

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the 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.: 17/02012/FUL Full Application

Proposal: **Erection of 50no. dwellings with on-site foul pumping station, associated access and landscaping works (amended scheme).**

Location: Land At Redburn Road Chilton Moor Houghton-le-Spring

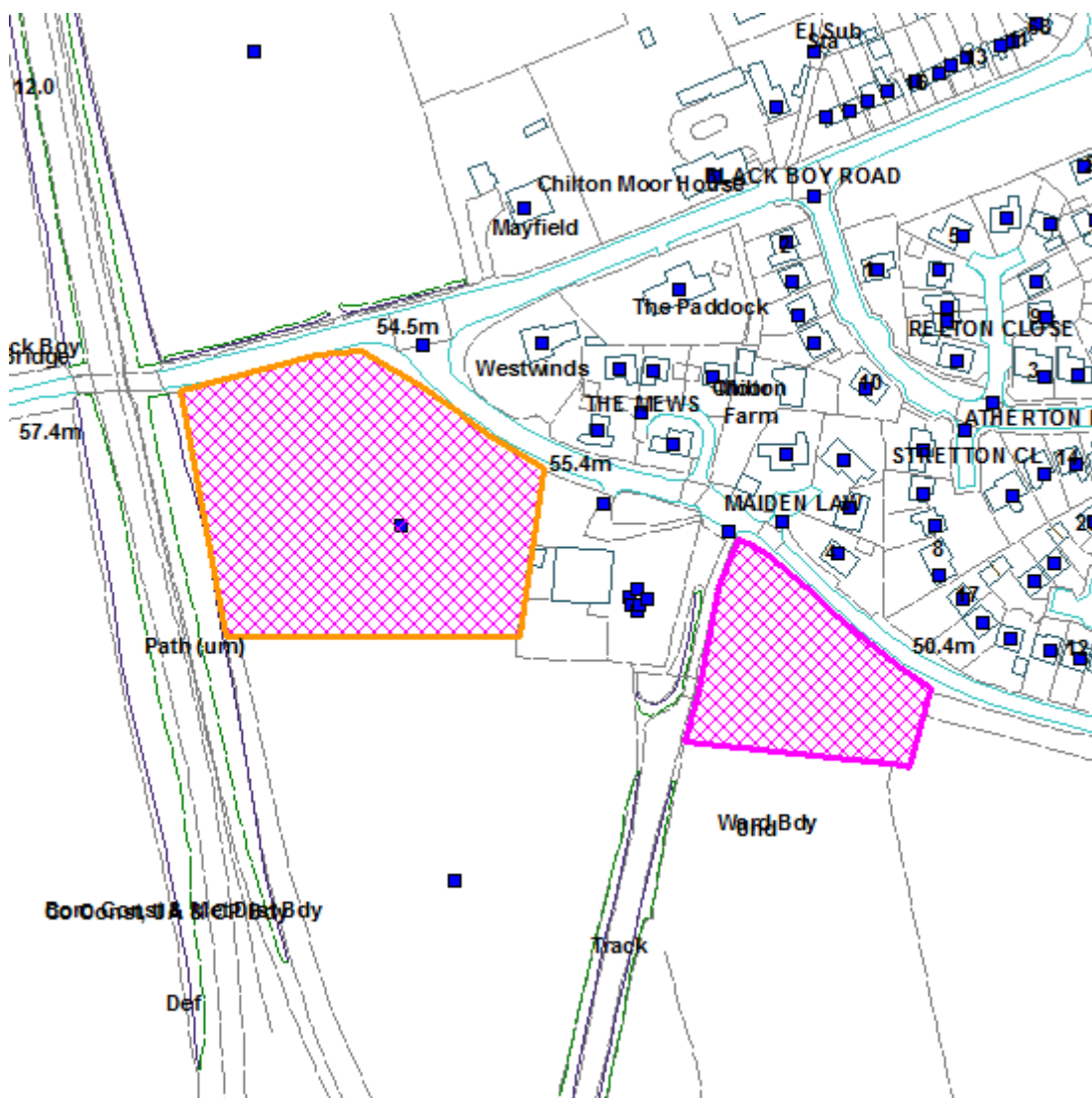
Ward: Houghton

Applicant: Gleeson Regeneration Ltd.

