjacent areas particularly the A19. Following the submission of flood flow modelling calculations, the LLFA have reviewed all information and confirmed that a recommendation for approval can be given.

Ground Contamination

It is acknowledged that the Site comprises of agricultural land and remediation of contamination is not being completed in this instance. However, to ensure protection of the receiving environment from materials being imported a Remediation Strategy should be prepared, which should include the following: Suitable importation criteria for materials to be imported (soils, recycled aggregate, stones etc) set to ensure protection of the receiving environment (Principal Aquifer, agricultural land). The likely volumes of materials being imported to site should be provided together with the type of materials to be imported to achieve the infilling. Suitable chemical testing regimes for the types of materials being imported should also be included. Within this document there should be provision to allow inspection of loads arriving on site and measures to follow should contamination be identified within the loads arriving on site.

COMMENTS:

Planning considerations

The main issues to be considered in determining this application are: -

- 1) Whether the development would be inappropriate within the Green Belt
- 2) Impact on the rural landscape and amenity of the area
- 3) Ecology and trees
- 4) Highways
- 5) Ground conditions
- 6) Drainage

1. Whether the development would be inappropriate within the Green Belt

The site in question comprises part of the Tyne and Wear Green Belt and is therefore subject to the provisions of Core Strategy Development Plan (CSDP) Policy NE6 with regard to Green Belt. Policy NE6 is fully compliant with the provisions of National Policy as set out within Section 13 of the National Planning Policy Framework (NPPF) and detailed in part below.

Paragraph 138 of the NPPF sets out five purposes of including land in Green Belts, namely to:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The essential characteristic of Green Belts is their permanence, and their protection must be maintained as far as can be seen ahead. Paragraph 137 of the NPPF highlights the importance the Government attaches to Green Belts, in terms of their openness and permanence and, in order to safeguard the Green Belt, paragraph 147 considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in very special circumstances. Paragraph 148 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Within this context, paragraph 150 of the NPPF states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes, at subsection b), Engineering Operations.

The proposal includes two distinct elements which include in part raising and regrading of land levels within the site through the importation of soil materials and secondly the associated enabling works which involve interventions on the land such as temporarily widening of the existing access point and the laying of internal areas of hardcore to serve HGV routes, plant storage and car parking during the remediation process.

In both aspects, the Council, as Local Planning Authority (LPA), are satisfied that the remediation and enabling works as set out within the submission would fall within the definition of 'Engineering Works' thereby meeting exception b of Para 150 and representing a form of development which is in principle permissible within the Green Belt.

However, within this context paragraph 150 makes it clear that such permissible forms of development must also preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Openness is an essential characteristic of Green Belts and needs to be differentiated from visual impact. In essence, any development can be considered to harm openness irrespective of its aesthetic qualities or obtrusive nature. The fact that a development simply exists will inevitably reduce openness.

In this respect and whilst substantial amounts of soil to provide the infill will be brought to the site to remediate and make good the areas of land which have subsided through the passage of time, the resultant impact of the works, particularly following the completed restoration, will, in the view of the LPA, have a largely neutral impact on how the site will subsequently be perceived within the context of the surrounding area.

This view is offered however on the expectation that the land is appropriately restored to its naturalised state on completion of the operations. This is particularly pertinent to the proposed enabling works which include the provision of the temporarily widened vehicular access, the internal areas of hardcore serving the HGV's, plant and parking and any associated structures such as works cabins/porta loos etc. It would therefore be necessary to ensure that any approval given is suitably conditioned to achieve this outcome. This would be expected to take the form of a condition which will require the developer to provide a full plan and schedule for the restoration of the land, which will include a timescale to be agreed in writing by the LPA, prior to completion of the remediation works.

In this regard, the completed works, in terms of their impact on the openness of the Green Belt would continue to present a naturalised landscape which would not deviate substantially from that of the former position. The works would also not conflict with the five purposes of including land within Green Belts as set above under Para 137 of the NPPF.

Green Belt summary

In conclusion, the LPA consider that the works are not inappropriate within the Green Belt insofar that they are considered to constitute 'Engineering Operations' as set out as an exception by subsection 'b' of Para 150 of the NPPF, they would have no demonstrable impact on openness and would not conflict with the five purposes of including land within Green Belt.

2) Impact on the rural landscape and amenity of the area

Policy NE8 of the CSDP requires that the open countryside be protected, and access enhanced, with the Council being supportive of development for agriculture, with Policy NE12 considering the impact of development affecting agricultural land.

More broadly, Policy BH1 of the CSDP states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas. The policy continues that new development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness.

As has been noted in the site description section of this report, the agent has qualified that the land in question is currently of very poor quality due to a combination of steep slopes, poor drainage and the presence of sink holes which all combine to make agricultural productivity particularly difficult. The remediation works will have the benefit of restoring some versatility to the land making agricultural operations more viable whilst also providing the added benefit of improving wayfinding and useability of the PROW which runs through it. This resultant uplift in the land is therefore considered to accord with the provisions of Policies NE8 and NE12.

Visually, it is considered that the proposed engineering works will, on completion, have a limited impact on the amenity of the area. Although notable level of soil infill will be brought to the site to regrade the depressions across the land, the land will continue to be viewed as naturalised/agricultural fields.

In terms of impact on residential amenity, the Council's Environmental Health Section have noted that the site lies some 250m from the nearest residential properties and on this basis no objection to the works have been offered. Comment has been offered in respect of the potential for dust to be dust generated during adverse weather conditions (which can be addressable in this location by the use of a water bowser as suppression) and noise arising from heavy wagons attending the site. In this regard and in combination with observations offered by the Councils Highway Engineers (discussed later in the report), it is considered necessary to condition that a Construction Environmental Management Plan (CEMP) is submitted to the LPA for agreement in writing prior to the commencement of operations on site.

In light of the above, it is considered that the proposal will serve to benefit the agricultural versatility of the site and useability of the PROW running through it without having a demonstrably adverse impact on the landscape qualities and wider amenity of the area.

3) Ecology and trees

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site. Policy NE3, meanwhile, supports the retention and protection of valuable trees within development proposals and where hedgerows are impacted negatively by proposed development, justification, mitigation, compensation, and maintenance measures are provided in a detailed management plan.

As has been noted within the consultation responses set out earlier in the report, the Council's Ecological Consultant has considered the nature of the submission in tandem with the supporting information and have offered no objections subject to the implementation of a number of conditions to deal with ecological and arboricultural protection, mitigation and enhancement measures. Such conditions will include the submission of a Landscape and Ecological Management Plan (LEMP). This will be required to provide detail of the location of proposed planting and/or seeding works including areas of grassland, and both enhancement and creation works for hedgerows to be undertaken following the completion of works and details of monitoring works to be undertaken over a suitable time period in order to ensure successful establishment.

Conditions will also be required to ensure that works will not commence during the bird nesting period (March - September inclusive) unless a checking survey has been completed by a Suitably Qualified Ecologist, that no lighting will be installed or used during the works period, to avoid potential impacts upon nocturnal species such as bats and badger and that a Construction Environmental Management Plan and Ecological Method Statement is submitted to address the protection of key features / trees throughout the works, and the residual risk of protected or notable species being adversely affected by the works.

4) Highways

Policy ST2 of the Council's adopted CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must amongst other matters ensure that:

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

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion.

As set out within the consultation section of this report, no objection has been offered by the Council's Highway Engineers. Observations have however been offered with regard to the provision of the enlarged temporary access point, with the developer advised to contact the Council's Asset and Network to agree the temporary crossing specification and appropriate licence. This will be attached to any consent granted by way of an informative.

A planning condition will be required to ensure how the developer intends to deal with the migration of mud and debris onto the adopted highway, parking within the site and the means of dust suppression.

Subject to the above, there is considered to be no conflict with the requirements of CSDP Policies ST2 and ST3.

5) Ground conditions

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

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

Within the consultations section set out towards the beginning of the report, the Council's Land Contamination Consultant has acknowledged that the nature of the proposals dictate that the remediation of onsite contamination is not being completed in this instance. However, so as to ensure protection of the receiving environment from materials being imported offsite, it has been requested that a Remediation Strategy is prepared which will be required to include the following:

- Suitable importation criteria for materials to be imported (soils, recycled aggregate, stones etc) set to ensure protection of the receiving environment (Principal Aquifer, agricultural land).
- The likely volumes of materials being imported to site to be provided together with the type of materials to be imported to achieve the infilling.
- Suitable chemical testing regimes for the types of materials being imported to be included. (Within this document there should be provision to allow inspection of loads arriving on site and measures to follow should contamination be identified within the loads arriving on site).

With regard to the above, conditions in respect of Remediation and Verification will need to be attached to the decision notice.

In terms of archaeology and has set out within the consultations section of the report, the archaeological potential of the site is concluded to be relatively low as no specific evidence was identified within the submitted Desk Based Assessment to suggest the presence of pre-modern settlements or land-use. In this regard, no further archaeological work is considered to be necessary.

6) Drainage

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The application has been accompanied by a surface water management statement a Flood Risk Assessment and associated technical drawings and calculations. The statement sets out the current the position with site drainage and the surface water flows across the site. This confirms

that water currently percolates through the underlying drift material and magnesian limestone. During the proposed operational works, the statement qualifies that a series of surface water containment bunds will be progressively formed downslope of the operations as they move from the western field and then north to south through the main part of the site. These bunds are to be formed from the site topsoil to a height of approximately 1m so as to contain any surface water run-off. The impounded water will then percolate through the base of the impoundment area into the underlying strata as described above.

The statement also confirms that in periods of particularly wet weather and where there is a risk of accumulating surface water breaching the boundary, water from this location will be pumped back to the southern end of the site (highest point) to allow for a greater length/area of percolation, to avoid the risk of the northern bund breaching. In this respect, the developer has qualified that daily monitoring, repair and maintenance of the bunds will be carried out to ensure that they remain robust and fit for purpose.

In terms of the drainage position following site restoration, the submission sets out that the regrading of the land has been designed to ensure that the current drainage arrangement (i.e. percolation downwards through the drift material and magnesian limestone), will be maintained by placing coarse grade material in the lower part of the fill area. The statement confirms that this will ensure a continuation of the present off-site drainage situation to the effect that there will be no offsite drainage issues arising at the northern (lowest point) of the site.

The Council's Lead Local Flood Officer initially requested some further qualification that water run off would not impact the nearby A19. This information has been provided through the submission of hydrological flow modelling which has been accepted by the LLFA and no objection has been offered to the proposal on the basis of flood risk and water run-off.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

Conclusion

As set out above, the proposed works will ensure that the land is reprofiled to provide productive and safe land for grazing and haymaking whilst removing dangerous features adjacent to the public footpath.

Through the report, it is set out that the land remediation and restoration works are compliant with regard to Green Belt Policy without causing detriment to the amenity of the area, whilst matters pertaining to, ecology, highways, ground conditions and drainage are considered to be acceptable. Members are therefore recommended to approve the application subject to the draft conditions listed below.

RECOMMENDATION: Approve subject to the draft condition listed below:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The existing site layout plan received 30 June 2021 (Plan ref: 5001/1/002);
 - The proposed site restoration plan received 30 June 2021 (Plan ref: 5001/1/003);

- The proposed sections through proposed restoration profile received 30 June 2021 (Plan ref: 5001/1/004);
- The site entrance detail received 30 June 2021 (Plan ref: 5001/1/005);
- The site location plan received 30 June 2021 (Plan ref: 5001/1/001)

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

- 3 The onsite working hours associated with the development hereby approved shall be;
- 08.00 to 18.00 - Mondays to Friday;
 - 09.00 to 14.00 - Saturday;
 - No working on Sundays.

Reason: In the interests of residential amenity and to accord with policies BH1 and HS1 of the adopted Core Strategy Development Plan.

- 4 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

1. Road cleanliness including brush frequency and any mitigation measures to prevent the migration of mud and debris onto the adopted highway.
2. Parking provision within the development in order to avoid road wagons stacking on Stoneygate Lane.
3. Details of dust suppression methods on site to prevent the migration of dust and other airborne particulates onto surrounding properties.

Reason: In the interests of amenity and highway safety to accord with policies BH2 and ST3 of the Core Strategy Development Plan.

- 5 The development hereby approved shall be carried out in full accordance with the recommendations set out in Sections 5.4 of the Hedgerow Survey Report and 6.6 of the Protected Species Risk Assessment prepared by Applied Ecological Services Ltd dated 5th August and 22nd November 2021 respectively.

Reason: to ensure habitats and species are not detrimentally affected by the development and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

- 6 The works hereby approved shall not commence until an Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this will include pollution prevention measures (air and terrestrial) to be implemented throughout the works period, details of temporary fencing to be installed to ensure the protection of key features / trees throughout the works, and measures to address the residual risk of protected or notable species being adversely affected by the works (including vegetation clearance). The document should confirm responsible persons and lines of communication, requirements for toolbox talks, identify works exclusion areas around key features which are being retained, and the times during the works when an Ecological Clerk of Works (ECoW) needs to be present and/or consulted to oversee the works.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

7 The works hereby approved shall not commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this will include;

- the location of proposed planting and/or seeding works, including areas of grassland, and both enhancement and creation works for hedgerows to be undertaken following the completion of works.
- Information on the species mix to be used, the proposed planting strategy (methods and timings), details of monitoring works to be undertaken over a suitable time period in order to ensure successful establishment, target condition for each habitat, remedial works in the event habitats do not establish successfully, and proposed management works for each habitat which will be undertaken for a minimum 30-year period following on from the completion of works.
- The location and specification for the new Kestrel nest box to be installed as part of the works.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

8 No works shall commence during the bird nesting period (March - September inclusive) unless a checking survey has been completed by a Suitably Qualified Ecologist (SQE) no more than three days prior to the start of works, to ensure no active nests are present which would be adversely affected by the proposals. In the event any active nests are identified at any stage during the works, the SQE will implement an appropriate buffer zone around this feature into which no works will progress until re-checks by the SQE are undertaken which confirm that the nest is no longer active.

Reason: In order to protect the biodiversity of the site and its surroundings and to comply with Core Strategy Development Policy NE2.

9 No lighting shall be installed or used during the works period, to avoid potential impacts upon nocturnal species such as bats and badger.

Reason: In order to protect the biodiversity of the site and its surroundings and to comply with Core Strategy Development Policy NE2.

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

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

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

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

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

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

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

- 12 Prior to the completion of the approved works, a restoration and landscaping plan along with a timetable for the completion of the restorative works, shall be submitted to the Council, as Local Planning Authority, for agreement in writing. For the avoidance of doubt, the identified measures shall proceed in full accordance with the details agreed through condition 7 and shall also provide clarity on how the areas of land affected by laying of the temporary hardcore will be made good and restored to a naturalised state along with full details of the restoration and repair work to the access point.

Reason: To ensure that the site is appropriately restored following the remediation works, in the interests of amenity and character of the area and to accord with Policies BH1 and NE6 of the adopted Core Strategy Development Plan.

Reference No.: 21/01645/FUL Full Application

Proposal: **Proposed conversion of first, second floors and erection of third floor extension to facilitate 13no residential apartments, including new rear fenestration and street fronting access.**

Location: 59 Fawcett Street Sunderland SR1 1SE

Ward: Millfield

Applicant: Mr A Swallowell

Date Valid: 12 July 2021

Target Date: 11 October 2021

PROPOSAL:

Full planning permission is sought for the creation of 13no residential apartments at 59 Fawcett Street, Sunderland. The development would see 10no flats accommodated within the confines of the existing floors, with a further 3no flats proposed within a new third-floor extension to the rear. The ground floor will be substantially retained for retail purposes although a limited section will be lost to facilitate the new independent entry/corridor access to the apartments.

The development proposals have been revised during the course of planning considerations which has resulted in the removal of a single unit, amendments to the physical appearance of the rear roof and the removal of the large glass lantern. This will be discussed in greater detail within the main body of the report.

The accommodation would provide 11no, 1 bed apartments and 2no, 2 bed apartments with integrated living rooms and kitchens. Primary access will be achieved from Fawcett Street with an internal stairwell and a lift providing access to the upper floors. Secondary access is to be provided via new rear doorway to the rear fronting onto Station Road, whilst associated bin storage will also be provided to the rear.

The area is predominantly characterised by retail and commercial uses at street level with some of the upper floors now being brought back into use, primarily through residential conversions for apartments and student accommodation.

The host building also lies towards the western edge of Sunnyside Conservation Area and within the vicinity of a number of historically significant buildings including the impressive Grade II Listed Elephant Tea Rooms.

The planning application has been accompanied by a Planning and Heritage Statement, an Acoustic Report and an Ecological Survey Report.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Millfield - Ward Councillor Consultation
Environmental Health
Network Management
Northumbrian Water
Natural England

Final Date for Receipt of Representations: **24.08.2021**

REPRESENTATIONS:

The application has been publicised by way of site notice, press notice and neighbour consultation letters sent to 33no nearby properties.

As a result of the publicity undertaken, 2no representations have been received. One representation has been received from the owner of an adjacent business, wherein it is questioned how access to the rear will be retained for roof repairs to their property. Comment has also been received in respect of how the existing fire doors which link the two properties will be treated.

The second representation received from a nearby business owner has questioned whether secure bin storage will be provided.

In response to these questions, it is understood from discussions with the applicant that they have been in dialogue with the adjoining occupier in relation to future access to their roof. Notwithstanding and from a planning perspective, it must be clarified that this is a civil matter between the respective landowners and can't be given particular weight in decision making. With regard to the existing communal doors, correspondence has been received from the agent confirming their intent to brick these up, again this is a civil matter and any fire safety issues potentially arising from the closure of these doors would be addressed through Building Regulations.

In terms of the query relating to bin storage, it is evident that secure bin storage is identified on the proposed ground floor plan.

External consultees

Natural England - Have noted that the application could have an adverse effect on the integrity of the Northumbria Coast Special Protection Area and therefore mitigation measures are required. This can involve an agreed contribution towards Strategic Access Management and Monitoring (SAMM) measures operated by Sunderland City Council to address designated site impacts from increased recreational disturbance.

Northumbria Police (Designing Out Crime Officer DOCO) - Northumbria Police have confirmed no objection to the principle of the conversion noting the beneficial impacts of the regeneration of unused upper floor space. Some additional comments/observations pertaining to risk of crime and security have been offered which will be discussed in the main body of the report below.

Internal consultees

Council's Environmental Health team - In earlier correspondence it was requested that any full application be supported by a noise assessment that examined existing noise levels in the

immediate area and set out a suitable glazing and ventilation specification that would ensure internal noise levels within the residential units met the standards identified by BS8233:2014. It was also considered appropriate to include an assessment for the partitions between the ground floor retail unit and the proposed residential units on the upper floors. The acoustic report addresses these issues satisfactorily. Table 1 sets out a minimum specification for glazing and associated ventilation to the front and rear facades of the building, and Table 2 identifies options for the treatment of the partition wall separating the ground floor retail use from the access route to the first floor and for the separating ceiling/floor partition between the retail use and the first-floor accommodation. The recommendations are accepted. However, the applicant needs to commit to a specification for each element that will be implemented. It is suggested that this may be best undertaken by submitting an annotated drawing identifying the individual elements of the structure and building envelope. This can either be provided as part of the application or may be conditioned for later submission. It is noted some work may be required to assess the existing ceiling/floor prior to implementing any upgrading measures.

Council's Highways officers - The site lies within the City Centre parking zone and benefits from good links to public transport, with the Rail and Metro station within close walking proximity. The City Centre Residents parking scheme is also available for residents with cars.

The provision of secure cycle storage is recommended, whilst details of servicing and delivery arrangements should be clarified.

Council's Conservation Officer - Comments have been received from the Council's Conservation Officer which has resulted in amendments to the scheme. This will be discussed in greater detail in the main report below.

COMMENTS:

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), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, 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 development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

- Deliver a sufficient supply of homes (section 5);
- Ensuring the vitality of town centres (section 7);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Conserve and enhance the natural environment (section 15).
- Conserve and enhance the built environment (section 16)

These core principles of the NPPF feed into the local saved policies contained within the Unitary Development Plan (UDP) and the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, BH7, BH8, H1, H2, HS2, NE2, ST2, ST3, SP2, SP8 and ID2.