Date Valid: 9 November 2017

Target Date: 8 February 2018

Location Plan



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PROPOSAL:

Full planning permission is sought for the erection of 50 no. residential dwellings with associated access and landscaping works on land at Redburn Road, Chilton Moor, Houghton-le-Spring.

The proposal affects two irregularly-shaped plots of undeveloped green open land on the south side of Redburn Road and Black Boy Road, at the western edge of Chilton Moor. Although the two plots appear capable of agricultural use, both are relatively overgrown, with no obvious signs of recent animal grazing or crop planting in evidence.

Site A is the larger of the two plots and has an area of just under 1 ha. Its northern edge is bordered by Black Boy Road and then, after the junction between the two, by Redburn Road. To the south is open agricultural land stretching away towards Rainton Meadows Nature Reserve and Local Wildlife Site (LWS), which contains the Joe's Pond Site of Special Scientific Interest (SSSI), whilst to the west is the (currently mothballed) Leamside railway line, which also serves as the border with County Durham.

Site B, meanwhile, has an area of approximately 0.4 ha and is bordered by Redburn Road on its north side and agricultural land to its east and south. Whereas Site A's boundaries to Black Boy Road and Redburn Road are generally open, save for a section of mature hedging at the north-east corner of the site, Site B is primarily enclosed by dense hedging interspersed with a number of mature trees. Both plots are relatively flat.

The two plots stand approximately 70 metres apart and are separated by an area of fairly rough open space (outside the ownership of the applicant), on which stands an agricultural building, used in association with the handling of livestock, and an area of hardstanding. A public right of way (Houghton Footpath 106) leading from Redburn Road to Rainton Meadows runs alongside the western boundary to Site B, following the line of a disused mineral line.

As noted above, the land to the south of the two plots is primarily agricultural in nature, as is the land further east, on the far side of the Leamside line. However, on the north side of Redburn Road are the buildings of Chilton Moor Farm and the modern residential cul-de-sacs of The Mews (approved in 1991, application ref. 91/0025B) and Maiden Law (approved in 1983, application ref. 83/1629), all of which are accessed from Redburn Road and together form the south-western edge of the urban area of Chilton Moor.

A development of 70 no. dwellings by Persimmon Homes is also currently under construction to the north-east of the application site (application refs. 14/01647/FUL and 16/01321/VAR), whilst at the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting of 6th June 2017, Members resolved to approve an outline planning application for up to 141 no. dwellings on land to the north of Black Boy Road (application ref. 16/02123/OU4) subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended). The agreement has not yet been completed and so the permission has not yet been granted.

The application site has also been subject to a recent planning application for new housing. To this end, as Members may recall, outline planning permission was granted on 9th June 2015 for the erection of 27 no. dwellings across the two plots (application ref. 14/01804/OUT), with matters relating to layout, scale and access given formal approval. The approval was subject to a section 106 agreement which secured the provision of affordable housing within the development, together with financial contributions towards a road safety scheme, off-site biodiversity enhancements and mitigation measures, education facilities and off-site play

facilities. The outline planning permission has not been followed by an application for reserved matters and so the outline permission has now expired.

Members should also note that an application for the erection of 5 no. dwellings on the land which separates the two proposed development plots has been approved under delegated powers (application ref. 16/00091/HYB). The approved development has not, however, commenced.

The current full planning application has been submitted by Gleeson Homes Ltd. and it originally proposed the erection of 53 no. residential dwellings across the two plots, with 38 no. dwellings proposed to Site A and 15 no. dwellings proposed to Site B. The development is proposed to provide a mixture of 2-, 3- and 4-bedroomed detached and semi-detached two-storey dwellings. All dwellings will be afforded front and rear gardens of varying sizes, off-street parking spaces to their front or side and many will benefit from detached or attached private garages.

The development to Site A is proposed be accessed from Redburn Road, just to the east of its junction with Black Boy Road, whilst the development to Plot B is also proposed to be accessed from Redburn Road, to the east of its junction with Maiden Law.

Boundaries to the perimeter of the site were initially proposed to take the form of 1.8 metre high close-boarded timber screen fences which, where relevant, will run alongside retained sections of the existing boundary hedges. Hard and soft landscaping within the site will take the form of limited areas of grassed planting, tarmacked roads and footways and private driveways constructed from permeable crushed aggregate.

The proposals have, through the course of considering the application, been amended due to problems encountered by the applicant in respect of foul drainage arrangements. This has resulted in the need to include a below-ground foul pumping station within the confines of Site B, which has in turn led to the loss of 3 no. dwellings, taking the total proposed within Site B to 12 no. properties and 50 no. dwellings across the development as a whole. The revised development would deliver 13 no. 2-bed dwellings, 36 no. 3-bed dwellings and 1 no. 4-bed dwelling.

The proposals have also been amended to take account of issues raised by the Council's Urban Design and Highways officers (details of which are provided later in this report). The following amendments have been made:

- Introduction of 'corner turning' dwellings to selected plots to provide greater interaction with the Redburn Road frontage;
- Introduction of sections of 1.8 metre high wall and fence along the Redburn Road frontage to avoid the provision of long, unbroken expanses of fencing;
- Layout of dwellings altered to improve separation distances between each property;
- Garages moved back to provide a greater level of in-curtilage parking space and additional visitor bays provided within the highway;
- Use of Gleeson's 'rural' housetypes within the development, the elevations of which afford a more 'rural' aspect than the originally-proposed housetypes;
- Changes to planting proposals, with specification of species provided;
- Greater clarification on the amount of hedging to be retained as part of the development;
- Provision of 16 no. bat bricks to dwellings within the proposed development;

The application has been accompanied by a comprehensive range of supporting documentation, namely:

- Planning Statement;
- Design and Access Statement;
- Economic Benefits Report;
- Phase I and Phase II Geo-Environmental Site Investigation and Risk Assessment;
- Cultural Heritage Assessment;
- Archaeological Geophysical Survey;
- Flood Risk Assessment;
- Drainage Assessment;
- Preliminary Ecological Appraisal;
- Tree Survey;
- Construction Management Plan;
- Transport Statement;
- Transport Assessment;
- Parking Statement;
- Site Waste Management Plan;
- Sustainability Statement;

It should also be noted at this stage that the applicant has submitted a Viability Assessment, which sets out the financial returns available from the development proposal, in order to inform the level of financial contributions and other planning obligations the scheme would be able to sustain if these were required by the Council. The applicant's Assessment has been appraised by the District Valuation Service (DVS), who provide independent property advice to the public sector. The DVS report concludes that in order to secure a typical profit of 17.5% Gross Development Value (GDV), or 16.98% GDV 'blended' profit (taking into account the typical profit from the bulk sale of affordable housing), the scheme would only be able to support financial contributions totalling £50,000 and would not be able to support affordable housing. The applicant has confirmed that this £50,000 will be made available to set against any financial contributions and planning obligations sought by the Council.