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

1. Principle of the development
2. Impact on the character and appearance of the area
3. Residential amenity
4. Highway's considerations
5. Ecology
6. S106 Contributions

1. Principle of the development

The application site is located on the proposals map of the adopted Alteration no. 2 to the Unitary Development Plan as a Strategic Location for Change. Policy SA55B.1 is relevant in this instance and states that the following land uses already contribute significantly to the character of the Sunnyside area and should remain predominant and this includes used class C3 (housing). Policy SA55B.1 further states that the City Council wishes to encourage a greater concentration of living opportunities associated with a mixed-use development ethos for Sunnyside and Tavistock areas and proposals for conversions will be encouraged.

The site is also defined as part of the Urban Core Boundary within the adopted Core Strategy and Development Plan (CSDP). Policy SP2 is relevant to the Urban Core and states that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by promoting mixed use development in the area of change which includes a residential led mixed use in Sunnyside. The Policy further seeks to diversify the residential offer to create sustainable and mixed communities and advises that it is also important that the Urban Core is not purely focused on

employment uses but should accommodate a wide range of good quality residential provision. This will help to support the vibrancy of the Urban Core and particularly the evening economy.

The above approach adheres fully with national policy in respect of Para 86 of the NPPF which promotes a mix of uses within town centres and Para 120 (d) of the NPPF which sets out that planning decisions should promote and support the development of under-utilised land and buildings, including the conversion of space above shops.

With regard to the above, it is considered that the conversion of the upper floors of the premises would fully comply with both national and local policy through residential led development of vacant floorspace and the promotion of mixed-uses and increased vibrancy within Sunnyside and the Urban Core.

With regard to the provision of new residential homes, the Core Strategy, at policy SP1, states that the Council will "deliver at least 13,410 net new homes" by "delivering the majority of development in the Existing Urban Area" and "emphasising the need to develop in sustainable locations in close proximity to transport hubs". The policy also outlines that the Council will be "encouraging higher density development around and in close proximity to transport hubs".

In this regard the proposed development would provide a contribution towards the above policy by providing 13 apartments within the City Centre. The site lies within walking distance of many day-to-day amenities and transport links and is therefore considered to be a highly sustainable location.

The Core Strategy, at policy SP8, states that the Council will "seek to exceed the minimum target of 745 net additional dwellings per year" by "the conversion and change of use of properties", "the development of windfall sites" and "the development of small sites". In this regard, the proposed development would provide a contribution towards the above policy by providing 13 apartments substantially via the conversion of an existing building.

In conclusion, the development will contribute positively to the vibrancy of the city centre and towards housing delivery by bringing empty upper floor space back into a viable use within a highly sustainable locality. The principle of the development is therefore considered to be acceptable.

2. Impact on the character and appearance of the area

The NPPF is strongly supportive of delivering high quality design through new development, with paragraph 127 stating that planning decisions should ensure development functions well and adds to the overall quality of the area; is visually attractive as a result of good architecture; and is sympathetic to local character and history, including the surrounding built environment.

A further key requirement of the NPPF is that new development should seek to conserve and manage heritage assets, such as Conservation Areas, in a manner appropriate to their significance. Detailed guidance is provided by section 16 of the NPPF, paragraphs 189 and 190 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 192 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193, meanwhile, places

great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Paragraph 196 makes clear, however, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also relevant is paragraph 200, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policies BH1, BH7 and BH8 of the CSDP are pertinent in the consideration of the current application. Policy BH1 encourages a high standard of design to new development, whilst policies BH7 and BH8 build on the guidance of section 16 of the NPPF in terms of requiring new development affecting heritage assets to conserve, manage and enhance their significance as appropriate. Also relevant is the Council's adopted Sunnyside Conservation Area 'Character Appraisal and Management Strategy (CAMS)', which provides a detailed analysis of the Conservation Area together with detailed policy guidance and management objectives.

With regard to the policy framework outlined above, it is considered that the main matters to consider are the design and visual amenity implications of the development and its relationship with the prevailing historic environment, including its effect on the significance of the Sunnyside Conservation Area and setting of nearby Listed buildings.

The property subject to this application is an historic building within the Sunnyside Conservation Area positioned on a key street which hosts numerous landmark listed buildings including Barclays Bank, Lloyds Bank, Mackie's Corner and Elephant Tea Rooms.

Broadly speaking, the Council's Conservation Team have qualified that the principal of creating a third floor to the rear is acceptable given that larger style rear extensions are already commonplace along this stretch of Fawcett Street. However, as has been touched on earlier in the report, the proposal has been amended to satisfy initial concerns raised by the Council's Conservation Officer. These concerns related to the fact that the original scheme highlighted an intent to erect a third floor that would have extended directly out from the main ridgeline of the property and onto Station Road. In addition, this extension was to incorporate several roof lanterns to service a communal corridor which were to protrude above the existing main ridgeline. This approach was considered to be unsympathetic to the host building and Conservation Area by virtue of its massing and design, causing harm to the historic roofscape of the wider terrace and the Station Road street scene, which will achieve greater prominence as the regeneration of Sunderland Station comes to fruition.

In discussions with the developer, it was outlined that appropriate amendments should see the lanterns removed completely and that a more subservient form of development sitting below or divorced from the main ridgeline should be explored.

The amended scheme has taken on board the comments of the Conservation Officer with the new third floor now shown to be physically divorced from the main roof through the creation of an area of flat roof which will be utilised as a roof garden and subdivided accordingly to serve the 3no upper floor apartments. The treatment of the existing rear façade fronting onto Station Road will include the removal of the somewhat unsightly metal sheet cladding and the application of Cedral horizontal cladding finished in grey, whilst the rear façade of the new third floor will feature a mansard roof finished in Cedral grey roof tiles. The new fenestration within the rear elevation

will include boxed areas of Cedral cladding finished in anthracite and single windows and double doors, with the inwardly opening doors protected by Juliette balconies.

The existing plant machinery which is currently visible and of detriment to the visual amenity of the rear street scene, will be screened by sections of the aforementioned Cedral horizontal cladding.

Secure bin storage is identified on the ground floor plan, being located within an existing store located to the rear of the building.

The proposed works to the front of the building are not significant and limited to the replacement of the existing first and second floor windows with new timber double glazed units. Minor works to the shop front are also proposed to facilitate the new primary entrance from Fawcett Street to the upper floor flats.

In responding to the revised plans, the Conservation Officer has confirmed that they are satisfied that the changes have addressed the issues raised in the original comments relating to the scale and massing of the rear extension. The rear extension which included a large, glazed lantern on the roof, now no longer projects above the ridge of the historic building with the new fenestration and treatment of the external elevation presenting a more attractive elevation to Station Road than the current building.

The comments do however qualify that the final choice of external materials will be key to its overall appearance, and as such, advise that samples of the materials should be conditioned to include the details of the finish to the mansard roof, the bricks and areas of cladding. In addition, the comments request that full detail of the replacement timber windows onto Fawcett Street should also be conditioned for final approval, highlighting that they will be expected to be timber sliding sash in line with the existing units.

Subject to the imposition of conditions requiring full details of final materials and replacement windows to the front of the building to be agreed in writing, the Local Planning Authority are satisfied that the impact of the development on the character and appearance of the Sunnyside Conservation area is acceptable and in accordance with CSDP Policies BH1, BH7 and BH8.

3. Residential amenity

Policy BH1 of the Council's CSDP seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

The proposed apartments will meet the new Technical Housing Standards relating to nationally described spacing standards (ranging from 50.5sqm for the 1 bed apartments, to 64sqm for the 2 bed apartments) which will ensure that a good level of internal amenity will be afforded to prospective residents.

The proposed apartments will also receive an acceptable level of natural day light through a combination of the reuse of the existing window openings on Fawcett Street, the insertion of new windows within the Station Road fronting elevation and the use of central lightwells which will allow light to permeate the centrally located corridor. As touched on earlier in the report, the 3no upper floor flats will also benefit from small roof gardens.

In terms of accessibility the development will be served by a lift with step free access achieved to all apartments.

With regard to internal noise climate, the submitted 'Acoustic performance standards & design strategy' has examined existing noise levels in the immediate area and has set out a suitable glazing and ventilation specification and provided an assessment for the partitions between the ground floor retail unit and the proposed residential units on the upper floors. The Environmental Health Officer has confirmed that the assessment satisfactorily demonstrates that the internal noise levels within the residential units can meet the appropriate standards.

Notwithstanding, the Environmental Health Officer has confirmed that the developer will need to commit to a final specification for each element to be implemented. In this respect it is recommended that a condition is attached to any consent requiring the submission of a specific glazing and ventilation scheme which meets with the acoustic consultant's recommendations.

The application has been subject to consultation with Northumbria Police by way of their Designing out Crime Officer (DOCO). In response to initial consultation the DOCO confirmed no objection to the proposal, noting the regeneration benefits of converting vacant upper floor space. Some observations were however offered in respect of the following areas.

1. Query as to how the development would be managed against the backdrop of antisocial behaviour arising from multiple occupancy uses in the city centre.
2. Clarification on the treatment of the stairwell to the rear at ground floor/is it to be retained or capped?
3. Questioning the retention of the ground floor area below the overhang to the rear of the building as it creates an unwelcome space which could generate issues with rough sleeping and pose a fire risk for the apartments above the space.
4. Clarification as to the intended treatment of the adjoining fire doors between the host and adjoining properties.
5. Recommendation offered that the external communal doors be tested to recognised security standards (PAS 24:2016 or similar) and are dual certified to address fire safety concerns.
6. Recommendations that communal dwellings with 10 flats or more should have a visitor door entry system and access control system to enable management oversight of the security of the building (i.e. to control access to the building via the management of a recognised electronic key system).
7. Recommendation that individual flat door sets are certified to PAS 24: 2016.
8. Recommendation that the premises have a CCTV system covering all communal areas, the communal mailbox and the entrances to Fawcett Street and Station Street.
9. Recommendation that all elevations that have access doors should be appropriately lit, for both security and way finding purposes.
10. Recommendation that the Station Street "escape door" be revisited to allow it to be utilised as a secondary access given it offers the most direct route to the Metro Station. The inclusion of a more significant dual certified entry/egress would establish a greater sense of ownership and presence on the Station Street elevation and feature more in the streetscape. If we accept the premise of urban regeneration then perhaps it should be pursued with purpose and deliberation, not hidden behind an anonymous "escape door".

In response to the above points, the developer has confirmed that;

1. The developer operates 3 similar city centre developments from 2008 without incidents and this scheme would be managed in a similar way. The developer would however be amenable for a management plan condition to be attached.

2. The stairwell will be capped, filled with concrete block and beam as part of the works.
3. The proposal is fundamentally a conversion and not a demolition and rebuild scheme. The overhang referred to is an existing scenario and the space to the rear elevation at ground floor is currently parking and would be retained as such. The drastic improvements to the elevation above, bringing residential use into the building, together with our client's experience with similar schemes, will avoid the issues suggested in the comments.
4. Communal doors with the adjoining premise will be bricked up.
5. Recommendations noted.
6. A CCTV door entry system and communal/outdoor CCTV cameras will be provided, accessed by tenants for additional security as standard.
7. Recommendations noted.
8. As response to 6.
9. Applicant will provide exterior lighting for access doors for security and finding way purposes as requested.
10. The Station Street entrance could be upgraded in time once the works to the station have been completed, however the developer has agreed to utilise this access door as a secondary access.

In response to secondary consultation the DOCO noted the clarifications offered in respect of points 2, 4, 6 and 9 and with regard to point 1, the developer has agreed to the imposition of a condition requiring the submission a Management Plan for approval in writing by the Local Planning Authority. This Management Plan will be expected to cover measures to reduce the risk of crime through the implementation of security measures, including, but not limited to, the provision of CCTV covering all communal areas, the installation of an appropriate lighting scheme to all access doors and the management arrangements for areas other than the floorspace of each apartment (this will be expected to include internal communal areas, external areas to the rear of the building and full details of the access arrangements to be implemented in respect of the principal and secondary accesses to the building).

With regard the DOCO's technical recommendations in respect of the external communal doors and door sets, these will be included on the decision notice as an informative for the developer.

With regard to point 3 the DOCO has reiterated their view that the most appropriate solution would be to revise the design to remove the potential for use of the recessed area under the first-floor overhang, as this would eliminate potential for rough sleeping. Whilst this view is appreciated, this is a pre-existing situation and physical works within this area do not form part of the development proposal. In this respect and from a planning perspective, these are not alterations that officers need require be undertaken to make the development acceptable. As set out above, the Management Plan will be expected to cover the monitoring and security of the external areas within the curtilage of the site.

With regard to point 10, the developer has confirmed that they are happy to make the rear door on to Station Road a secondary access into the development rather than just an escape door and final details will be expected to be included within the Management Plan as set out above.

Overall, Officers are satisfied that the new development will afford a good level of amenity to future occupiers in terms of internal space, outlook, natural light, accessibility, and security. The development therefore accords with Policy BH1 of the CSDP.

4. Highway considerations

Paragraph 111 of the NPPF advises that planning decisions should ensure that safe and suitable access to the site can be achieved. Also, paragraph 109 is clear in stating that development

should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy ST2 of the adopted CSDP states that development should ensure that it has no unacceptable adverse impact on the Local Road Network. Whilst Policy ST3 outlines that development should include a level of vehicle parking in accordance with the Council's Parking standards.

As set out within the consultation section of this committee report, the Council's Highways Officer has confirmed that the enquiry site is located within the S2 City Centre parking zone, whereby parking standards can be relaxed. The site is within a highly sustainable location with excellent connectivity to bus routes including those on Fawcett Street, whilst sitting within very close proximity to Sunderland Station for rail and metro connectivity.

It is noted that the Highway Officer has recommended that secure cycle storage be provided and in this respect the developer was approached to confirm their intentions. In response, the developer confirmed that as part of future plans they will be looking to provide secure cycle storage to the rear of the building but that such facilities do not form part of the current submission. Whilst it would have been preferable for the cycle storage to have been included as part of this submission, it is clear that the observation from the Highway Officer is only a recommendation and the omission of the secure cycle storage is not of overriding materiality for the purposes of decision making.

The applicant has clarified that the pre-existing servicing and delivery arrangements for the ground floor retail unit will remain as existing and will not be impacted by the development.

Informatives will be placed on any consent granted to advise the developer of the City Centre Residents parking scheme which is available for residents with cars, along with Council contacts for permits relating to any temporary works on the highway such as skips or scaffolding.

Overall, officers are satisfied that the development will be sustainably connected to public transport and local amenities, whilst secure and accessible bin storage is identified on the plans. The development is therefore considered to accord with local and national Policy.

5. Implications of development in respect of ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, Policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Both Natural England and the Council's Ecologist has identified that, in terms of Habitats Regulations Assessment, there could be impacts on key features of coastal European Sites, especially where an increase in residential provision is proposed within 6 km of the coast. The Ecologist has advised that likely impacts in this instance would be indirect through increased recreational disturbance and damage, alone and in-combination with other similar developments coming forward in the area.

The applicant has subsequently agreed to make a financial contribution towards the Council's Strategic Access Management and Monitoring (SAMM) measures to address designated site impacts from increased recreational disturbance via a Section 106 agreement.

The application has been accompanied by an Ecological Survey Report which includes a preliminary roost assessment, a bat activity (emergence) survey and a breeding bird assessment. The key findings of the report set out that;

- o The building had low suitability to support to support the roosting of bats;
- o No bats were recorded during the entirety of the bat activity survey;
- o A pair of herring gull were identified to be breeding on the flat roof of the surveyed building;
- o Feral pigeon nests were recorded on the lights and the air conditioning units at the rear of the surveyed building;

The report qualifies that if the proposed works are to be undertaken during the breeding season (March to September, inclusive) then it is plausible that potential active nests maybe destroyed which is an offense under the WCA (1981) as amended. Therefore, if works are undertaken within the breeding bird season, then a nesting bird check would be required by a suitably qualified ecologist. This would ensure that no active nests or herring gull young are forced to jump from the roof of the surveyed building. The impact on breeding birds would be low if works are undertaken during the breeding season. This position is accepted by the Council's Ecologist and will be conditioned accordingly.

In addition, a precautionary method statement for roosting bats has also been provided which will also be conditioned.

In order to provide biodiversity enhancements on site, the report recommends that an integrated bat box be incorporated into the brickwork of the third floor. Specifications of this box have been provided and a condition shall be attached to any consent granted to ensure that the box is installed in accordance with the specifications and recommendations provided, prior to first occupation of the development.

In the absence of any material considerations to the contrary, the proposal accords with policy NE2 (biodiversity and geodiversity) of the CSDP.

6. S106 Contributions

Paragraph 54 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 56 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

The below sets out the typical obligations which may be requested on major development proposals and discusses their implications in respect of this development.

Strategic Access Management and Monitoring (SAMM)

The developer has agreed to make a contribution towards the Council's Strategic Access Management and Monitoring (SAMM) measures which are designed to address designated site impacts from increased recreational disturbance. This contribution would equate to £557.14 per unit, totalling £7,242.82.

Affordable Housing

With regard to affordable housing, the Core Strategy, at policy H1, says "Residential development should create mixed and sustainable communities" by "contributing to meeting affordable housing needs". The Core Strategy continues, at policy H2, saying "All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% "affordable housing".

Officers would, however, draw to attention the material consideration within paragraph 69 of the National Planning Policy Framework; which states

"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount... Equivalent to the existing gross floorspace of the existing buildings".

The National Planning Policy Guidance expands upon the above by stating

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use... the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace".

Given that the floorspace of the existing building would be re-used to provide 10 of the 13 new apartments, officers would advise that the proposed development should not be expected to provide a contribution towards affordable housing.

Open space

Officers would advise that the nature of this type of application dictates that the provision of open space cannot be provided. The provisions of policy NE4 of the Core Strategy and the adopted Planning Obligations Supplementary Planning Document cumulatively seek for financial contributions towards allotments, equipped play space and open space. In this instance the site does, however, lie around a five-minute walk away from local greenspace at Mowbray Park and officers consider that any prospective occupiers would have good access to recreational space.

Education

The type of residential accommodation to be provided, (i.e., primarily single bedroomed units) does not lend itself to occupancy by families with children, therefore there is no overriding justification to seek an educational contribution on this development.

With regard to the above, it is considered that the SAMM contribution is required to satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

Conclusion

In conclusion, the development accords with the relevant development plan policies by contributing positively to the vitality of the city centre through the delivery of new homes within vacant upper floors.

The impact of the development on the character and appearance of the Sunnyside Conservation area is acceptable whilst appropriate levels of amenity will be afforded to prospective occupants.

The ecological implications have been assessed and subject to relevant conditions and a financial contribution towards coastal protection to be made via a Section 106 agreement, the scheme is considered to be acceptable.

Officers therefore recommend approval; subject to the successful completion of a Section 106 and the draft conditions below.

RECOMMENDATION: Approve subject to the completion of the Section 106 agreement and the imposition of the draft conditions, as detailed below.

Conditions:

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

The location plan received 12.07.2021 (Plan ref: 006A).

The existing and proposed first floor plan as amended received 09.12.2021 (Plan ref: 004 REV F).

The existing and proposed second floor plan as amended received 09.12.2021 (Plan ref: 005 REV E).

The proposed third floor and roof plans as amended received 09.12.2021 (Plan ref: 010 REV B).

The proposed elevations as amended received 03.05.2022 (Plan ref: 013D).

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policies BH1, BH7 and BH8 of the Core Strategy Development Plan.

- 3 No development shall commence until a detailed schedule and/or samples of all external materials, including, bricks, cladding, finish to the mansard roof and full details of the replacement sliding sash timber windows to Fawcett Street, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy BH1 and BH7 of the Core Strategy and Development Plan.

- 4 The residential accommodation hereby approved shall not be occupied until a noise mitigation scheme for each residential unit has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the mitigation scheme shall be informed by specifications set out in Table 1 and Table 2 of the Acoustic performance standards & design strategy for planning (ref 9073.1 dated 30th June 2021, Apex Acoustics). Thereafter, the agreed mitigation scheme shall then be implemented prior to the occupation of the first residential unit.