Members should note that the report supplied to the Council by the DVS has been produced independently and is considered to have robustly analysed the Assessment provided by the applicant.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Northumbrian Water
 Hetton Town Council
 Network Management
 Southern Area Command - Police
 Network Rail
 Fire Prevention Officer
 Durham Wildlife Trust
 Public Rights Of Way Officer
 Durham County Council
 Houghton - Ward Councillor Consultation
 NE Ambulance Service NHS Trust
 Environment Agency

Environmental Health
Director Of Childrens Services
Natural England
Tyne And Wear Archaeology Officer
The Coal Authority
Nexus
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **13.12.2017**

REPRESENTATIONS:

Public consultation - two letters of objection have been received in response to public consultation, from the occupiers of 'Westwinds' and 4 Atherton Drive. The following concerns have been raised:

From 'Westwinds':

- Objector was disappointed that planning permission was previously given to build on a greenfield site (i.e. outline planning permission ref. 14/01804/OUT) and is surprised that an application has now been submitted for almost double the number of dwellings previously approved;
- The development is too high density and not in-keeping with the urban fringe location of the site;
- A development of 2- and 3-bedroom houses are not in-keeping with existing properties in the local area;
- The applicant's suggestion that the development will improve security, reduce crime and assist in regeneration is not relevant to this location and is more appropriate to a brownfield site;
- Some of the supporting documentation is misleading, including references to housetypes which are not shown on the submitted plans and to a footway along Redburn Road, which doesn't exist;
- The new proposals do not include a footway along Redburn Road from Black Boy Road to Site B and the existing road is narrow, twisting and dangerous for pedestrians to use;
- The proposals do not include the road safety measures to Redburn Road included in the previous outline permission;
- Concern that the development will result in greater danger to road users and pedestrians.

From 4 Atherton Drive:

- The development is too high density and does not improve the image of the City or provide the 'good quality' housing required;
- The area has been inundated with proposals for new housing;
- The developers have encountered problems with the building work on the land to the rear of Atherton Drive (i.e. development approved by planning permission ref. 14/01647/FUL), including with regard to building foundations;
- Concerns raised over flooding issues in the area;
- Proposal to increase number of dwellings on the site is driven by profit-seeking;
- Concerns over impact of development on highway safety, school provision and other services (e.g. doctors);
- Existing residents have chosen to move to properties with an 'open aspect' and high-density housing will harm this.

Network Rail - consulted with regard to the potential impact of the proposals on the 'mothballed' Leamside line. No objections to the proposed development have been raised, but it is requested that a series of conditions and/or informative notes relating to: drainage, the use of cranes and plant, excavations/earthworks, boundary security, fencing, construction method statements, encroachment onto Network Rail land, soundproofing of new dwellings and access to the railway; are imposed in the event planning permission is approved.

Durham County Council - consulted as adjoining Local Authority; no comments to make.

The Coal Authority - confirms that the application site lies within the defined Development High Risk Area and so there are coal mining features and hazards which need to be considered in relation to the determination of the planning application. In this case, records indicate that both sites abut the boundaries of a site which has been subject to surface mining.

The Coal Authority considers that the information provided within the submitted Phase I and Phase II reports is sufficient to demonstrate that the sites are not at risk from past coal mining activity and no further works in this respect are deemed to be necessary. The Coal Authority therefore has no objections to the proposed development.

Northumbrian Water - have requested the imposition of a condition requiring the submission and approval of a detailed scheme for the disposal of surface and foul water.

Natural England - no objections to the development as it is considered that the proposed development will not have significant adverse impacts on designated sites in the area, namely the European-protected sites along the Northumbrian and Durham coast and the Joe's Pond Site of Special Scientific Interest (SSSI), which is located to the south-east of the application sites.

Tyne and Wear Fire and Rescue Service - no objections to the development.

Tyne and Wear County Archaeologist - has reviewed the Cultural Heritage Assessment submitted with the application, which identifies that the remains of 19th century buildings could survive on the sites. The County Archaeologist considers, however, that as the application sites are undeveloped, earlier archaeological remains (prehistoric or Romano-British) could survive and as such a programme of archaeological work, including a geophysical survey, was considered necessary. Conditions requiring the undertaking of such work, followed by the submission and approval of reports, were recommended.