Reason: In order to achieve a satisfactory level of amenity for prospective residents and to comply with policy BH1 and HS2 of the Core Strategy Development Plan.

- 5 The development shall not be brought into use and occupied for the purposes hereby approved until a detailed written Management Plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the plan shall set out of how the development will seek to reduce the risk of crime through the implementation of security measures, including, but not limited to, the provision of CCTV covering all communal areas, the installation of an appropriate lighting scheme to all access doors and the management arrangements for areas other than the floorspace of each apartment (such as internal communal areas, external areas to the rear of the building and front and rear access arrangements). The operation of the development hereby approved shall thereafter be undertaken in accordance with the approved Plan.

Reason: To accord with Para 91(b) of the NPPF - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

- 6 Prior to first occupation of the dwellings, the integrated bat box shall be installed in full accordance with the details set out within Section 5 of the Ecological Survey Report (Falco Ecology July 2021).

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of Core Strategy Development Plan.

- 7 The development hereby approved shall be carried out in full accordance with the precautionary method statement for roosting bats and breeding birds as set out in Section 7 of the Ecological Survey Report (Falco Ecology July 2021).

Reason: To ensure habitats and species are not detrimentally affected by the development and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

Reference No. 21/02546/LP3 Local Authority (Reg 3)

Proposal: **Installation of additional fire escape doors to main school and creation of access ramps. Alteration of Garage Teaching Block to form 2 new classrooms and Building Construction Tech Block to provide internal meeting spaces, toilet and kitchenette. Additional parking and new fence between existing yard and allotments. (Part Retrospective)**

Location: Harry Watts Academy Firtree Avenue Harraton Washington NE38 9BA

Ward: Washington East

Applicant: City Of Sunderland Education Neighbourhoods Directorate

Date Valid: 20 April 2022

Target Date: 15 June 2022

PROPOSAL:

Planning permission is sought for proposed development at the Harry Watt Academy which operates as an annexe to the main Harry Watts Academy site located along Ramillies Road in Sunderland. Harry Watts Academy is a special school providing education for children with a diagnosis of Autism aged 5-16. The academy opened in September 2020 and is part of Prosper Learning Trust (a Multi-Academy Trust which was established in 2018).

The school at the application is not closed but vacated temporarily whilst the proposed refurbishment works are completed. Pupils are currently being accommodated at the main Harry Watts Academy site, but will be occupying the main school building again from 22nd September 2022. When all works are complete, the school at the application site will provide for up to 64 pupils, with 26 staff based at the site.

The application site was originally the home of Harraton Primary School which closed in August 2004. The former primary school was then taken over by the then Biddick Secondary School, becoming Biddick Academy, establishing and expanding it as a vocational skills centre. The Academy ceased use of the former skills centre and its buildings in 2018 and they returned it into the ownership of the Council.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is approximately 0.85 hectares. It includes one main building, and two detached buildings, known as the technology block (to the west of the main building) and a garage teaching block (to the east of the main building).

The site is accessed off Firtree Avenue to the east. Nearest residential properties are positioned along Sycamore Avenue to the west and Firtree Avenue to the east. There are allotments to the north of the application site, and amenity greenspace to the south.

THE PROPOSED DEVELOPMENT

The proposed development would comprise the following:

- Installation of additional fire escape doors to the main school building and the creation of access ramps.
- Alterations to the west elevation of the garage teaching block to form two new classrooms at ground floor, with a first floor classroom being converted into quiet rooms;
- Alterations to the north elevation of the technology block building to convert it into a hall, meeting room, toilet and kitchen;
- Additional parking / hardstanding; and
- A new fence between the existing yard and allotments.

Proposed alterations to the main school building would be constructed with walls of brickwork to match the brickwork of the existing building, and powder coated aluminium windows and doors to match the colour of existing windows.

Proposed alterations to the garage teaching block would be constructed with walls of brickwork to match the brickwork of the existing building and rendered block work to match existing render (which is blue). Windows and doors of the proposed garage teaching block would be of powder coated aluminium to match the colour of the existing windows.

Proposed alterations to the technology building would be constructed with profiled sheeting walls to match that of the existing building, and powder coated aluminium windows and doors to match the colour of the existing windows and doors.

Proposed hard surfaces would be of tarmac, access ramps would be of concrete with metal handrails painted black, and the new fence would be of timber.

It should be noted that a new small hard standing area would also be constructed to the west side of the site, to expand an existing hard surfaced play area. This part of the proposal would be able to benefit from permitted development (it would not require planning permission).

The planning application has been supported by the following documents:

- Geo-environmental Appraisal for Land at Harraton Centre, Sunderland by Dunelm Geotechnical & Environmental (dated 12/04/2022) received 14/04/2022.

TYPE OF PUBLICITY:

Site Notice expiry date 18.05.2022.

Neighbour Notifications expiry date 12.05.2022.

CONSULTEES:

Washington East - Ward Councillor Consultation
 Network Management
 Land Contamination
 Environmental Health
 Sport England
 Tyne And Wear Archaeology Officer
 Gentoo Group Ltd.

Final Date for Receipt of Representations: **18.05.2022**

REPRESENTATIONS:

Neighbour representations

None received

Consultees

Transportation Development (the Local Highway Authority)

The information provided is considered acceptable and there are no highway safety concerns arising from the proposed development.

Within six months of first occupation of the development, details of a School Travel Plan on the application site should be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan should be implemented in accordance with the approved details.

Environmental Health

No objections in relation to the proposed development.

Tyne and Wear Archaeology Officer

The application site has been checked against the Historic Environment Record (HER) and historic maps. The site is not associated with any HER records, however, there has not been any previous archaeological interventions undertaken within the site's redline boundary. The site is located north of Harraton (HER 9723) a mining community with award-winning houses for rent by Corporation architects at Rowan Avenue (1970). The site is also located south of Rush coal pit (HER 3013) which was shown on Oliver's plan of 1851. There are several waggonway routes located in the wider area, however none of these appear to extend within the site's redline boundary.

Ground investigation test pit results suggest that the site has been subject to previous landscaping. Test pits 1, 5 and 6 were located within the proposed car parking areas. The test pit results show that the site has depths of between 0.4m and 0.5m of re-worked clay. Examination of aerial photographs of the school site, suggest that the areas located immediately around the outside of the school have been subject to landscaping.

Given the scale and scope of the proposed works in addition to the landscaping which has previously been undertaken in association with the existing school building, it is considered that archaeological interventions would not be required.

Sport England

The proposed development does not fall within the Sport England statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Paragraph 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case. General guidance and advice can be found on the Sport England website.

Gentoo

No response provided

Watermans (Land Contamination advisor)

Agree with the findings of the Phase 1 Contaminated Land report titled 'Geo-environmental Appraisal for Land at Harraton Centre, Sunderland' by Dunelm Geotechnical & Environmental (dated 12/04/2022) received 14/04/2022.

It is recommended that a condition be attached to any planning permission relating to the event of unexpected contamination being found that was not previously identified.

POLICIES:

In the Core Strategy Development Plan the site is subject to the following policies: SP1, SP3, NE4, VH5, BH1, HS1, ST2, ST3, HS2, BH9 and HS3.

In the Unitary Development Plan the site is subject to the following policy:L7

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

1. Principle of the proposed development.
2. Design and impact on visual amenity.
3. Impact on residential amenity.
4. Impact on highway safety.
5. Land contamination.
6. Impact on archaeology.

1. Principle of the proposed development

Strategic Policies

Policy SP1 'Development strategy' of the adopted Core Strategy and Development Plan (CSDP) seeks to support economic growth and meet people's needs including by ensuring that sufficient social infrastructure is delivered to meet identified needs. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the Existing Urban Areas, in sustainable locations close to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland.

The proposed development would seek to enhance an existing site which is used as an annex to the Harry Watts Academy. It would therefore contribute to providing sufficient infrastructure to meet identified needs, and it would contribute to Washington thriving as a sustainable community. The application site is positioned within the Existing Urban Area, in a relatively sustainable location within walking distance of public transport links. It is therefore considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP3 of the adopted CSDP.

Land Use Designations

The designations part relating to Policy L7 of the Unitary Development Plan (UDP) has been retained. This policy sought to protect recreational and amenity land, including playing fields attached to existing schools. In the Council's Greenspace Audit (2020), the application site (with the exception of the parts including hardstanding and buildings) is also considered as a form of greenspace (with the primary purpose being 'school playing fields and grounds' and the secondary purpose being 'provision for children and young people'.

Policy NE4 of the adopted CSDP states that the Council will protect, conserve and enhance green space, and refuse development on green space which would have an adverse effect on its amenity, recreational or nature conservation value.

Paragraph 99 of the National Planning Policy Framework (NPPF) (2021) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

The proposed development would result in the loss of a small parcel of greenspace where the proposed car park would be to the south of the existing garage teaching block. Sport England have not provided any detailed comments on the planning application (see above), and instead have referred to standard guidance and advice including Paragraph 99 of the NPPF (2021).

It is considered that whilst the proposed development would result in the loss of a small parcels of greenspace, this would have no material impacts on the recreational value of the greenspace (school playing fields) provision that would be retained within the wider site. Adequate greenspace provision would be retained. The parcel of land lost to the south of the existing garage teaching block has limited if any recreational value given it is positioned adjacent to the access road to the school car park. The parcel of land to the west side of the site would simply be tarmacked but would remain as a play area for the children. Both parcels of land also have limited if any amenity value when viewed from the public domain, or any value in terms of nature conservation. It is therefore considered that the parcels of land are surplus to requirements in relation to being retained as greenspace.

Given the above, it is considered that the proposed development would not conflict with the retained land designation relating to Policy L7 of the UDP. It would have no adverse effects on the amenity, recreation or nature conservation value of the greenspace within the site, and so it

would accord with Policy NE4 of the adopted CSDP and the guidance within the NPPF (July 2021).

Community Facility

Policy VH5 'Protection and delivery of community facilities and local services' of the adopted CSDP seeks to protect and enhance existing community facilities, including by extending community facilities.

The Glossary to the adopted CSDP defines community facilities as "a facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

The application site operating as an annex to Harry Watts Academy is considered to be a community facility. The proposed development would seek to enhance this existing community facility, with improvements to accesses into buildings, as well as the provision of additional / enhanced classroom accommodation, and additional parking. It is therefore considered that the proposed development would accord with Policy VH5 of the adopted CSDP.

Summary

Given the above, it is considered that the proposed development would be acceptable in principle.

2. Design and visual impact

Policy BH1 'Design quality' of the adopted CSDP relates to design quality and advises that to achieve high quality design and positive improvement, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The proposed development would be at ground floor level, and relatively minor in terms of its visual impact when viewed from the public domain. All external building materials would appropriately assimilate into the existing built form. A condition is recommended to require the external building materials to be in accordance with the details as specified in the application. Subject to the compliance with the recommended condition, it is considered that the proposed development would be of an acceptable design, siting and appearance, and so it would accord with Policy BH1 (in relation to design and visual impact) of the adopted CSDP.

3. Impact on residential amenity

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from noise.

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

Given the nature of the proposed development relating to an existing land use, and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any residential properties in relation to privacy, outlook and over dominance or overshadowing. The Council's Environmental Health Officer has raised no objections the proposed development.

It is considered that the proposed development would have no unacceptable impacts on the amenities of any residential properties, and so it would accord with Policy HS1 and Policy BH1 of the adopted CSDP in relation to impact on residential amenity.

4. Impact on highway safety

Policy ST2 'Local road network' of the adopted CSDP states that the local road network will be protected for safe and efficient movement. It states that to ensure development has no unacceptable impact on the local road network, proposals must be assessed and determined against current standards for the category of road, having regard to the capacity, safety and geometry of the highway network; and that they must not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or ii. increase the risk of accidents or endanger the safety of road users.

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety. They have recommended that a condition be attached to any planning permission to require the applicant to submit a school Travel Plan (it is understood that the school are in the process of developing a Travel Plan for the site).

Given the comments from the Council's Transportation Development it is considered that the proposed development would cause no unacceptable impacts in relation to highway safety. It is recommended that their suggested condition relating to a school Travel Plan be attached to any planning permission. Subject to the compliance with this condition it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Land Contamination

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

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

A Phase 1 Contaminated Land Report titled 'Geo-environmental Appraisal for Land at Harraton Centre, Sunderland' by Dunelm Geotechnical & Environmental (dated 12/04/2022) received 14/04/2022 has been submitted as part of the application. Based on the conclusions of this report, the Council's Contaminated Land advisor has raised no objections to the proposed development, subject to a condition being attached to any planning permission in relation to any unexpected contamination being found that was not previously identified. Given the comments from the Council's Contaminated Land advisors, it is recommended that this condition be attached to any planning permission. Subject to the compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

6. Impact on Archaeology

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

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

7. Other Matters

Development has already commenced on site with the installation of some doors and access ramps to the main school building (hence why the application description states 'part retrospective'). It is therefore not considered necessary to attach a condition to any planning permission relating to the need for the development to commence not later than three years beginning with the date on which permission is granted.

Conclusion

The proposed development would seek to enhance an existing school which is used as an annex to the Harry Watts Academy, a special school providing education for children with a diagnosis of Autism aged 5-16. It would therefore seek to enhance a specific educational need, in a sustainable location within the Existing Urban Area. It would seek to enhance an existing community facility, with improvements to building access points, as well as additional classroom accommodation and parking, and it would have no adverse effects on the amenity, recreation or nature conservation value of the greenspace within the site. It is therefore considered that the proposed development would be acceptable in principle.

The proposed development would be of an acceptable design, with all external building materials appropriately assimilating into the existing built form. A condition is recommended to control that external building materials be as specified in the planning application. The Council's Environmental Health Officer has raised no objections, and so given the nature of the proposed development it is considered that it would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties.

The Council's Transportation Development (the Local Highway Authority) has raised no objections, and so it is considered that the proposed development would have no unacceptable impacts on highway safety. A condition is recommended in relation to the submission of a Travel Plan.

The Council's Contaminated Land advisor has raised no objections subject to a condition relating to unexpected contamination being identified, and the Tyne and Wear Archaeology Officer has advised that no archaeological works would be required.

Overall, it is considered that the proposed development would accord with development plan policies for the reasons set out in details above. It would therefore be an acceptable form of development subject to the recommended conditions.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

Conditions:

1. The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. 0520011/ARCH/011 Rev P1 (titled 'Garage Block Existing and Proposed Sections') received 01/11/2021
 - Drawing No. 0520011/ARCH/006 (titled 'Ground Floor Plan Existing Detailed Areas') received 01/11/2021
 - Drawing No. 0520011/ARCH/008 Rev A (titled 'Ground Floor Plan Proposed Detailed Area') received 01/11/2021
 - Drawing No. 0520011/ARCH/009 (titled 'Ground Floor Plan Window / Door Alteration') received 19/05/2022
 - Drawing No. 052011/ARCH/021 (titled 'Proposed External Works') received 01/11/2021
 - Drawing No. 0520011/ARCH/022 (titled 'Proposed External Ramp Detail') received 01/11/2021
 - Drawing No. 0520011/ARCH/050 (titled 'Technology Block (Phase 2) Existing Plans and Elevations') received 19/04/2022
 - Drawing No. 0520011/ARCH/051 (titled 'Technology Block (Phase 2) Proposed Plans and Elevations') received 20/04/2022
 - Drawing No. 0520011/ARCH/052 (titled 'Technology Block (Phase 2) Proposed Layouts and Sections') received 19/04/2022
 - Drawing No. 0520011/ARCH/060 (titled 'Teaching Block Existing and Proposed Plans and Elevations') received 19/04/2022
 - Drawing No. 0520011/ARCH/100 (titled 'Site Plan as Existing') received 20/04/2022
 - Drawing No. 520011/ARCH/101 (titled 'Location Plan as Existing') received 03/11/2021

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

- 2 The development hereby permitted shall be constructed in accordance with the external building materials as specified in Section 9 on the planning application form, ramps with metal handrails black in colour, render walls of the garage teaching block and window and doors throughout to match the corresponding materials on the existing buildings, and as specified on the following drawings:
 - Drawing No. 0520011/ARCH/009 Rev (titled 'Ground Floor Plan Window / Door Alteration') received 19/05/2022
 - Drawing No. 052011/ARCH/021 (titled 'Proposed External Works') received 01/11/2021
 - Drawing No. 0520011/ARCH/022 (titled 'Proposed External Ramp Detail') received 01/11/2021
 - Drawing No. 0520011/ARCH/051 (titled 'Technology Block (Phase 2) 'Proposed Plans and Elevations') received 20/04/2022
 - Drawing No. 0520011/ARCH/060 (titled 'Teaching Block Existing and Proposed Plans and Elevations') received 12/05/2022;
 - All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 3 Within six months of first occupation of the development hereby permitted, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then operate in accordance with the approved Travel Plan, including its monitoring and review.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

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

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 HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/00173/FU4 Full Application (Reg 4)

Proposal: **Detailed planning application comprising 16 no. residential units with associated landscaping and access.**

Location: Land To The North Of Saint Marys Way City Centre Sunderland

Ward: Millfield

Applicant: Siglion Developments LLP

Date Valid: 18 February 2022

Target Date: 20 May 2022

PROPOSAL:

Siglion Developments LLP ("the Applicant") is seeking full planning permission for the erection of 16no. residential units.

The Proposed Development Site falls within the boundary of extant approval 21/00225/FU4, which was approved by Planning & Highways East Committee at the 29 March 2021 meeting. The approved description of that approval is as follows:

"Detailed planning application comprising 132 no. residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b))) suitable for cafe, retail or community enterprise, and a community allotment known as 'Kingsley Gardens' on land to the North of St, Mary's Way, Sunderland, including parts of the former Vaux Brewery Site and Galley's Gill. (amended plans received 17 March 2021, including amendment to red line boundary shown on the location plan)."

This extant approval includes 13no. residential units within its Cluster 4 and it is this area of the site that is affected by the application now before Members.

The application proposal arises out of 'The Homes of 2030' (H2030), a design competition launched and managed by Royal Institute of British Architects (RIBA). The competition was designed to encourage environmentally friendly homes that support aging at home and enabling people in leading independent, fulfilling lives. On 4 December 2020, Rt Hon Christopher Pincher MP, Minister of State for Housing, announced the joint winners of the H2030 competition, of which Vaux 2030 was one.

The 16 homes, which have been designed all comply with the National Technical Housing Standards and include M4(1) (Visitable dwellings) and (2) (Accessible and adaptable) units. The scheme comprises the following mix of property types:

Apartments:

- o 2no. 1 bed
- o 6no. 2 bed

Duplexes

- o 3no. 2 bed
- o 4no. 3 bed

Terrace House

- o 1no. 3 bed

The Planning Submission is extensive and includes:

- o Detailed plans;
- o Planning Statement, including heritage and affordable housing;
- o Air Quality Assessment;
- o Arboricultural Impact Assessment;
- o Arboricultural Method Statement
- o Biodiversity Net Gain Assessment;
- o Design & Access Statement;
- o Economic Impact Assessment;
- o Flood Risk and Drainage Compliance Statement;
- o Geotechnical Assessment;
- o Habitat Regulation Assessment Screening;
- o Health Impact Assessment;
- o Inclusive Design and Access Statement;
- o Landscaping Plans;
- o Lighting Design;
- o Noise Assessment;
- o Phase 1 Geotechnical / Geoenvironmental Assessment;
- o Phase 1 Habitat Assessment;
- o Phase 2 Site Investigation Report;
- o Statement of Scheme Benefits;
- o Sustainability Statement;
- o Transport Statement;
- o Wind/ Daylight & Sunlight Assessment.

Application Site

The site is bound by steep cliffs to the north and western edge, to the east is The Beam, a 6-storey commercial building constructed via the detailed element of the Vaux Hybrid approved (ref. 15/02557/HY4). To the south is informal car parking and green space whilst vehicular access is to be taken from St Mary's Way via Plater Way. Several pedestrian routes adjoin the site, connecting Keel Square via the Keel Line and onto the cliff edge path. The unbounded site is generally flat at around 34.05 AOD. The cliff edge public realm serving the wider residential area (and therefore including this site) is being delivered via planning approval ref. 21/00121/FU4.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Millfied - Ward Councillor Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer
Director Of Children's Services

Land Contamination
Northumbrian Water
Northern Electric
Northern Gas Networks
Tyne And Wear Archaeology Officer
Nexus
NE Ambulance Service NHS Trust
Fire Prevention Officer
Northumbria Police
Natural England
Historic England
Planning Policy

Final Date for Receipt of Representations: **23.03.2022**

REPRESENTATIONS:

Public consultation:

In accordance with the Town and Country (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by neighbour notification letters, press and site notices.

Following this consultation exercise no letters of representation were received.

External Consultee Consultation:

Natural England

Natural England responded by confirming that without appropriate mitigation the application would have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar site. Therefore, to mitigate these effects and make the development acceptable, the mitigation measures as detailed within the submitted 'Information to Inform a Habitats Regulations Assessment (January 2022)' are required and should be secured in full. As with the extant approval (ref. 21/00225/FU4) this will be achieved via a Section 106 Agreement.

Historic England

Based on the information available to date, Historic England did not wish to offer any comments and suggested that the views of the Council's specialist conservation and archaeological advisers be sought, as relevant.

Northumbria Police

Northumbria Police were pleased to confirm that the Architects had been in discussions in achieving Secured By Design accreditation for the development and confirmed no objection to the application.

Tyne and Wear Fire Authority

The Fire Authority confirmed no objection, subject to the provision of their submitted 'Building Regulations - B5: Access and Facilities for the Fire Service' report and confirming that further comment will be made on receipt of the Building Regulations submission.

Northern Gas Networks

Northern Gas Networks (NGN) responded by confirming a no objection and highlighted that there may be apparatus in the area that may be at risk during construction works. Consequently, should planning approval be forthcoming NGN advise that the Developer should contact them directly to discuss their requirements in detail. This response has been relayed to the Agent and will be reiterated via an informative on the decision notice, should Members approve.

Northern Powergrid

Northern Powergrid responded to the consultation request by enclosing Main Records of their apparatus and highlighted that these are legally covered by wayleaves agreement, lease or the Electricity Act 1989. As with the NGN response, this has been relayed to the Agent for their information and consideration, and again will be highlighted via an informative should Members approve.

Internal Consultee Consultation:

The following consultees responded to the application consultation process, and the detail of their responses relative to the consideration of the development will be discussed in detail in the subsequent sections of the report.

Planning Policy - no objection
Network Management - no objection
Environmental Health - no objection
Lead Local Flood Authority - no objection
Council Built Heritage Team - no objection
County Archaeologist - no objection
Council's Ecology Advisor - no objection
Council's Ground Contamination Advisor - no objection
Council's Urban Design Advisor - no objection

COMMENTS:

Considerations

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

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as Paragraph 2 makes clear, is a material consideration.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At Paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Paragraph 8 states that to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be

delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

However, Paragraph 12 also states that the presumption in favour of sustainable development set out by Paragraph 11 does not change the statutory status of the development plan as the starting point for decision making and where a planning application conflicts with an up-to date development plan, permission should not normally be granted.

The Development Plan

The Core Strategy and Development Plan (CSDP) sets out the Council's long-term plan for development across the City until 2033 and its policies serve to replace the majority of policies within the Council's Unitary Development Plan (UDP) (1998). However, some UDP policies have been saved pending the future adoption of the Allocations and Designations (A&D) Plan. All CSDP, UDP and draft A&D Plan policies referred to within this report are largely considered consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

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

SS1 - The Vaux, allocates and earmarks the site for a new sustainable urban neighbourhood and a new gateway into the Urban Core (Strategic Policy SP1). The Vaux is allocated for a minimum of 200 new homes and development should improve linkages to St Mary's Boulevard and the rest of the Urban Core and provide new public space, active streets and maximise movement for pedestrians.

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

SP2 - The Urban Core will be regenerated and transformed into a vibrant and distinctive area. A revitalised Urban Core will be the catalyst for the City's wider economic growth and will help Sunderland retain and attract more highly skilled workers and increased population and visitor numbers.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air

quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality. The Applicant will be expected to submit a Viability Assessment if Affordable Housing is said to be unviable.

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

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

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

BH7 - the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

BH8 - development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace unless it is considered more appropriate to make a financial contribution towards off-site delivery.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should not adversely affect the flow or quality of groundwater.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 - requires new development to maintain water quality.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 - the Council will seek planning obligations (via Section 106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

In terms of the guidance within the NPPF considered relevant to the current application, these are:

- o Deliver a sufficient supply of homes (section 5);
- o Build a strong, competitive economy (section 6);
- o Promote healthy and safe communities (section 8);
- o Promote sustainable transport (section 9);
- o Make effective use of land (section 11);
- o Achieve well-designed places (section 12);
- o Meet the challenge of climate change, flooding and coastal change (section 14);
- o Conserve and enhance the natural environment (section 15); and,
- o Conserve and enhance the historic environment (section 16).

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

1. Land use policy considerations
2. Highway engineering considerations
3. Design, Heritage and Archaeology considerations;
4. Amenity considerations;
5. Ecology considerations;
6. Water and flood risk considerations;
7. Ground Conditions;
8. Section 106 (planning obligations) and Viability;
9. Equality Act 2010 - 149 Public Sector Equality Duty

1. Land use policy considerations

It is noted that the site (alongside a wider area) already has consent for 132 homes (21/00225/FU4). According to the supporting Planning Statement, the effect of this scheme would be to deliver in total 135 homes at the Vaux. This application regards 'Custer 4' and would increase Cluster 4 to 16 units (originally consented for 13).

Given the site's location within Riverside Sunderland, the proposal should also align to the guidance contained within the adopted Riverside Sunderland Supplementary Planning Document (SPD).

The site is situated within the Urban Core. CSDP Policy SP2 indicates that the Urban Core will be regenerated and transformed by (criterion 6) diversifying the residential offer and by creating sustainable mixed communities. The policy also states that development should make improvements to connectivity and pedestrian movement, provide a high quality of public realm, protect and enhance heritage assets and ensure high standards of design.

As the site is located within Vaux, CSDP Policy SS1 is relevant. This policy allocates Vaux (as a strategic site) for a range of uses. Criterion 2 states that Vaux is allocated for a minimum of 200 new homes and when adding both this proposal to the already consented scheme (21/00225/FU4) the proposed housing capacity will be lower, at 135 units.

However, it is important to note when approaching this aspect of the application proposal that the 200 figure was driven by the outline element of the Hybrid 15/02557/HY4 approval, which at the time reflected a high-density scheme incorporating a significant number of apartments. In addition, more recent evidence regarding housing needs within the City (i.e., the Strategic Housing Market Assessment 2020) indicates there is limited demand for apartments and the proposed housing mix now on offer is more aligned to the latest evidence on housing need. Taking this into consideration and the fact that the development proposals still represent a high-density scheme within a highly sustainable location, it is considered that the level of housing proposed is acceptable.

CSDP Policy SP8: Housing Supply and Delivery, indicates that the housing target will be achieved by the development of strategic and housing growth areas. It is therefore considered that the principle of a residential scheme is acceptable. CSDP Policy H1: Housing Mix, sets out (inter alia) that developments should provide a mix of house types, tenures and sizes which are appropriate to its location. In addition, development should achieve an appropriate density for its location, one that accounts for the character of the area and level of accessibility.

CSDP Policy H2: Affordable Homes states that all development of 10 dwellings or more should provide at least 15 percent affordable housing, and it is noted that as with the extant 21/00225/FU4 approval, viability implications of the development do not enable the delivery of affordable housing. It is noted that the submitted Planning Statement acknowledges this

departure from policy and this aspect of the development will be considered in more detail in '9. Section 106 (planning obligations) and Viability' of this report.

However, by way of summary, it is acknowledged that the proposal would work alongside the extant 21/00225/FU4, which was found to be unviable in terms of affordable housing delivery. The development of Vaux for housing represents a 'market intervention' into an area with a relatively shallow rental market and it is recognised that the viability of brownfield sites is challenging in the Urban Core, as evidenced through the Council's whole plan viability assessment update recently published as part of the evidence base for the emerging Draft Allocations & Designations Plan.

Conclusion

The application relates to the development of a high quality design led residential development on the Vaux Site. The principle of development is acceptable by virtue of it being an acceptable use in relation to Strategic Site Allocation SS1.

2. Highway engineering considerations

The planning application is supported by a Transport Statement and Residential Travel Plan.

The Council's Highway Engineers consider that the proposed net increase in dwellings to be negligible relative the approved 21/00225/FU4 development and can be accommodated within the road network. Parking for the dwellings is to be provided within the adjacent multi-storey car park located and accessed from Farrington Row. This will be permit based parking for residents with electric car charge-points provided.

The application site benefits from excellent public transport links. In their consultation response Nexus noted the site is within 850 metres walking distance of St Peters and Sunderland Metro stations, thereby providing residents with access to the Metro within a 20-minute walking distance. Residents will also be within accessible reach to travel regularly via sustainable modes to other parts of South Sunderland, Gateshead, and South Tyneside. Similarly, the site is within 850 metres of the Rail Station and thus in accessible reach of local and national rail services, including hourly services to Newcastle, York, and Middlesbrough.

Bus stops are also located on Silksworth Row and St Mary's Way adjacent to the development site thereby providing residents with access to several services within 400 metres walking distance. Four 'Go North East' services serve the bus stops in question within a half hour frequency at peak times.

In addition to the excellent public transport links and as per the extant 21/00225/FU4 approval, measures to promote sustainable travel by public transport will also be incentivised through a travel plan and as such, a condition is recommended. Cycle parking is also being provided with a minimum of 1 space per dwelling, increasing to 2 for two and three bed dwellings, whilst additional cycle parking is provided for visitors.

The proposal requires areas of public highway to be stopped up under section 247 of the Town and Country Planning Act. This is a separate legal procedure.

The Council's Highway Engineers have also advised in their 'no objection' consultation response that the highway related highway related planning conditions contained within the extant 21/00225/FU4 approval should be repeated if Members are minded to approve the current application i.e. Construction Environmental Management Plan; Travel Plan; Delivery Service

Management Plan; Parking Management Plan; Car Parking spaces available prior to occupation; and, Pedestrian Crossing Facilities on Farringdon Row.

In conclusion, given the excellent public transport links of the site and compatibility with the extant 21/00225/FU4 approval in conjunction with the range of suggested conditions, the proposed development is considered acceptable and in accordance with CSDP Policies ST2 and ST3.

3. Design, Heritage and Archaeology considerations;

Urban Design

In terms of considering the design impacts of the proposal the application process has been the subject of two consultation exercises with the Council's Urban Design Advisor. Throughout this consultation the design quality of the proposal has always been noted and welcomed.

In the initial consultation response, the Urban Design Advisor drew attention to the extant approval's (ref. 21/00225/FU4) design approach for Cluster 4, which comprised maisonettes bookended by town houses, as well as its alternate approach to materials. Clarification and explanation for the design revisions were sought to appropriately understand the context of the submission.

By way of response, the Agent provided detailed and illustrated commentary to reiterate that the scheme has evolved out of, and in response to, the successful entrant of the Home of 2030 RIBA competition. The proposal before Members has been designed to realise that competition's fundamental aim of deviating aspirational building performance objectives while at the same time becoming a marker for design excellence.

Critical to the success of the scheme is embodied carbon material, hence the choice of the proposed façade cladding. Four different shades of green glazed terracotta are proposed for the external elevations, which have been selected to not only complement the wider setting of Riverside Park but also because it accounts for 25% of the overall carbon footprint of the development. Following options studies for various cladding systems, the glazed terracotta and slate tiles is said to represent the lowest carbon footprint figures. Attention was also brought to the proposed green wall planting solution occupying a large section of South West street facing elevation, as well as the bespoke detailing in terms of the slate cladding.

The Agent also highlighted the design ethos of the 'Connector' building on the South East elevation, which has been designed to act as a counterpoint to the two main buildings within the Cluster. The Connector is inset and steps deeper into the development on each floor and through its incorporation of planters at each level will present a multi level stepped garden design feature above the main entrance. In addition, both the ground floor apartments on this elevation have street-fronting terraces framed by pergolas that have been positioned to provide the most favourable conditions for planting.

Lastly, and most importantly in terms of the design approach, the slate and glazed terracotta has been chosen for its transformative, reflective qualities.

Following the detailed and illustrative commentary the Council's Urban Design advisor recognised and accepted the design approaches and adaptations, particularly the development's focus on sustainability, whilst the additional explanation in terms of the Connector House was welcomed.

In conclusion, the Council's Urban Design Advisor considers the application proposal to be a high quality development in terms of its character and design. The variation from the terraced

appearance of the previous development is accepted and the focus on excellent sustainable design with shared communal spaces is welcomed.

Built Heritage

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

Regarding archaeology, Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The application proposal has been supported by a Heritage Statement by virtue of the Planning Statement. In their consultation response the Council's Built Heritage Officer has noted that the proposed development site is located across St Mary's Way from Keel Square and is a short distance to the north east of Bishopwearmouth Conservation Area. The site is within the wider setting of the listed Wearmouth Road and Rail bridges. It is also of known archaeological interest.

The proposed application relates to an amended scheme for Cluster 4 of the previously approved wider Vaux housing development (ref. 21/00225/FU4). The Built Heritage Officer considers that the design revisions remain compatible with the overall design approach for the wider housing development, which was considered to be of a high quality relevant to its heritage considerations. The proposed development will make a positive contribution to local character and distinctiveness and enhance to some extent the setting of nearby heritage assets, satisfying the requirements of CSDP Policies BH7 and BH8 and NPPF Paragraphs 197, 199 and 206.

The ultimate design quality of the development will be dependent on the quality of the materials so conditions relating to full details and samples of all external building materials including bricks, fibre cement and slate cladding, tiles and roofing materials, and hard landscaping materials are recommended.

Archaeology

As was noted during the consideration of the extant 21/00225/FU4 approval the housing portion of the proposed development of the wider Vaux site is located within areas 1, 2 and 5 of Archaeological Services Durham University's Written Scheme of Investigation (WSI) phasing plan that was secured via condition 13 of the Vaux Hybrid 15/02557/HY4. These areas are identified as having archaeological potential and thus, the County Archaeologist recommended these locations be stripped and archaeologically recorded prior to the undertaking of the proposed works. It was also confirmed however, that in areas where cellars and/ or truncation have been identified these do not require stripping and in areas of the site where the ground level is not being lowered it can again be excluded but that a watching brief may be required for isolated deeper groundworks, as described in the WSI.

The proposed development area was included in a Written Scheme of Investigation (WSI) produced for the extant 21/00225/FU4 approval. In 2021, a large trench was excavated to the north-east of the red line boundary (Trench 1). To date the County Archaeologist has only

received the interim report for the work; however, a final report will be required in association with the works and this is secured via condition as part of 21/00225/FU4.

In the interim report for Trench 1 it was identified that this area of the site was originally part of Rectory Park but by 1857 it had been developed for housing. Subsequently the houses were demolished and replaced with brewery buildings by 1989. The remains of the brewery buildings and the impact of the associated construction works were encountered across the trench. The warehouse features were found to be lying directly on or cut through the underlying natural clay and no earlier features were visible within the clay. In the report it is suggested that any earlier features would have been terraced away during the construction of the Vaux buildings. As part of these works, an archaeological watching brief was also undertaken to monitor the excavation of 4 test-pits across the development area associated with this application (test pits referenced as 23, 24, 27 and 28 in the interim report). The test pits were excavated to a depth of 1.60m. None of the test pits located in this area appear to have revealed findings of archaeological interest.

The redline boundary of the proposed development area, is however located immediately north of trench 6B (Event 2447) which was excavated in 2004. Within trench 6B two shallow prehistoric ditches were recorded. The ditches are believed to be of prehistoric date. In 2015, archaeological monitoring (Event 4364) was undertaken in part within the proposed development area, during the excavation of a service trench. During these works it was revealed that much of this area of the site had been truncated by post-medieval and modern activity. Despite the truncation, the terminus of a possible prehistoric curved gully was identified immediately south-west of the redline boundary, near trial trench 6B. Subsequent archaeological monitoring (Event 5152) was undertaken during ground investigations works located to the west of the site revealed a possible prehistoric ditch.

In the Phase II Geotechnical and Geoenvironmental Assessment (January 2022) options for foundation designs are discussed (see Section 9.7. to 9.9 pg 34-35). So long as the residential buildings are constructed on pad and strip foundations, the County Archaeologist considers that no further archaeological excavation is required in association with the buildings. However, if more intrusive methods are used to grub out or re-engineer the ground, further archaeological investigation may be recommended. Based on the results of earlier archaeological interventions undertaken in this area, targeted archaeological monitoring is recommended for deeper groundworks/ excavations undertaken for services, located along the western most portion of the site.

Consequently, the County Archaeologist has recommended pre-commencement watching brief and pre-occupation watching brief report conditions should Members be minded to approve the development.

Conclusion

It is considered that the proposed development will make a positive contribution to local character and distinctiveness and will have some minor beneficial impacts on the settings of nearby heritage assets, satisfying the requirements of CSDP Policies BH1, BH2, BH3, BH7 and BH8, as well as NPPF Paragraphs 192, 193 and 200.

If Members are minded to approve it is recommended that conditions be included requiring full details and samples of all external materials, including bricks, tile cladding, glazed tile brick, roofing materials, window frames, balustrades and hard and soft landscaping materials; as well as the archaeological conditions recommended by the County Archaeologist.

4. Amenity considerations;

Air Quality

The supporting air quality technical note, dated 11 Dec 2020, reviews earlier work on air quality impacts of the wider Vaux Hybrid site and the susceptibility of the development to existing local air quality (Ref J2329/1/F1 7/12/2005). The note concludes that the mitigation measures provided within the original assessment remain fit for purpose and no further detailed assessment is necessary. Given the nature and location of the development and current knowledge the Council's Environmental Health Service accepts this conclusion.

Short term air quality impacts associated with site clearance, preparation and construction should be addressed within the Construction Environmental Management Plan (CEMP) that is recommended for inclusion as a condition.

Noise

An environmental noise assessment was submitted to demonstrate the acceptability of the extant 21/00225/FU4 approval. This assessment has been submitted in support of the proposed development before Members.

The assessment examines measured and modelled noise levels affecting the residential accommodation, concluding that the development is acceptable in noise terms and specifying the glazing standards required to meet relevant guidance. Acceptable glazing specifications are set out in Table 5 and are linked to the appropriate dwelling facades in Table 4 and Figure 12.

Following the assessment of the planning submission Environmental Health considers the development to be acceptable subject to the inclusion of conditions covering details of noise insulation and ventilation.

Residential Amenity

- Daylight, sunlight and overshadowing

A Daylight and Sunlight Study has been submitted in support of the application, one that is based on the assessment submitted in support of the extant 21/00225/FU4 approval but updated to reflect the minor changes to the layout of Cluster 4 and the consented hospital scheme nearby the site, please see ref. 21/01542/LP3.

Building Research Establishment (BRE) Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) was used to assess the potential daylight and sunlight levels in the proposed development. Two criteria, as set out in the BRE document have been selected; the Annual Probable Sunlight Hours (APSH) for sunlight and the Vertical Sky Component (VSC) for daylight.

The results of the assessment indicate that 75% of the windows meet the APSH requirements and 58% of windows meet the VSC requirements. These results are essentially the same as the extant 21/00225/FU4 development. Regarding the sunlight levels of the external amenity spaces, the Study assesses the sunlight of the gardens and open spaces. The results show 6 out of the 8 proposed communal areas meet the BRE sunlight requirements on the 21 March. It is also noted that Riverside Park is nearby the site and thus, the proposed residents will be afforded a good level of outdoor amenity space.

In conclusion, and as with the extant 21/00225/FU4 approval, the assessment demonstrates that the proposed development has good daylight potential and is commensurate with an urban development of this type.

- Privacy, amenity and outlook

Given the relatively dense nature of the proposed development and location within the Urban Core, it is considered that the proposed development will deliver a reasonable level of privacy amenity and outlook for proposed residents.

The supporting text to CSDP Policy HS1 highlights that by taking into consideration the character and accessibility of an area the Council will seek to ensure that all new housing developments are delivered to a density appropriate to location. Higher densities will be encouraged in sites that have good public transport accessibility such as metro, rail and frequent bus service and located in proximity to centres (Policy SP1). Higher density development will be particularly encouraged within the Urban Core.

The high density envisaged for the site via the CSDP and carried forward into the recently adopted Riverside Sunderland SPD requires a development that is tightly knit in terms of its urban grain. Thus, the more 'suburban' spacing required by the Residential Design Guide is not considered to be the appropriate assessment tool to consider the amenity of the proposed development. Rather, it is noted that the development will consist of dual aspect homes that maximise light and views within each property so that none are reliant on one source of daylight and outlook. Each unit will also benefit from either small garden areas, terraces, balconies and/ or access to the external, gated communal area.

All the proposed homes surpass the National Technical Housing Standards for indoor space with home working, accessibility for wheelchair users and additional storage space being key considerations to the design of the internal layout of the development. The development consists of flexible and adaptable homes that enable multigenerational living and ageing in place.

It is also noteworthy that the off-site parking in the Multi Storey Car Park has enabled the delivery of an intimate, people centred development, one that is designed around communal and public spaces.

Given the policy requirements for a high-density form of development it is considered that the design led approach has created a contextual and imaginative form of development that provides for a good level of residential amenity.

Conclusion

In the absence of any material considerations to the contrary, it is considered that the application proposal has appropriately considered amenity considerations and is an acceptable form of development and in accordance with relevant local and national planning policy.

5. Ecology considerations;

The site is located within a Wildlife Corridor. CSDP Policy NE2: Biodiversity and Geodiversity, at Criterion 6, indicates that development which would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

The site is also located within the 7.2km buffer of the designated European ecological sites and as such, CSDP Policy NE2: Geodiversity and Biodiversity requires consideration as to whether the proposals would have an impact upon these sites.

The application has therefore been supported by the following reports:

- o Information to Inform a Habitats Regulations Assessment (Argus Ecology January 2022).
- o Ecological Impact Assessment (ECiA) and associated BNG Metric (Argus Ecology January 2022).
- o Arboricultural Impact Assessment and associated proposed and existing Tree site layouts (All about Trees)

The ECiA submitted with the application sets out an appropriate level of survey effort to identify the ecological baseline including potential features of ecological importance. The habitat survey allows the preparation of Biodiversity Net Gain (BNG) baseline which is set out in the ECiA and associated Metric.

The ECiA identifies a range of potential ecological impacts as a result of the development and these are set out within the document. Subsequently a range of mitigation measures are proposed which are proportional to the scale and nature of the development.

The BNG Metric submitted and reported in the ECiA reports a range of habitats to be created resulting in a greater than 10% gain in biodiversity value of the site. The landscape scheme which delivers the net gain was not presented in the ECiA. Nevertheless, the scheme comprises part of a wider housing site and the landscaping to be agreed via the discharge of the landscaping condition imposed on the extant 21/00225/FU4 approval, allied to the landscaping condition suggested for the current proposal, will enable biodiversity enhancement at the site.

The Information to Inform Habitat Regulations Assessment report correctly identifies potential for recreational disturbance as a Likely Significant Effect (LSE) but rules out other LSE which can be considered a reasonable conclusion. The report then identifies a financial contribution, as per the Council's strategic mitigation strategy as a mitigation measure to avoid adverse effects on site integrity.

The ecological assessment appears to present a robust and considered assessment of potential ecological effects and where necessary a range of mitigation measures are identified within the documents to ensure that the scheme can be completed in accordance with relevant policy and legislation.

The mitigation measures identified should be made a condition of planning as summarised below and required financial contribution should be ensured via a Section 106 Agreement.

- o A per unit financial contribution will be made to SCC strategic HRA mitigation strategy to avoid adverse effects on site integrity to relevant designated sites;
- o Clearance of vegetation will be undertaken outside the breeding bird season (March - August inclusive);
- o A construction environmental management plan will be prepared and approved in writing in advance of construction works taking place to prevent pollution or disturbance of adjoining habitats and to avoid potential spread of non-native species during construction;
- o A lighting scheme will be designed and implemented which minimises potential effects on bats and invertebrates;

- o A scheme to control or eradicate Japanese knotweed where it is within or adjoins the site boundary will be submitted and approved in writing prior to works commencing on site to avoid potential spread of non-native invasive species

In the absence of any material considerations to the contrary, Officers consider the application proposal has appropriately considered the ecological considerations and is an acceptable form of development, in accordance with relevant local and national planning policy.

6. Water and flood risk considerations;

Flood Risk

The proposed development lies within Flood Zone 1, which identifies the site as having a low probability of flooding i.e. less than 1 in 1000 annual probability of a river or sea flooding. The proposed development is therefore deemed appropriate based on the NPPF Technical Guidance. All forms of flood risk have been classified, or mitigated, as low and the development is considered acceptable from a flood risk.

Drainage Strategy

The Drainage Strategy details that the Agent has been involved in pre-application discussions regarding the disposal of surface water and foul water with Northumbrian Water, and the Lead Local Flood Authority (LLFA) with regard to the disposal of surface water.

In response to the application consultation Northumbrian Water assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water confirmed that they have no issues to raise with the application provided it is approved and carried out in strict accordance with the submitted Drainage Strategy. The Strategy reflects pre-planning enquiry advice between the Agent and Northumbrian Water that identified connections and restricted discharge rates. Consequently, Northumbrian Water have suggested that following condition be imposed should Members be minded to approve:

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy ref: 1021965 rev B" dated "29/1/21". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3214 and 3209 and ensure that surface water discharges to the surface water sewer at manholes 2202 and 3208. The surface water discharge rate shall not exceed the available capacity of 100l/sec and 10l/s at these two surface water connections respectively. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason:

To prevent the increased risk of flooding from any sources in accordance with the NPPF. It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference.

In terms of surface water and as the application site is located within the southern portion of the wider 21/00225/FU4 site, surface water is proposed to connect to the existing surface water manhole 3208 to the south-east. Cellular crates are proposed to attenuate surface water flows to 10l/s. SuDS techniques will comprise permeable paving for all external areas in order to treat surface water run off prior to discharge from the site.

In their response to the application consultation the LLFA confirmed that the application proposal to be satisfactory and recommended that a drainage verification condition be imposed, as per the 21/00225/FU4 approval.

Conclusion

In the absence of any material considerations to the contrary, Officers consider the application proposal is acceptable in terms of its impacts on the water environment and is in accordance with relevant local and national planning policy.

7. Ground Conditions;

During the application consultation process detailed comments were received on the basis of the information submitted at the time i.e. Cundall Johnston & Partners LLP (Cundall) Ref. 1021965.GL.RPT.002 Preliminary Geoenvironmental Risk Assessment Report - Kingsley Gardens (dated 18 January 2022).

The planning submission has also been supported by the already agreed to Remediation Strategy for the wider housing 21/00225/FU4 site, which includes the site of Cluster 4. The Remediation Strategy has been agreed via the discharge of Condition 6 of 21/00225/FU4 via ref. 21/01925/DIS and it will form the basis of the approved plans list should Members be minded to approve.

Based on the assessment of the Geoenvironmental Risk Assessment report the Council's Ground Contamination Advisor has recommended that conditions pertaining to the implementation of the approved remediation scheme and reporting of any previously unidentified contamination encountered on site be included should Members be so minded.

8. Section 106 (planning obligations) and Viability;

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

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

CSDP Policy ID1 highlights how development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms, whilst Policy ID2 explains how the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

Affordable Housing

While approving 21/00225/FU4 the application was subject to an extensive viability exercise. The independent appraisal of the Applicant's Viability Assessment confirmed that the scheme could not viably support the delivery of Affordable Housing. The detailed and technical Viability Assessment work was also supported by an accessible report to summarise the viability implications of the development.

In summary, the report explained that the proposed residential development at Vaux represents the first step in establishing the character and design quality of the wider Riverside Sunderland.

As with many transformational regeneration initiatives of cityscale significance and importance, it requires significant initial investment to drive the social and economic regeneration of the area. The report also highlighted the financial implications of delivering enhanced standards in terms of design quality and sustainability, as well as the added community value within the scheme, such as the delivery of Kingsley Gardens.

The report reiterated how the new homes will achieve Future Homes standards, surpassing current building regulations and planning policy requirements, whilst all properties exceed Nationally Described Space Standards by between 20%-30% and are designed with flexibility to accommodate home working, changing lifestyles post-pandemic, and to maximise physical and mental health and wellbeing.

It is considered that this recent viability exercise, which was only concluded last summer, represents a contemporary assessment of residential development at Vaux. It is considered reasonable to rely on the conclusions of that extensive exercise, particularly as the proposal before Members is essentially an integral component of the wider development, and give significant weight to a proposal that is set to make a significant and positive contribution to townscape character and will become a significant development in the City. It is considered that the application proposal represents a key element of the continued development of Vaux and will bring significant economic benefits and substantial inward investment into the area, City Centre and wider City region.

Education and Habitat Regulations Assessment (HRA)

The application proposal will provide the equivalent, pro rata, education contribution, as per the £185,972.62 secured via 21/00225/FU4; as well as the required per dwelling contribution of £539.35 in terms of the HRA. Thus, the development of 16 homes equates to £22,544 (16 X £1,409) for Education and £8,629.60 (16 X £539.35) for HRA.

When responding to the consultation exercise for the 21/00225/FU4 the Council's Education service requested a financial obligation of £185,972.62. Given the proposal now before Members includes 16 homes it is considered to be result in pro rata figure of £22,544. It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

Furthermore, as the proposal involves new homes within relative proximity to the European sites a financial contribution is required to off-set potential recreational pressures. The obligation will be directed towards SAMM measures at the coast. The Council, as the Competent Authority, can confirm a recording of no significant effect subject to the commitment to a pre-commencement per dwelling contribution of £539.35. The total contribution being £8,629.60. It is considered that this request satisfies the three tests as laid out by the CIL Regulations and Paragraph 56 of the NPPF.

9. Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/ proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/ proposal due regard has been given to the following relevant protected characteristics: o age; Page 315 of 340

- o disability;
- o gender reassignment;

- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

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

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

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

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

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

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. 11.

Conclusion

The principle of development is considered acceptable and in accordance with the main land use policies associated with the site and as discussed in the various sections within this report, the application proposal is considered, when taken as a whole, to be acceptable in terms of its material planning considerations.

The site occupies a principal gateway location immediately adjacent to significant designated heritage assets, including the Bishopwearmouth Conservation Area and adjacent listed buildings, and the listed Wear Bridges. It is considered that the planning submission has successfully demonstrated a scheme that is set to make a significant and positive contribution to townscape character and will become a significant development in the City. It is considered that the application proposal represents a key element of the continued development of Vaux and will bring significant economic benefits and substantial inward investment into the area, City Centre and wider City region.

Significant weight therefore is being given to the regeneration of this prominent vacant, brownfield site. It is also considered to be a sustainable and accessible location, easily accessed via public transport, car, foot and bicycle, and it is noted that the development will be built to modern energy efficiency standards incorporating emerging efficiency measures and low carbon technologies. There are not considered to be material considerations which outweigh these considerations so as to warrant a refusal.

In conclusion it is recommended that Members Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations subject to the completion of the Section 106 Agreement, as detailed above, and draft conditions listed below.

RECOMMENDATION: Members be minded to **Grant Consent** in accordance with Regulation 4 of the Town and Country Planning General Regulations subject to the completion of the Section 106 Agreement and draft conditions detailed below:

Conditions:

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

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

The proposed conditions are as follows:

1. Three Years

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

2. Plans and particulars

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

Proposed Site Plan, AL(0)03 Rev A;

Existing Services Layout, VAR-CDL-XX-05-DR-C-4011, Rev P02;
Topographical Survey, VAR-CDL-XX-05-DR-C-4010, Rev P02;
Earthwork Analysis, VAR-CDL-XX-05-DR-C-4002, Rev P02

Construction Details, VAR-CDL-XX-50-DR-C-5001 Rev P02;
Drainage Details Sheet 1, VAR-CDL-XX-05-DR-C-3301 Rev P02;
Drainage Details Sheet 2, VAR-CDL-XX-05-DR-C-3302 Rev P02;
Proposed Foul Water Drainage Layout, VAR-CDL-XX-05-DR-C-0502, Rev P03;
Proposed Surface Water Drainage Layout, VAR-CDL-XX-05-DR-C-0501, Rev P03;

Ground Floor Plan, AL(0)04, Rev A;
First Floor Plan, AL(0)05, Rev A;
Second Floor Plan, AL(0)06, Rev A;
Third Floor Plan, AL(0)07, Rev A;
Roof Plan, AL(0)08, Rev A;

Proposed Unit A Plan, OSA_SE_U-01;
Proposed Unit B Plan, OSA_SE_U-02;
Proposed Unit C Plan, OSA_SE_U-03;
Proposed Unit Type D, OSA_SE_U-04;

Type A Plan, AL(0)15, Rev A;
Type B1 Plans, AL(0)16, Rev A;
Type C1 Plans, AL(0)17, Rev A;
Type D Plans, AL(0)18, Rev A;

Cluster 4 Elevations, AL(0)20, Rev A;
Cluster 4 Elevations, AL(0)20, Rev A;
Cluster 4 Elevations, AL(0)21, Rev A;
Cluster 4 Elevations (Coloured), AL(0)21, Rev A;
Cluster 4 Elevations, AL(0)22, Rev A;
Cluster 4 Elevations (Coloured), AL(0)22, Rev A;

Site Elevations, AL(0)27, Rev A;
Material Key, AL(0)29, Rev A;
Site Sections, AL(0)42, Rev A;
Site Sections, AL(0)35, Rev A;

Detailed Remediation and Verification Strategy, 1021965.RPT.GL.003, Rev B,
dated 29 March 2021;
Aboriginal Method Statement Tree Protection Plan (AMS TPP), Retained Trees
Shown On Proposed Layout With Protective Measures Indicated, AMS TPP.

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

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

3. Archaeological Watching Brief Condition

No groundworks, or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site

can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

4. Construction Environmental Management Plan

No construction work shall take place, including any remediation works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Environmental Management Plan shall be adhered to throughout the construction period. The Environmental Management Plan shall provide for but not be restricted to:

- I. parking of vehicles of site operatives and visitors;
- II. loading and unloading of plant and materials;
- III. storage of plant and materials used in constructing the development;
- IV. erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V. wheel washing facilities;
- VI. measures to control the emission of dust and dirt during construction;
- VII. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- VIII. measures to control the emission of dust and dirt during and other air quality impacts during construction;
- IX. measures to control noise and vibration during construction;
- X. communication plan for liaising with the public;
- XI. measures to mitigate impacts, as defined in Section 5.3 of Argus Ecological Impact Assessment (Ref. 20-040/01);
- XII. hours of construction.

Reason: In order to protect the amenity of the area and in the interests of nature conservation, in accordance with CSDP policies HS1, HS2 and NE1.

7. Minimise energy demand

No above ground construction shall commence until details of building construction and design measures which minimise the developments energy demand and reduce its whole life CO2 equivalent emissions impact for that plot have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall remain operational thereafter.

Reason: In the interests of sustainability, in accordance with CSDP policy BH2.

8. Schedule of Materials

Prior to the commencement of external elevational works a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure, in accordance with CSDP policies BH1, BH3, BH7 and BH8, the development hereby approved respects and enhances the best qualities of the locality.

9. Glazing Specifications

No above ground construction shall commence until a scheme of sound insulation that specifies the glazing and ventilation design specifications to be incorporated into each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of each dwelling and maintained as such thereafter.

Reason: To ensure, in accordance with CSDP policy HS1, an appropriate level of residential amenity.

10. Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

11. Remediation Verification

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

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

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

12. Drainage Verification

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

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

The specific details of timing of the submission of the report and the extent of SuDS features covered in the report is to be agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

13. External Lighting

The development shall not be brought into use until details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity, biodiversity and highway safety and in accordance with CSDP policies NE2, BH1, BH3, BH7, BH8, HS1 and ST3.

14. Travel Plan

No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Council.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, in accordance with CSDP policy ST3.

15. Landscaping scheme

Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate and tree pit details.

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

16. Delivery Service Management Plan

The Developer shall comply with submitted Delivery Service Management Plan (reference RPT-TC-03 Revision B). Thereafter, these facilities shall be implemented before the first use of the development and shall be retained and kept free from obstructions at all times in accordance with the approved details, and all servicing and refuse collection arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety and to comply with CSDP policies HS1 and ST2.

17. Drainage

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy ref: 1021965 rev B" dated "29/1/21". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3214 and 3209 and ensure that surface water discharges to the surface water sewer at manholes 2202 and 3208. The surface water discharge rate shall not exceed the available capacity of 100l/sec and 10l/s at these two surface water connections respectively.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF. It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference.

18. Unidentified contamination

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

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

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

19. Implementation of Landscaping

The landscaping scheme hereby approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

20. Parking Management Plan

The development hereby approved shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall describe how parking will be distributed and managed on site.

Reason: To ensure, in accordance with CSDP policy ST3, suitable arrangements for parking.

21. Car Parking Spaces

The development hereby approved shall not be occupied until 14 car parking spaces are available for the use of the approved residential properties. Precise written details of the location of spaces shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the agreed details.

Reason: To ensure, in accordance with CSDP policy ST3, an adequate level of car parking.

22. Farringdon Row Crossing Facilities

Prior to the first occupation of the development, pedestrian crossing facilities on Farringdon Row, along with a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure, in accordance with CSDP policy ST3, an appropriate form of development.

Reference No. 22/00204/FUL Full Application

Proposal: **Change of use of building (and associated curtilage) from B2 general Industrial and amenity greenspace to the north, to B8 distribution, including installation and alteration of shutters and doors, additional lighting, construction of new yard, parking areas and landscaping.**

Location: SNOP UK Limited Rainhill Road Stephenson Washington NE37 3HP

Ward: Washington North

Applicant: Standard Life Investments Property Holdings Ltd

Date Valid: 7 February 2022

Target Date: 9 May 2022

PROPOSAL:

INTRODUCTION

Planning permission is sought for the proposed change of use of a building (and its associated curtilage) from Use Class B2 general Industrial and amenity greenspace to the north, to Use Class B8 distribution, including the installation and alteration of shutters and doors, additional lighting, construction of a new yard, parking areas and landscaping, at the SNOP UK Limited manufacturing premises, Rainhill Road, Stephenson Industrial Estate in Washington.

The planning application is made by Standard Life Investments Property Holding Ltd, the landlord and owner of the entire site. The current tenants SNOP UK Limited have recently re-located to a new premises located within the International Advanced Manufacturing Park (IAMP).

DESCRIPTION OF SITE AND SURROUNDINGS

The application site, which covers an area of approximately 3.167ha, comprises of a purpose-built manufacturing facility, service yard, car parking, lighting, hardstanding and landscaping. The application site boundary extends to the existing fence line and beyond the fence line to the southern boundary, which comprises unmaintained grassland and woodland.

The application site is accessed off Rainhill Road. It is bound by car parking and grasslands to the east, beyond which is the unused Leamside Line railway. Grassland and woodland are to the south of the site, beyond which is housing across Sulgrave Road. Various industrial uses bound the site to the west and north, and further to the west is an existing Travelling Showpeople yard.

THE PROPOSED DEVELOPMENT

The proposed development is to change the use of the existing general industrial premises from Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a distribution use falling under Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). A parcel of amenity greenspace adjacent to Rainhill Road would also be changed to Use Class B8 (and so part of the proposed distribution use).

The proposed development would include various alterations to the existing building and site (as set out below) to facilitate the operations of the new tenant who will occupy the site if planning permission is granted (and following the expiry of the lease with SNOB UK Limited).

- Alterations to the existing building and site would comprise the following:
- Installation of three new dock loader doors and related minor alterations to the north elevation of the building.
- Installation of two new level access overhead shutter doors accessed from a new external concrete vehicle ramp to the centre of the north elevation.
- Minor alterations to existing overhead shutters to the north elevation to accommodate a change of door specification.
- Installation of two new level access overhead shutter doors and related minor alterations to the west elevation.
- Installation of eleven overhead shutter doors and related minor alterations including a new canopy to the south elevation.
- Re-grading and construction of new yard areas with lighting columns and surface water drainage parallel to the south elevation enabling Heavy Goods Vehicle (HGVs) access to new warehouse doors, connectivity of existing access roads to improve vehicle access, and provide areas for trailer parking.
- Re-grading and construction of new extension strip with lighting columns and surface water drainage to western yard to improve vehicle access and provide area for HGV parking.
- Re-grading and construction of new extension strip with lighting columns and surface water drainage to northern yard to improve vehicle access.
- Re-grading and construction of new parking area with lighting columns and surface water drainage parallel to east elevation for small commercial vehicles.
- Installation of a new above ground diesel fuel tank in the south west corner of the site, together with associated drainage to facilitate vehicle re-fuelling.
- Creation of a new jet washing area in the north west corner of the site, together with associated drainage to facilitate van washing (single vehicle facility using basic jet wash equipment).
- Construction of a new Sustainable Urban Drainage System (SUDS) and acoustic fence parallel to the southern edge of the new yard on the south side of the building.

The proposed alterations to the existing building would be constructed in the following external building materials:

- Main wall cladding - colour coated Trapezoidal metal sheets (light grey in colour to match the existing)
- Canopy wall cladding - colour coated Trapezoidal metal sheets (light grey in colour to match the existing)
- Canopy roof cladding - colour coated Trapezoidal metal sheets (light grey in colour to match the existing)
- Dock loader doors - powder coated aluminium (dark grey RAL 7016 in colour)
- Sectional overhead doors - powder coated aluminium (dark grey RAL 7016 in colour); and
- Personnel / fire escape doors - powder coated aluminium (dark grey RAL 7016 in colour).

The size of the proposed service yard is required to allow for multiple loading bays. The one-way access route would allow vehicles to enter and leave the site in a safe manner, avoiding heavy goods vehicles turning and waiting on the road. New hardstanding areas would be constructed with concrete and tarmac surfaces.

A new vehicle access gate and Paladin fence would be added to secure the site entrance, although the gates would only be used for out of hours securing. Fencing and gates would be constructed in powder coated aluminium (dark grey RAL 7016 in colour). An acoustic fence constructed in timber would be erected along the southern boundary of the site. Hard surfaces would comprise new concrete surfaces and new tarmac surfaces.

Refuse would be stored to the south east of the building in the undercroft. This is the same as for the current use.

New soft landscaping would be provided to the south side of the site; however no specific details have been provided in relation to this.

As a distribution company, the occupier requires flexibility to allow vehicles to arrive and leave the site on an unrestricted basis in terms of times of the day, including weekends in a similar manner to the previous occupiers and surrounding businesses. However, it is anticipated that the majority of vehicle movements would occur during normal working hours.

The application has been supported by the following documents:

- Covering letter by Avison Young (dated 03/02/2022) received 07/02/2022
- Planning Statement by Avison Young (dated January 2022) received 07/02/2022
- Design and Access Statement by IBA Architects received 07/02/2022
- Schedule of External Materials by IBA Architects received 09/03/2022
- Phase 1: Environmental Site Assessment by Ramboll (dated January 2022) received 07/02/2022
- Preliminary Ecological Assessment by Tyne Ecology (dated 27th January 2022) received 07/02/2022
- Ecological Impact Assessment by Tyne Ecology (dated 5th May 2022) received 06/05/2022
- Noise Assessment by Miller Goodall Acoustics and Air Quality (dated 21st January 2022) received 07/02/2022
- Transport Statement by Aberdeen Standard Investments (dated January 2022) received 07/02/2022
- Interim Travel Plan by Aberdeen Standard Investments (dated January 2022) received 07/02/2022
- Air Quality Assessment by Miller Goodall Acoustics and Air Quality (dated 3rd December 2021) received 07/02/2022
- Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by Elliott Consultancy Ltd (dated January 2022) received 07/02/2022
- Flood Risk Assessment and Surface Water Drainage Strategy by Ramboll (dated May 2022) received 26/05/2022

TYPE OF PUBLICITY:

Press Notice expiry date: 15.03.2022

Site Notice expiry date: 14.03.2022

Neighbour Notifications expiry date: 09.03.2022.

CONSULTEES:

Washington North - Ward Councillor Consultation
Network Management

Environmental Health
Land Contamination
Flood And Coastal Group Engineer
Planning Policy
Tyne And Wear Archaeology Officer
The Coal Authority
Northern Electric
Northern Gas Networks
Northumbrian Water
Northumbria Police
Network Rail
Nexus

Final Date for Receipt of Representations: **27.05.2022**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, site notices being displayed adjacent to the site and a notice being posted in the local press.

Neighbour Notification Responses

Development Director of Simpson Group

Are you able to confirm the volume of traffic (cars and lorries) that this will create? Will it be more than previously experienced with SNOP? Will lorries park up on the property, rather than Rainhill road, where they have previously dumped their waste onto our property?

Case Officer Comments: Advised that details regarding vehicle movements associated with the existing and proposed uses are set out within the submitted Transport Statement, and that the Council's Local Highway Authority would comment on the application in relation to the impact of the proposal on highway safety matters (including vehicle movements and parking). Advised that lorries would park within the application site, however there are no current restrictions preventing lorry parking along Rainhill Road.

Internal consultee responses

Environmental Health

First representation

The proposed development would be acceptable subject to the following condition being attached to any planning permission relating to an acoustic barrier:

"Prior to the commencement of operation of the development the acoustic barrier shall be constructed in accordance with the recommendations of the noise assessment and as set out in the submitted proposed site layout drawing 150/(S)03/A1. The barrier shall be of solid or close-boarded timber construction with a minimum superficial mass of 10kg/m² and a consistent height of 4 metres."

The methodology and conclusions within the noise assessment are acceptable. The acoustic barrier would be appropriate for the purpose of effectively reducing site noise levels as they

propagate towards Sulgrave Road. A condition is proposed to control that the acoustic barrier is installed prior to the commencement of operations.

The methodologies and conclusions of the air quality assessment are acceptable. The results of the detailed modelling indicate continued compliance with air quality objectives / limit values for the primary pollutants, and that with normal controls over construction activities there would be no significant impacts in relation to dust at sensitive receptors.

Given the location of the application site, its separation from residential properties by distance and an intervening tree line, and due to the nature of proposed works it is considered that a formal Construction Environmental Management Plan (CEMP) would not be required.

Case Officer Comments: It was noted that the position of the proposed acoustic fence along the eastern side of the site, as shown on the amended proposed site plan, did not correlate exactly to the position of the proposed acoustic fence shown within the appendices of the Noise Assessment. The Council's Environmental Health Officer was asked to provide further comments on this.

Second representation

The amended proposed site layout plan meets the requirements for the acoustic barrier and the position as shown is acceptable.

Flood and Coastal Team (the Lead Local Flood Authority)

With regard to 20/00204/FUL and in relation to flood risk and drainage, following submission of further additional information that has been reviewed and assessed, I would suggest that this application could be approved with a standard verification condition applied similar to that below.

Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority.

The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme as shown on drawing 2022002-002 Rev F - proposed external works and drainage. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components and pipes including hydrobrakes - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
 - Construction details (component drawings, materials, vegetation).
 - Health and Safety file.
 - Details of ownership organisation, adoption & maintenance including confirmation of Section 104 agreement with NWL for adoption of attenuation pipe.
 - The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.
- Transportation Development (the Local Highway Authority)

First representation

- Access - The access is considered satisfactory for both vehicles and pedestrians.

- Internal layout (vehicles) - Internal alterations will provide a new service yard allowing vehicles to enter and leave the site following a one-way vehicle access route. The existing access route is to be extended at the front (north) and west of the site to improve accessibility and provide parking zones for Heavy Goods Vehicles. The increase in the size of the existing service yard to provide space for delivery vehicles to wait, load and unload to the south of the existing building, as well as an area for trailer parking improves the layout and is therefore welcomed. The applicant however states that swept path analysis has been undertaken for a Refrigerated Articulated Vehicle (16.5m), with entry and exit from Rainhill Road in a forward gear. The applicant states that the drawing demonstrates that delivery and service vehicles will be able to undertake required manoeuvres safely and satisfactorily without the requirement to reverse more than 20m. The tracking diagram however does not appear to have been submitted with this application, therefore the swept path drawing is required.
- Parking - The proposals seek to retain the existing car parking areas for staff (129 spaces) and visitors (12 spaces). In total, these areas provide a car parking ratio of 1 space per 100sqm GFA which complies with the adopted local standards for Use Class B8 as set out in the Development Management SPD. It is noted that a new parking area will also be created parallel to the east elevation of the building for use by small commercial vehicles only. Whilst it is acknowledged that the parking provision meets the requirements of B8 use in the SPD, the number of full-time staff indicated is significantly more than the parking space proposal. The applicant must clarify if these employees will be working shift patterns or if the 250 full time expected employees will be on site simultaneously.
- Disabled parking - The development should consider provision for disabled parking.
- Cycle provision - The applicant should clarify provision for cycle parking; the cycle parking should be based on 1 per 500m² GFA.
- Electric Vehicles - the applicant should clarify provision for electric vehicles.
- Interim Travel Plan - The future tenant will be required to produce a Final Travel Plan which is broadly consistent with the objectives and requirements of this Interim Travel Plan. The Final Travel Plan must be submitted to and agreed in writing with Sunderland City Council within six months of first occupation of the site. The implementation of the Interim Travel Plan, and the subsequent Final Travel Plan can be secured via a planning condition.
- Travel Surveys - The Employee Travel Surveys will be undertaken within three months of first occupation of the site and biannually thereafter during the lifespan of the Final Travel Plan. The Interim Travel Plan is therefore considered satisfactory.
- Transport Statement - The existing transport networks within the vicinity of the site have been described. It is considered that the location of the site, within Stephenson Industrial Estate and close to the A195, offers the opportunity to integrate the proposed development with the existing pedestrian and cycle networks.
- Vehicle trips - To assess the likely impact of the increased vehicle trips, a vehicle trip distribution has been estimated using data from the 2011 Census¹¹. The data identifies that the proposed development is expected to generate slightly more vehicle trips throughout the weekday AM and PM peak periods in comparison with the vehicle trip generation potential of the existing development. In particular, the proposed development is predicted to result in the following:

- A maximum net increase of 46 two-way hourly vehicle trips during the weekday AM peak period;
- A maximum net increase of 27 two-way hourly vehicle trips during the weekday PM peak period.
- The vehicle trip generation associated with the net development has been assigned onto the local highway network based on the forecast vehicle trip distribution. From the site, all the vehicle trips are predicted to travel in the direction of the Stephenson Road Roundabout. Beyond the Stephenson Roundabout, the vehicle trips are predicted to quickly disperse across the local highway network. The impact of the proposed development on the future operation of the Stephenson Road Roundabout has therefore been specifically considered. Whilst the net development traffic flows at the Stephenson Roundabout will exceed slightly a threshold of 30 two-way peak hour vehicle trips during 08:00-09:00 hours, it is considered that the resulting impact will be indiscernible in comparison with the existing conditions when considering the form and capacity of the junction. On-site observations suggest that only minor queuing and delay is experienced by traffic entering and exiting the junction at present during peak periods. Within the context of the above, it is considered that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local highway network without resulting in any residual cumulative impacts which are "severe".

Conclusion - Whilst it is noted that the development is expected to increase the number of vehicle trips, the increase is not considered to be severe. Considering the improved site design and general use of the site for car parking (less intensive than previous), and the mitigation measure of the Travel Plan it is considered a satisfactory development.

Second representation

The amended drawings with swept path analysis details are acceptable. The applicant should consider more cycle parking provision and electric vehicle charging provision; the disabled bays should be marked clearly if not already.

Case Officer Comments: Advised the Local Highway Authority that the applicant's agent has confirmed that cycle parking is existing in the undercroft to the north east corner of the building (approximately 20-30 spaces). There are two existing electric vehicle charging points located in the undercroft to the north east corner of the building. Further electric vehicle charging points will be installed at a later date. An accessible parking area is illustrated on the proposed site plan.

Third representation

The parking arrangements appear to be acceptable.

External Consultee responses

Tyne and Wear Archaeology Officer - Within the redline boundary there are a number of Historic Environment Records (HERs). These include the eastern extent of Usworth Colliery (HER 365), a reservoir (HER 6783) and Little Usworth Waggonway (HER 2606). The route of the North Eastern Railway (HER 2625) runs to the east of the revised red line boundary.

Within the proposed development area there have been no previous archaeological interventions. Based on the works proposed, archaeological mitigation would not be required.

Northumbrian Water - No response provided

Northern Gas Networks - No objections to the proposal

Northern Powergrid - No objections to the proposal

Northumbria Police - No response provided

Watermans (Land contamination)

The submitted Phase 1 Contaminated Land report considers that there is a low risk of the site, in its current use and proposed use, representing a significant risk to site users or to other receptors. The conclusions of the Phase 1 Contaminated Land report are agreed with, and so it is recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Environment Agency

No comments to make. Our Groundwater and Contaminated Land Team reviewed this application and because the development is for change of use from B2 to B8 distribution and there is an above ground diesel tank, there are no concerns.

Natural Heritage

The City Council's Ecologist is satisfied that the should an appropriate condition be imposed ensuring that the Impacts and mitigation section of the Ecological Impact Assessment by Tyne Ecology dated 05.05.2022 are provided, the development will be in accordance with both national and local planning policy.

For the avoidance of doubt conditions shall cover the following elements of the development.

The extension of hard standing areas will result in the loss of amenity and neutral - semi-improved grassland. To mitigate for loss of habitats, a grassland management plan must be agreed, prior to commencement of development works, that ensures all remaining grassland habitats onsite are enhanced through change of management to achieve greater species diversity and value for biodiversity.

The neutral grassland areas offer suitable habitat for amphibians and hedgehogs that could be harmed during vegetation clearance.

Nesting birds could be found in areas to be cleared of vegetation.

To avoid potential harm to amphibians/mammals a precautionary working method statement must be prepared prior to commencement of works.

Vegetation clearance during the bird nesting season, March to August inclusive must be avoided. If this period cannot be avoided any works must be preceded by a nesting bird check by a suitably experienced ecologist, no more than 24 hours before commencing works.

Litter removal to be undertaken avoid loss of small mammals through entrapment

Network Rail - No observations to make

Nexus - No response provided

Coal Authority - No objections

Part of the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam of workable thickness outcrops close to the southern site boundary. This seam may have been worked in the past. However, the part of the site where the development is proposed lies outside of the defined High Risk Area. Therefore, a Coal Mining Risk Assessment is not necessary to support this proposal and no objections are raised. Although the development is proposed outside of the defined Development High Risk Area, as the site lies within an area where coal mining activity has taken place, an informative to applicant should be attached to any planning permission to remind the applicant of this. The informative should state that if any coal mining feature is encountered during development, then this should be reported immediately to the Coal Authority.

COMMENTS:

POLICIES:

CSDP policies SP1, SP3, EG1, BH1, BH2, HS1, HS2, ST2, ST3, NE2, NE3, NE4, WWE2, WWE3, WWE5, BH9 and M3 are relevant to the consideration of this application.

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity (including noise and air quality);

4. Impact on highway and pedestrian safety;
5. Impact on ecology;
6. Impact on flooding and drainage;
7. Impact in relation to land contamination;
8. Impact on coal mining legacy;
9. Impact on archaeology; and
10. Impact on greenspace / trees.

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council, working with local communities, its partner and key stakeholders will create at least 7,200 new jobs particular in key growth areas, and support economic growth including developing at least 95ha of employment land. It seeks to deliver growth and sustainable patterns of development by delivering the majority of development in the Existing Urban Area, in sustainable locations in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland, including by focussing economic growth in identified Employment Areas (including sites allocated under Policy EG1).

The proposed development would support sustainable economic growth including by developing employment land, within the existing urban area in a sustainable location. It would contribute to supporting economic development within an identified employment area in Washington - in this case a Primary Employment Area (PEA) allocated under adopted CSDP Policy EG1 (see below). On this basis it is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP3 of the adopted CSDP.

Economic Growth Policies

Policy EG1 'Primary employment areas' of the adopted CSDP allocates areas as Primary Employment Areas (PEA) (as designated on the Policies Map) to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. One of these areas is 'vi. Stephenson (PEA6).

The application site is part of a wider site allocated under Policy EG1 'Primary employment areas' (vi. Stephenson - PEA6) of the adopted CSDP as a Primary Employment Area (PEA). PEAs are those existing employment areas which are considered essential to the long-term success of Sunderland. They are located in the strongest demand areas and should be protected from non-employment uses which could impact upon their viability as employment locations. This allocation therefore seeks to safeguard primary employment areas for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated employment area. Therefore, this proposed use would accord with economic growth Policy EG1 of the adopted CSDP.

Summary

Given the above assessment it is considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. It states that development should assist in designing out crime, provide landscaping as an integral part of the development and provide visually attractive areas for servicing and parking.

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

The proposed external works to the building would be relatively minor at this non-sensitive location. They would have no unacceptable visual impacts from the public domain. Other works within the curtilage of the application site including a new paladin fence, vehicle access gates, hardstanding areas and diesel tank would also have no unacceptable visual impacts from the public domain. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the details as specified in the application.

Application details state that lighting columns would be erected within the application site. However, no details of the lighting has been submitted as part of the planning application. It is therefore recommended that a condition be attached to any planning permission to require the submission of a lighting scheme.

The applicant has considered sustainable design and construction. The proposed development would utilise long lasting low energy LED light fittings controlled using timers and dusk sensors, and a biofiltration drainage soakaway to reduce the environmental impact. Spare ducts would also be laid below the new hardstandings to enable future installation of additional electric vehicle charging points.

The applicant proposes to enhance the site with some soft landscaping. However, the soft landscaping would be largely screened from the public domain. In relation to visual amenity, it is considered that it would not be necessary to require the soft landscaping scheme to be controlled by way of a condition attached to any planning permission.

Subject to the discharge of and compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

3. Impact on residential amenity (including noise and air quality)

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through

appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

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

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

Given the nature of the proposed development and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the occupiers of neighbouring residential properties in relation to privacy, outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development in relation to impacts associated with noise and air quality (see their consultation response above). The noise assessment concludes that an acoustic barrier would be required to the south side of the site, in order to mitigate noise levels during the night (primarily from Heavy Goods Vehicles) along Sulgrave Road. The Council's Environmental Health Officer has suggested that a condition should be attached to any planning permission to control that this acoustic fence is erected in accordance with the recommendations within the submitted noise assessment. They have advised that the position of the acoustic fence as shown on the amended proposed site plan would be acceptable, read in conjunction with the submitted noise assessment.

The Council's Environmental Health Officer has advised that given the location of the application site, its separation from residential properties and an intervening tree line, and due to the nature of proposed works, a formal Construction Environmental Management Plan (CEMP) would not be required.

Given the comments from the Council's Environmental Health Officer, it is recommended that a condition be attached to any planning permission to require the erection of the acoustic barrier (in the position as shown on the proposed amended site plan, and read in conjunction with the recommendations of the submitted noise assessment), and that the acoustic fence then be retained and maintained henceforth for the lifetime of the development. Subject to the compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of any existing dwellings in the vicinity of the application site either during the construction process or when it is in use / operation. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the

free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, and that planning applications should include Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

Saved Policy T16 of the adopted Unitary Development Plan seeks to protect existing and former railways which have potential as communications corridors for a variety of transport uses.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the existing vehicle access would be acceptable for the proposed development, and that internal arrangements within the site would be acceptable in relation to delivery and servicing arrangements, with the submitted Swept Path Analysis demonstrating safe and satisfactory manoeuvrability. Traffic flows associated with the proposed development could be satisfactory accommodated on the local highway network.

The Council's Transportation Department have advised that car parking provision would be acceptable. This includes existing vehicle parking spaces, cycle parking (for approximately 20-30 cycles) two electric vehicle charging points within the undercroft to the north east corner of the building (further electrical charging points may be installed at a later date) and an accessible parking area is illustrated on the proposed site plan.

The Council's Transportation Department have raised no objections to the submitted Interim Travel Plan. However, they have advised that a Final Travel Plan (broadly consistent with the Interim Travel Plan) should be submitted within six months of the first occupation of the development. They have advised that Employee Travel Surveys should be undertaken within three months of first occupation of the site and biannually thereafter during the lifespan of the Final Travel Plan.

Retaining the undercroft of the south east corner of the building for refuse storage would be acceptable. This is the same as for the existing use.

Given the comments from the Council's Transportation Development, it is considered that the proposed development would have no unacceptable impacts in relation to highway capacity and safety, and it would provide acceptable car parking provision, cycle provision and refuse storage. It is recommended that conditions be attached to any planning permission to require the submission of a full Travel Plan (including employee surveys being undertaken); to require vehicle hardstanding areas, including the access route, service yard and vehicle parking areas to be completed on site; and to require the existing car parking (including an accessibility area), cycle parking, electric vehicle charging points and refuse storage area be retained for the lifetime of the development.

Given the nature of the proposed development it is considered that it would not have any impacts on the continued safeguarding of the Leamside Line. Network Rail have raised no objections to the proposed development and Nexus have not provided a response.

The application site is in a sustainable location with good access to public transport nodes. Given the comments from the Council's Transport Department and Network Rail, it is considered that it would cause no unacceptable impacts on the highway network in terms of its capacity and safety, or on the continued safeguarding of the Leamside Line. Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development

would accord with Policy ST2 and Policy ST3 of the adopted CSDP and saved Policy T16 of the adopted UDP.

5. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

As part of the planning application a Preliminary Ecological Appraisal has been submitted. This recommends that no works must be undertaken during the bird breeding season of March to April inclusive. If this cannot be avoided then a nesting bird check must be undertaken no more than 24 hours before commencing works. It also recommends that a biodiversity mitigation and enhancement plan must be developed to deliver net gains for biodiversity, works must follow a precautionary working method statement to ensure amphibians and mammals are not injured, and that litter removal would be an enhancement to avoid loss of small mammals through entrapment.

An Ecological Impact Assessment has been submitted which concludes that to mitigate the loss of habitats, a grassland management plan should be submitted to ensure that all remaining grassland habitats onsite are enhanced through the change of management, to achieve greater species diversity and value for biodiversity. It concludes that to avoid harm to amphibians / mammals, a precautionary working method statement should be submitted; vegetation clearance during the bird breeding season (March to August inclusive) should be avoided unless a nesting bird check is undertaken by a suitably experienced ecologist; and litter should be removed. The Council's Ecology advisor has agreed with the conclusions of the submitted ecology reports. They have recommended that conditions be attached to any planning permission in relation to the above.

The Council's Ecologist has suggested that conditions should be attached to any planning permission to require the submission of a Construction Environmental Management Plan (CEMP) to mitigate construction impacts on biodiversity. However, the proposed development would have no unacceptable impacts on biodiversity, with the application site including no protected or priority species or habitats. It is therefore considered that such a condition would not be necessary or reasonable in relation to ecology.

The Council's Ecologist has also suggested that a condition be attached to any planning permission in relation to biodiversity net gains. However, at this current time it is desirable rather than mandatory / a statutory requirement for the applicant to provide biodiversity net gains. It would not be necessary or reasonable to require the applicant to prepare a biodiversity net gain assessment / strategy.

It is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP.

6. Impact on flooding/drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

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

Policy WW5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted 'Flood Risk Assessment (FRA) and Drainage Strategy' identifies that the application site is located in Flood Zone 1 (at the lowest risk of flooding).

The submitted Flood Risk and Drainage Assessments concludes that the application site is located within Flood Zone 1, and therefore at low risk of flooding from fluvial sources. It states that areas at high risk of flooding from surface water are present within the application site. It recommends several mitigation measures including raised building threshold, inclusion of linear interceptor drains, and the design of a new drainage system. It states that the proposed development would be undertaken in accordance with a surface water drainage strategy, which would include the discharge of surface water to the existing Northumbrian Water surface water system.

Northumbrian Water have not provide a consultation response, however the Council's Lead Local Flood Authority (LLFA) has raised no objections to the proposed development subject to a condition being attached to any planning permission to require the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme. It is recommended that such a condition be attached to any planning permission.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WW5 of the adopted CSDP.

7. Impact in relation to land contamination

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

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

A Phase 1 Land Contamination report has been submitted with the application. This concludes that given the limited extent of the groundworks to be undertaken as part of the proposed development (extensions to hardstanding areas, with no significant demolition or re-development required), it is not anticipated that intrusive investigations would be necessary to confirm ground conditions and to assess risks to human or controlled water receptors. Any risks associated with groundworks can be managed through relevant health and safety procedures.

The Council's Contamination advisors have raised no objections to the conclusions of the submitted Phase 1 report. They have suggested that a condition should be attached to any planning permission in relation to any unexpected contamination being found that was not

previously identified. It is therefore recommended that this suggested condition be attached to any planning permission.

Subject to the compliance with this recommended condition, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

8. Impact on coal mining legacy

Policy HS1 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from instability.

Paragraph 5.6 provides commentary to Policy HS1 stating that where a site is affected by land stability issues (including mineral legacy issues as set out in Policy M3), the responsibility for securing a safe development rests with the developer and/or landowner. Affected development must incorporate remediation and management measures.

Policy M3 'Land instability and minerals legacy' of the adopted CSDP states that development should give consideration to hazards arising from past coal mining, in particular land instability and mine gas. It further states that where a development is located within an area with a mining legacy, an applicant will be required to prepare and submit a Coal Mining Risk Assessment and / or carry out site investigations as necessary.

The Coal Authority has advised that part of the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam of workable thickness outcrops close to the southern site boundary. This seam may have been worked in the past. However, the part of the site where the development is proposed lies outside of the defined High Risk Area. Therefore, the Coal Authority has raised no objections to the proposed development. However, given that the site lies within an area where coal mining activity has taken place, the Coal Authority has advised that an informative to applicant should be attached to any planning permission to remind the applicant of this, and to state that if any coal mining feature is encountered during development, then this should be reported immediately to the Coal Authority.

Given the comments from the Coal Authority it is considered that the proposed development would have no unacceptable impacts in relation to coal mining legacy, and it is recommended that the informative suggested by the Coal Authority be attached to any planning permission. It is considered that the proposed development would accord with Policy HS1 (in relation to instability) and Policy M3 of the adopted CSDP.

9. Impact on archaeology

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

The Tyne and Wear Archaeology Officer has concluded that based on details submitted within the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

10. Impact on greenspace and trees

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

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

- o The proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements;
- o A replacement facility is provided which is equivalent in terms of usefulness, attractiveness, quality and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the Council prior to development commencing; or
- o Replacement on another site is neither practicable or possible, an agreed contribution is made by the developer to the Council for new provision or the improvement of existing of greenspace and its maintenance within an appropriate distance from the site (or within the site).

The application site includes some trees, and the canopies of trees on adjacent land overhang the application site boundary. The planning application is supported by a Tree survey and Arboricultural Implications of Development, which provide more detail and recommends some tree protection measures. However, there are no trees within the application site that are subject to a Tree Preservation Order (TPO) and the application site is not within a Conservation Area. Whilst the proposed development would result in the loss of a small number of trees, they are not positioned within a main street scene and are instead viewed within an industrial estate. It is therefore considered that the proposed development would have no unacceptable impacts on any significant trees or woodlands and so it would accord with Policy NE3 of the adopted CSDP.

The application site includes a parcel of amenity greenspace to the north. The proposed development seeks to change the use of this parcel of amenity greenspace to part of the curtilage of the distribution unit (Use Class B8), in order to provide a wider yard area. The Council's Allocations and Designations Plan Greenspace Audit (2020) states that the primary purpose of the amenity greenspace within this industrial estate (2.26ha in overall size) is as amenity greenspace. It is positioned within Washington North ward where the quantity of amenity green space is very high, and the quality is above average.

The parcel of amenity greenspace subject of this planning application is part of a larger parcel of amenity greenspace within the industrial estate. It has some visual amenity value when viewed from the public domain. However, it is considered that this is limited and in any case a parcel of amenity greenspace would still be retained adjacent to the public highway. The land is essentially a grass verge and provides a buffer between the public footpath and the existing curtilage of the industrial site. However, it is quite deep in places at 10 metres. Due to the depth of the buffer, it is considered that reducing it by half in some areas would have limited impact on amenity.

The parcel of land has limited if any recreational value given that it primarily serves as a buffer between the industrial use and the highway, within an existing industrial estate.

The parcel of land has limited nature conservation value based on the submitted ecology reports. However, to mitigate the loss on any nature conservation value, the applicant's agent as stated that a biodiversity enhancement zone will be provided within the application site - with new wildflower / meadow mix planting to improve biodiversity. This parcel of land is larger than the area of greenspace that would be lost (see above 'Impact on Ecology').

It is considered that the proposed development would have no materially harmful impacts on the wider parcel of amenity greenspace in relation to amenity, recreation or nature conservation value. It would therefore not be necessary nor reasonable to require the applicant to comply with either i, ii or iii of Criterion 4 of Policy NE4. It is considered that the loss of a small part of the wider parcel of amenity greenspace within the industrial estate would be acceptable in order to facilitate the proposed development. It is therefore considered that the proposed development would accord with Policy NE4 of the adopted CSDP.

Conclusions

The proposed development would deliver an employment use (Use Class B8 storage and distribution) within a designated Primary Employment Area (PEA). It would support sustainable economic growth including by developing employment land, within the Existing Urban Area in a sustainable location, and it would contribute to supporting economic development within an identified employment area in Washington. It is therefore considered that the proposed development would be acceptable in principle.

Subject to the discharge of and compliance with recommended conditions to control external materials and the submission of a lighting scheme, it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts when viewed from the public domain. It would also have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties, subject to the compliance with a condition to control that an acoustic fence is erected in accordance with the recommendations within the submitted noise assessment.

Given the comments from the Council's Transport Department and Network Rail, subject to the discharge of and compliance with the recommended conditions to require vehicle hardstanding areas to be completed on site; to require existing car parking, cycle parking, electric vehicle charging points and refuse storage area be retained for the lifetime of the development; and the submission of a Full Travel Plan, it is considered that it would cause no unacceptable impacts on the highway network in terms of its capacity and safety, on the continued safeguarding of the Leamside Line, or in relation to sustainable travel.

In relation to other technical matters, subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to ecology, flooding / drainage, land contamination, coal mining legacy, archaeology, greenspace or trees.

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

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE subject to draft conditions listed below:

Conditions:

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

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

- Drawing No. 15C100193-01 (Site Location Plan) received 07/02/2022
- Drawing No. 1540 (S)01 A1 (Existing Site Layout) received 07/02/2022
- Drawing No. 1540 (0)01 A1 (Existing Basement Floor Plan) received 07/02/2022
- Drawing No. 1540 (0)02 A1 (Existing Ground Floor Plan) received 07/02/2022
- Drawing No. 1540 (0)03 A1 (Existing First Floor Plan) received 07/02/2022
- Drawing No. 1540 (0)04 A1 (Existing Roof Plan) received 07/02/2022
- Drawing No. 1540 (0)05 A1 (Existing Elevations) received 07/02/2022
- Drawing No. 1540 (S)03 A2 (Proposed Site Layout) received 09/03/2022
- Drawing No. 1540 (0)06 A1 (Proposed Basement Floor Plan) received 07/02/2022
- Drawing No. 1504 (0)07 A1 (Proposed Ground Floor Plan) received 07/02/2022
- Drawing No. 1504 (0)01 A1 (Proposed First Floor Plan) received 07/02/2022
- Drawing No. 1504 (0)10 A1 (Proposed Elevations) received 07/02/2022
- Drawing No. 1504 (S)05 P2 (Fence Sections and Elevations) received 09/03/2022
- Drawing No. JN2335-Drg-0001C (Swept Path Assessment – Northern Yard) received 09/02/2022
- Drawing No. JN2335-Drg-0002 (Swept Path Assessment – Southern Yard and Site Entrance) received 09/02/2022
- Drawing No. 1540 (90)01 P1 (Proposed External Gate and Fencing Elevations) received 18/05/2022
- Fuel tank images and Drawing No. LQ313-45K-FEC received 09/03/2022
- Drawing No. 002 Rev D (Proposed External Works and Drainage) received 26/05/2022

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

3 The development hereby permitted shall be constructed in accordance with the external building materials as specified on Drawing No. 1540 (S)03 A2 (Proposed Site Layout) received 09/03/2022, Drawing No. 1504 (0)10 A1 (Proposed Elevations) received 07/02/2022, Fuel tank images and Drawing No. LQ313-45K-FEC received 09/03/2022, Drawing No. 1540 (90)01 P1 (Proposed External Gate and Fencing Elevations) received 18/05/2022; and the materials schedule received 09/03/2022, unless the Local Planning Authority first agrees any variation in writing.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 Prior to the installation of any lighting scheme as part of the development hereby permitted, full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall then be implemented and retained and maintained henceforth for the lifetime of the development.

To ensure a satisfactory standard of development, in the interests of visual amenity, and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

5 Prior to the development hereby permitted being brought into use / operation, an acoustic barrier shall be erected in the position as illustrated on Drawing No. 1540 (S)03 A2 (Proposed Site Layout) received 09/03/2022, and in accordance with the recommendations within the Noise Assessment by Miller Goodall Acoustics and Air Quality (Report Number 102689) (dated 21st January 2022) received 07/02/2022. The acoustic

barrier shall be of solid or close-boarded timber construction with a minimum superficial mass of 10kg/m² and a consistent height of 4 metres. The acoustic barrier shall then be retained and maintained henceforth for the lifetime of the development.

To safeguard the amenity of nearby occupiers in relation to noise impacts, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 6 Within six months of the first occupation of the development hereby permitted, a Final Travel Plan, consistent with the objectives and requirements of the Interim Travel Plan by Aberdeen Standard Investments (dated January 2022) received 07/02/2022, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then operate in full accordance with the approved Final Travel Plan, with Employee Travel Surveys being undertaken within three months of first occupation of the site and biannually thereafter during the lifespan of the Final Travel Plan.

To ensure a satisfactory form of sustainable development and to comply with Policy ST3 of the adopted Core Strategy and Development Plan.

- 7 Prior to the first occupation of the development hereby permitted, the vehicle hardstanding areas, including the access route and service yard as shown on Drawing No. 1540 (S)03A2 (Proposed Site Layout) received 09/03/2022, shall be installed / completed on-site and made available for use. The vehicle hardstanding areas shall then be retained and maintained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 8 The existing vehicle parking bays including the accessibility area illustrated on Drawing No. 1540 (S)03 A2 (Proposed Site Layout) received 09/03/2022, existing cycle parking provision and two electrical vehicle charging points positioned in the undercroft to the north east corner of the building, and the existing refuse storage area positioned in the undercroft to the south east corner of the building, shall be retained and maintained henceforth for their designated purpose.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

- 9 Prior to the first occupation of the development hereby permitted, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme within the document titled 'Flood Risk Assessment and Drainage Strategy' by JC Consulting (dated 05/11/2021) (Report Ref: JCC21-142-C-01) received 23/11/2021. This verification report shall include:
- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
 - Construction details (component drawings, materials, vegetation);
 - Health and Safety file; and
 - Details of ownership organisation, adoption and maintenance to be read in conjunction with the document titled 'Flood Risk Assessment and Drainage Strategy' by JC

Consulting (dated 05/11/2021) received 23/11/2021

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS, to reduce the risk of flooding, and to comply with Policies WW2 and WW3 of the adopted Core Strategy and Development Plan.

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

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

- 11 Development shall be implemented in accordance with Section 5 Conclusion and Recommendations of the submitted " Ecological Impact Assessment dated 05.05.2022 (prepared by Tyne Ecology).

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

Reference No.: 22/00529/SUB Resubmission

Proposal: **Erection of a single storey extension with access stairs to rear and creation of smokers area (resubmission).**

Location: Mamas Kitchen Houghton Road Newbottle Houghton-Le-Spring DH4 4EF

Ward: Houghton

Applicant: Mrs Helen Cooper

Date Valid: 17 March 2022

Target Date: 12 May 2022

PROPOSAL:

APPLICATION SITE

The application site is Mama's bar/grill/pizzeria restaurant situated on the light-controlled junction of Coaley Lane and the A182 Houghton Road in the village of Newbottle. The restaurant is a two-storey building plus a cellar, with a single storey extension to the side, and a car park to the front and side. A compound sits to the rear of the building that provides staff parking and outdoor storage. There are two accesses to the car park, one from Coaley Lane and one from Houghton Road. The land rises up steeply to the east and north so that the car park sits on sloping ground and the host property sits at a much higher ground level than the residential properties to its rear.

The application site is partially included within the Newbottle Conservation Area (car park and extension), the original building itself is outside the boundary.

PROPOSAL

The proposal relates to the erection of a two-storey extension to the rear of the property to provide a staff room and store, with a kitchen extension and smokers' terrace above. Due to the ground levels, the staff and storeroom will be at basement level whilst the kitchen and outdoor terrace will adjoin the existing property at ground floor level. The extension will span across slightly less than half of the rear elevation of the original building and across the rear of the existing side extension and will occupy approximately half of the outdoor storage compound.

The proposal represents a resubmission of a similar application (ref 21/02840/FUL) that Members may recall was refused on 9 February 2022. The reasons for refusal related to the impact of the development upon the nearby residential properties in terms of visual intrusion, overlooking and consequent loss of privacy, and the adverse visual impact of the development by reason of its size, design and elevated position. The difference between the two submissions is that the previously refused scheme proposed a lean-to roof whereas the current scheme proposes a flat roof with two roof lantern lights.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management

Final Date for Receipt of Representations: **15.04.2022**

REPRESENTATIONS:

Public Consultation

Fifty letters of objection have been received, 1 petition against the development with 72 signatures, and 29 letters of support.

The objectors' main concerns are;

- The development will result in increased on street parking and traffic to and from the site which causes disruptions to nearby residents and can be hazardous due to the proximity of the site to the light controlled junction;
- The development will overlook the adjacent residential properties leading to a loss of privacy;
- Noise from patrons using the terrace is likely to cause disturbance to nearby residents;
- The development will lead to increased litter which will attract vermin;
- Cooking smells and cigarette smoke will cause a nuisance to nearby residents;
- The development will result in a detriment to the visual amenities of the conservation area.

The main reasons for support are;

- The development will relocate smokers away from the front of the building;
- The improvements to the kitchen will improve service;
- The development will support a local business and jobs;
- The development will support a business that caters for specific dietary requirements.

Consultees

Council's Environmental Health team - Environmental Health has considered the application and have no objections to the proposed development, subject to consideration of the inclusion of a condition requiring, prior to the use of the development, a scheme of odour control to be submitted for the approval of the LPA together with an odour risk assessment.

Council's Conservation team - The Conservation Team have no objections as the proposal will have no impact on the character and significance of Newbottle Conservation Area.

Council's Transportation Development team - The Transportation Team have commented that, without the provision of acceptable replacement staff parking, a servicing area and bin storage, parking will be displaced onto the highway within the vicinity of the site and the busy junction, to the detriment of pedestrian and highway safety.

COMMENTS:

ISSUES TO CONSIDER

In assessing the proposal, the main issues to consider are;

- visual amenity
- residential amenity
- highway safety

Visual Amenity

Policy BH1 of the CSDP states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Policy BH8 of the CSDP states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. To preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development within and adjacent to conservation areas should be of high design quality, to respect and enhance the established historic townscape and built form, street plan and settings of conservation areas and important views and vistas into, within and out of the areas.

The application site is partially included within the Newbottle Conservation area. The positioning of the site is identified as being a key gateway into the Conservation Area. The Council's Conservation Team have commented that the building is currently in use as a restaurant and has the associated commercial extraction, bin store and signage. These do not interfere with views into or out of the Conservation Area and the proposed extension and terrace will not harm the significance or setting of Newbottle. Providing all materials match the existing, the Conservation Team has no objections to the proposal in terms of its impact upon the conservation area.

The application site occupies a prominent position on a busy junction. The elevated position of the building as the land climbs steeply up Coaley Lane means that its rear elevation is highly visible. The proposed extension will span across nearly half of the width of the rear elevation below the level of the first-floor windows, whereas the smoking terrace will cover the rear of the single-storey extension. The development will be visible from the approach from the west up Coaley Lane. The design and scale of the previously refused scheme, with a pitched lean-to roof, was not considered likely to result in the introduction of an obtrusive element within the streetscene from the public point of view. However, the currently proposed scheme, with a flat roof and a slightly higher ridge line, is not considered to be in keeping with the character of the host property to the detriment of the visual amenities of the area.

Residential Amenity

Policy BH1 of the CSDP also states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

In order to achieve and retain acceptable levels of space, light and privacy, the Development Management Supplementary Planning Document (SPD) sets out recommended standards for spacing between dwellings (which can also be used to assess the impact of non-residential development upon residential properties) as follows:

- main facing windows, 1 or 2 storeys - minimum of 21m from any point of facing window;
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey;
- main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window;
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey, e.g. 3 storeys 19m.

For every 1m in difference of ground levels add 2m to the horizontal difference. e.g. if the difference in plot level is 1m then the minimum distance between the main facing window and the side or end elevation should be 16m.

Notwithstanding the visual impact of the development upon the wider street scene, from the viewpoint of the residential properties to the rear of the application site the proposed extension will be highly visible due to its closer proximity and elevated position. The development also includes a ventilation duct which will impact upon the outlook from these properties.

No sectional drawings have been submitted with the application, but it is estimated that the host property sits approximately one and a half storeys above the properties to the rear. The separation distance of approximately 15.5m is way below the estimated minimum of 20m to the blank wall and 27m to the terrace required by the standards within the SPD given above.

Although the amended scheme currently under consideration will reduce the overall height by the omission of the pitched roof, this sloped away from the residential properties. Viewed from the much lower ground levels of residential properties at an oblique angle, its loss would not be particularly noticeable. Instead, the eaves height will be increased slightly which will increase the mass of the blank wall facing the houses. The design, height and positioning of the development is therefore considered likely to render it highly obtrusive dominating the outlook from the neighbouring properties to the detriment of their visual amenities.

The proposed balcony will also offer an elevated view of the rear windows and gardens of the properties to the rear. This will result in overlooking and a loss of privacy for the occupiers of those properties to the detriment of their residential amenities.

Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including odour and emissions.

The Council's Environmental Health team have commented that an extraction duct is indicated on the drawings that extends to above eaves level. This appears to be an improvement on existing provision and is acceptable (indeed is a normal requirement for commercial kitchen extraction) but a restrictive end cap is also indicated. This end cap should not be incorporated as it provides an obstruction to free flow of exhausted gases and any remaining odour. If the proposal were to be considered favourably, a condition is recommended to require, prior to the use of the development a scheme of odour control to be submitted for the approval of the LPA together with an odour risk assessment. The approved scheme should be implemented and maintained for the life of the proposed development.

Policy HS2 of the CSDP states that development which would result in noise impacts (including vibration) will be controlled by implementing the following measures... In areas of existing low levels of noise, proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the

existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

A noise assessment was not submitted with the application, however, the Environmental Health team have commented that the glazed screen around the proposed smoking area will minimise the potential for impact upon the neighbouring properties provided that there is not amplified music and that it is not used after 11pm. However, there is potential for the area to be used as an outdoor drinking area, which could lead to noise from raised voices causing a nuisance to the residential occupiers enjoying their garden during the evenings. Whilst this may not be a significant detriment to residential amenity to merit a refusal in isolation, it will be an additional deterioration of the quality of living for the residents as a result of the development.

Given the above, it is considered that the development will result in a serious detriment to the residential amenities of neighbouring properties particularly by reason of loss of outlook, overlooking and loss of privacy. The proposal is contrary to policy BH1 of the CSDP and is unacceptable in this respect.

Highway safety

Policy ST2 of the CSDP sets out the requirement for proposals to ensure that development has no unacceptable adverse impact on the Local Road Network.

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

The proposed development would remove the service yard/staff parking and the bulk of the outdoor storage within the existing rear compound. The area around the site already suffers from overflow parking which obstructs the highway and footpaths creating a hazard to pedestrian and highway safety. The development would also preclude the storage of the commercial refuse bins within the outdoor compound. (It is noted that a bin store has been erected on land adjacent to the entrance to the site from Coaley Lane to the west which appears to encroach on land outside of the site boundary. This is being investigated as a separate matter.) Without the provision of acceptable replacement staff parking, a servicing area and bin storage, parking will be displaced onto the highway within the vicinity of the site and the busy junction, to the detriment of pedestrian and highway safety and contrary to policies ST2 and ST3 of the CSDP.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/ proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/ proposal due regard has been given to the following relevant protected characteristics: o age;
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- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;

- o sexual orientation.

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

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

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

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

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

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. 11.

CONCLUSION

The development has been found to be likely to result in harm to the living conditions of the occupiers of the neighbouring residential properties by reason of overlooking, loss of privacy and outlook, and is likely to lead to conditions detrimental to highway safety. For the reasons given above the development is contrary to policies BH1, ST2 and ST3 of the CSDP.

The proposal is considered to be unacceptable and Members are therefore recommended to refuse planning permission for the reasons set out below.

RECOMMENDATION: REFUSE subject to the reasons stated below:

Reasons:

- 1 The proposal would be detrimental to the visual amenities of the host property, the streetscene, and adjacent residents in particular, by reason of its size, design and elevated position and as such would be contrary to policy BH1 of the CSDP.

- 2 The proposals would be detrimental to the amenities of adjacent residential properties by reason of visual intrusion, overlooking and consequent loss of privacy and as such would be contrary to policy BH1 of the CSDP.
- 3 The proposed development would remove existing staff car parking, servicing and bin storage from the site and without adequate replacement provision would lead to on street parking and the creation of conditions prejudicial to road safety and as such is contrary to policies ST2 and ST3 of the CSDP.

Reference No.: 22/00602/VAR Variation of Condition

Proposal: **Variation of conditions 2 (approved plans) and 16 (landscaping) attached to planning permission 19/01484/FU4 - amendments to earlier grant of planning permission including variation of finished floor levels and provision of retaining wall to north western boundary of site**

Location: Land At Former Ayton School Goldcrest Road Ayton Washington NE38 0DL

Ward: Washington South

Applicant: Mr Paul Hacking - Vistry Partnerships

Date Valid: 17 March 2022

Target Date: 16 June 2022

PROPOSAL:

Introduction

A Ward Councillor has requested that the Application be determined by the Planning & Highways Committee; rather than by officers on a delegated basis.

The Application seeks to vary conditions attached to an earlier grant of planning permission for the construction of 56 dwelling houses at the former Ayton School, Goldcrest Road, Ayton (ref: 19/01484/FU4). The Application seeks to vary condition no. 2 (approved plans) and 16 (landscaping).

The submitted Application Form describes the reasons for the conditions being changed as

"Con 2 - Amendments to the drainage strategy including but not exclusive to the increased storage requirements, revised surface water outfall, established invert levels of existing adopted infrastructure (foul water) and accommodating bounding levels for tying in footpaths and creating permeability as required by the original approval.

Con 16 - Landscaping has been revised primarily around the SUD's basin and in-curtilage car parking amended to include hardstanding access alongside associated car parking bays leading to the main entrance of the dwelling(s) as required by Building Regulations"

Planning Officers would summarise the proposed amendments as

- Amendments to the finished floor levels of the proposed dwelling houses across the site, increasing the height by up to 1.3 metres.
- Provision of retaining walls towards the north west of the site, a maximum height of up to 1 metre.

The submitted Application Form says that the development started on 20 January 2020. Planning Officers would draw to attention that the National Planning Policy Guidance, at paragraph: 012 Reference ID: 17b-012-20140306, says that:

"the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission - such an application must be considered in the normal way"

The principle of the proposed development has already been established by the earlier grant of planning permission (ref: 19/01484/FU4).

Planning Officers therefore consider that the matters for consideration are the differences between the previous grant of planning permission and the current Application. These matters, in the opinion of Planning Officers, are amenity, design, drainage and highways.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington South - Ward Councillor Consultation
Flood And Coastal Group Engineer
Network Management

Final Date for Receipt of Representations: **12.05.2022**

REPRESENTATIONS:

There has been one representation received from a Ward Councillor which has been repeated below

"I did receive contact from Mr and Mrs Smith from 7 Kittiwake close who alerted me to the concerns that they had that the property on the site was not being built at the lower level promised at consultation meetings with Vistry partnership and was obviously shown as agreed in the original plans.

This adversely affects the outlook from 7 Kittiwake Close and is proving to be of concern to the Smiths.

I also feel that Vistry have shown contempt of the planning system and have ridden roughshod over it. In the circumstances I wish to bring this variation to the attention of the Development control committee for Washington and Houghton."

POLICIES:

Core Strategy and Development Plan (2015-2033): HS1, BH1, WWE2-4 and ST2-3

Supplementary Planning Document: Development Management

COMMENTS:

Amenity

The increase in the finished floor levels for the proposed dwelling houses to the north eastern boundary would be around 0.3 - 0.7 metres. These proposed dwelling houses would, however, be separated from the existing bungalows by a turning head and parking spaces; which means the increase in height would not lead to a material impact upon amenity.

The exception would be the proposed dwelling house on plot 1 which would be closer to the north eastern boundary. The increase in the finished floor level of around 0.6 meters would, however, need to be given consideration in conjunction with the separation distance of around 12.25 metres from the proposed dwelling house to the nearest point of the closest existing dwelling house (no. 16, Whitethroat Close). Planning Officers consider that the separation distance in question means there would not be a material impact upon amenity for the occupiers of the existing dwelling house at no. 16.

The increase in the finished floor levels for the proposed dwelling houses to the south western boundary would be around 0.5 - 0.7 metres. The south west of the site does, however, face onto a footpath and then Ayton Park.

The increase in the finished floor levels for the proposed dwelling houses to the south eastern boundary would be around 0.1 - 0.8 metres. The south east of the site does, however, face onto a footpath and then a small woodland area.

The increase in the finished floor levels for the proposed dwelling houses to the north west would be around 0.2-0.7 metres. The increase in finished floor levels would, however, need to be given consideration in conjunction with the separation distance of around 17.75 metres from the proposed dwelling houses to the nearest point of the closest existing dwelling houses (the bungalows / dwelling houses at no. 7-11 Kittiwake Drive). Planning Officers consider that the separation distance in question means there would not be a material impact upon the amenity.

The exception would be the existing dwelling house at no. 12 Kittiwake Drive; which has been sited closer to the boundary. The existing dwelling house does, however, generally face across the back garden of the proposed property within the development site (plot 35). Planning Officers consider that these arrangements mean there would not be a material impact upon the amenity for the occupiers of the existing dwelling house at no. 12.

The proposed retained walls would generally be within the development site and would not lead to a material impact upon the amenity of the nearby residents.

The exception would be the wall to the very north west of the site which runs generally parallel with the boundary of no. 7-8 Kittiwake Drive. The wall has, however, been constructed to be a structural retaining wall to accommodate the drop in land levels from Kittiwake Drive onto the development site. The wall would therefore not lead to a material impact upon amenity.

In terms of material considerations, there has been a representation submitted from a Ward Cllr which says, after contact with the occupiers of no.7 Kittiwake Drive, that:

"the property on the site was not being built at the lower level promised at consultation meetings with Vistry partnership and was obviously shown as agreed in the original plans. This adversely affects the outlook from 7 Kittiwake Close and is proving to be of concern"

Planning Officers would initially draw to attention that the dwelling house closest to no. 7 on plot 44 had a previously approved finished floor level of 74.35m AOD and the current Application proposes 74.65m AOD; an increase of around 0.3 metres. The Applicant has also submitted a Daylight and Sunlight Study which says that:

"In summary, the numerical results in this study demonstrate that the development as built, will have a very low impact on the light receivable by its neighbouring properties. The daylight and sunlight to the neighbouring properties tested will not be significantly worse than if the houses had been built as per the Approved planning application. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties."

Planning Officers therefore consider that the proposed amendments would not have a material impact upon the amenity of the land and properties which surround the development site.

In the absence of any other material considerations to the contrary, the proposal accords with policy HS1 (Quality of life and amenity) of the Core Strategy and Development Plan (2015-2033).

Design

The proposed amendments, generally limited to the finished floor levels and retaining walls, would not materially affect the character and appearance of the development site. In the absence of any material considerations to the contrary, the proposal accords with policy BH1 (Design quality) of the Core Strategy and Development Plan (2015-2033).

Drainage

The submitted Application Form describes the reasons for the conditions being changed as including

"Con 2 - Amendments to the drainage strategy including but not exclusive to the increased storage requirements, revised surface water outfall, established invert levels of existing adopted infrastructure (foul water) and accommodating bounding levels for tying in footpaths and creating permeability as required by the original approval.

Con 16 - Landscaping has been revised primarily around the SUD's basin and in-curtilage car parking amended to include hardstanding access alongside associated car parking bays leading to the main entrance of the dwelling(s) as required by Building Regulations"

The Lead Local Flood Authority have advised that the "proposals are acceptable from a flood risk point of view".

In the absence of any material considerations to the contrary, the proposal accords with policy WWE2 (Flood risk and coastal management), WWE3 (Water management) and WWE4 (Water quality) of the Core Strategy and Development Plan (2015-2033).

Highway

The submitted Application Form describes the reasons for the conditions being changed as including

"Con 2 - Amendments to the drainage strategy including but not exclusive to the increased storage requirements, revised surface water outfall, established invert levels of existing adopted infrastructure (foul water) and accommodating bounding levels for tying in footpaths and creating permeability as required by the original approval.

Con 16 - Landscaping has been revised primarily around the SUD's basin and in-curtilage car parking amended to include hardstanding access alongside associated car parking bays leading to the main entrance of the dwelling(s) as required by Building Regulations"

The Local Highway Authority have advised that they have "no highways or transport related objections to this application"

In the absence of any material considerations to the contrary, the proposal accords with policies ST2 (Local road network) and ST3 (Development and transport) of the Core Strategy and Development Plan (2015-2033).

Obligations

The Council's Solicitor has advised that any variation, such as that proposed by the current Application, would still be bound by the previously completed Section 106 Agreement

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/ proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/ proposal due regard has been given to the following relevant protected characteristics: o age; Page 315 of 340

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

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

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

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

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

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

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. 11.

Conclusion

The amendments accord with the relevant policies of the development plan and there are not any material considerations that indicate a decision should be made otherwise.

RECOMMENDATION: Approve subject to the conditions detailed below:

Conditions:

- 1 The development hereby granted permission shall be retained in full accordance with the following approved plans:

Drainage Strategy Plan (P20-065-3E-ZZ-XX-DR-C-0001-P2)

Site Proposed (Drawing No: PC0D114-NAP-X-XX-DR-A-06-012, Rev: P33)

Detailed landscape proposals (Drawing No. c-1677-02, Revision I)

Proposed Fencing (Drawing No: PC0D114-NAP-X-XX-DR-A-06-014, Rev P25)

House Type 304 (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-007 Rev 6) (as submitted via 19/01484/FU4)

House Type 1047 (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-008 Rev 3) (as submitted via 19/01484/FU4)

House Type Eveleigh (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-002 Rev 7) (as submitted via 19/01484/FU4)

House Type Hardwick (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-004 Rev 7) (as submitted via 19/01484/FU4)

House Type Mountford (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-005 Rev 7) (as submitted via 19/01484/FU4)

House Type Mylne (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-003 Rev 7) (as submitted via 19/01484/FU4)

House Type Wyatt (Drawing No GTAR-191009-NAP-X-XX-DR-A-07-006 Rev 6) (as submitted via 19/01484/FU4)

House Type Double Garage (Drawing No PC0D114-191008-NAP-X-XX-DRA-07-009 Rev 1) (as submitted via 19/01484/FU4)

Proposed Streetscape Sections (Drawing No: PC0D114-191009-NAP-X-XX-DR-A-09-001, Rev: P11)

Proposed Streetscape Sections (Drawing No: PC0D114-191009-NAP-X-XX-DR-A-09-002, Rev: P10)

External Detail Schedule (Drawing No. SC 001) (as submitted via 19/01484/FU4)

External Finishes Schedule (Drawing No. PCD0D114-191004-NAP-XX-XX-SC-A-XX-01) (as submitted via 19/01484/FU4)

Proposed Materials (Drawing No: PC0D114-NAP-X-XX-DR-A-06-016, Rev P17)

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

- 2 During the construction phase, the tree protection measures, shown on Drawing 2: Tree Protection Plan (Drawing Number D6879.002) (as submitted via 19/01484/FU4) and Tree Protection Fencing Specification (Drawing Number D.TREE_FENCING.001) found within the Arboricultural Impact Assessment (October 2019) (as submitted via 19/01484/FU4), shall be fully provided on site. The tree protection measures shall only be removed once the development has been fully completed.

Reason: To ensure, in accordance with policy CN17 of the Unitary Development Plan, the development hereby approved retains trees which make a valuable contribution to the character of the area.

- 3 During the construction phase, the scheme of grouting and stabilisation, approved via 20/00404/DIS, shall be fully undertaken on site.

Reason: To ensure, in accordance with policy EN14 of the Unitary Development Plan, the development hereby approved includes remedial measures.

- 4 During the construction phase, the remediation works (approved via 20/00888/DIS) shall be carried out in full.

Reason: To ensure, in accordance with policy EN14 of the Unitary Development Plan, the development hereby approved includes remedial measures.

- 5 The energy conservation measures, approved via 20/00408/DIS, shall be incorporated into the dwelling houses hereby approved and thereafter retained.

Reason: To ensure, in accordance with policy R4 of the Unitary Development Plan, the development hereby approved has regard to the efficient use of energy.

- 6 During the construction phase, in the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 and paragraph 109 and 120 of the National Planning Policy Framework.

- 7 During the construction phase, the noise mitigation (approved via 20/02171/DIS) shall be incorporated into each dwelling house and thereafter retained.

Reason: To ensure, in accordance with policy EN6 of the Unitary Development Plan, the development hereby approved would not be exposed to unacceptable levels of noise.

- 8 No dwelling house shall be occupied until the footway, as shown on the proposed site plan (Drawing No: PC0D114-NAP-X-XX-DR-A-06-012, Rev: P33), running along Goldcrest Road from the site to Fulmar Drive has been fully provided.

Reason: To ensure, in accordance with policy T14 of the Unitary Development Plan, the development hereby approved would be accessible for pedestrians.

- 9 The welcome pack, approved via 20/02176/DIS, shall thereafter be provided to each new household.

Reason: To ensure, in accordance with policy T14 of the Unitary Development Plan, the development hereby approved would be accessible.

- 10 Within the first planting season following the completion of the development hereby approved, the proposed on-site habitat creation (as shown within Section B.2 and Figure 4 of the submitted Ecological Mitigation and Management Plan, November 2019 Final R07) (as submitted via 19/01484/FU4) shall be fully provided on site; including watering during dry periods and replacing any habitat that fails within the first two years.

Reason: To ensure, in accordance with policy CN22 of the Unitary Development Plan, the development hereby approved would not be detrimental to the species and overall biodiversity of the City.

- 11 Within the first planting season following the completion of the development hereby approved, the proposed bat and bird boxes (as shown on Figure 3 of the submitted Ecological Mitigation and Management Plan, November 2019 Final R07) (as submitted via 19/01484/FU4) shall be fully provided on site.

Reason: To ensure, in accordance with policy CN22 of the Unitary Development Plan, the development hereby approved would not be detrimental to the species and overall biodiversity of the City.

- 12 Within the first planting season following the completion of the development hereby approved, the proposed landscaping (as shown on drawing no. C-1667-02 Revision I) shall be fully provided on site. The landscaping shall be maintained for a period of at least 2 years; including watering during dry periods and replacing any landscape elements fail.

Reason: To ensure, in accordance with policy B2, the development hereby approved respects the best qualities of the locality.