Subsequent to the provision of these comments, the applicant has arranged for the preparation and submission of an Archaeological Geophysical Survey. This has since been reviewed by the County Archaeologist, who notes that the survey has identified the aforementioned 18th and 19th century structures, but no earlier archaeological features have been observed. It is requested that in the event planning permission is approved, conditions requiring the undertaking of a programme of archaeological excavation, followed by the reporting of the results of the programme, are imposed.

NHS Clinical Commissioning Group - requests a financial contribution of £30,300 to support the provision of local healthcare infrastructure.

Council's Environmental Health team - is of the view that the development is acceptable subject to the imposition of conditions. With regard to land contamination, it is considered that the Phase I and Phase II reports adequately demonstrate that land contamination will not be a significant constraint on the development of the land. It is, however, advised that conditions are imposed requiring the submission of further information in respect of the Phase II investigation, a remediation strategy, a verification plan/validation report and a condition for dealing with the event of encountering unexpected contamination.

Subsequent to the receipt of the Environmental Health consultation response, the applicant submitted some further information and detail in relation to land contamination and ground conditions at the site, in attempt to avoid the need for the recommended planning conditions. This was in turn reviewed by the Council's Environmental Health team, who again advised that the submitted information was not sufficient to allow for the approval of the application without the imposition of the aforementioned suite of planning conditions.

The Environmental Health team have also requested that a condition be imposed which requires the preparation, submission and approval of a Construction Environmental Management Plan, which should detail how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction will be controlled and mitigated during building operations.

Council's Flood and Coastal team, in capacity as Lead Local Flood Authority - initially advised that the information provided by the applicant in their Flood Risk Assessment and Drainage Assessment was not sufficient to allow for the approval of the application.

A revised Flood Risk Assessment and Surface Water Drainage Strategy and a Sustainable Urban Drainage System Management Plan were subsequently submitted, but again, the Council's Flood and Coastal team advised that additional information, particularly in relation to hydraulic calculations, a detailed drawing for a proposed outfall into a watercourse and further details of permeable paving, was required before the application could be approved.

The additional information and details requested by the LLFA have since been provided by the applicant's consultant and the LLFA has consequently advised that the Addendum no. 3 to the Surface Water Drainage Strategy and Construction Phase Plan are sufficient to conclude that the application is acceptable in relation to flood risk and drainage. No pre-commencement conditions are recommended; it would simply be necessary for the agreed sustainable drainage strategy to be implemented as part of the development.

Council's Highways team - noted that the application includes a Transport Statement which considers trip generation and accessibility of the development site. The submitted information does not, however, consider any other committed development in the area, which will impact on trip distribution and access arrangements from the public highway and the proposed increase in dwellings over and above the number approved as part of the outline permission will need to be considered for cumulative impact on the road network. This may necessitate appropriate off-site highway improvements or mitigation measures, which could be delivered either through an agreement under s278 of the Highways Act or s106 of the Town and Country Planning Act.

It was subsequently clarified that a financial contribution of £45,000 would be sought to fund the provision of a road safety scheme along Redburn Row to manage traffic speeds and improve facilities for the safe movement of pedestrians, cyclists and other road users. This requested contribution is greater than the contribution sought in respect of the outline approval for 27 no. dwellings, which included a footway along the south side of Redburn Row between sites A and B, to ensure the delivery of a safe pedestrian route and provide connectivity between the two development plots and existing footways on the highway network.

Following the request for a financial contribution, the applicant elected to explore whether the road safety scheme required by the Council's Highways team could be delivered on the Council's behalf via an agreement under s278 of the Highways Act (which relates to the undertaking of works within the adopted highway), rather than being undertaken directly by the Council using s106 contributions. The applicant has subsequently drawn up a plan showing a proposed road safety scheme, which involves the provision of footways along Redburn Road, new kerbing, new additional driver/pedestrian warning signs, replacement and relocation of street lighting columns, new road markings and surfacing at junction points and the resurfacing of the existing carriageway.

The Council's Highways team has considered the submitted plan and have confirmed that the proposed s278 works provide suitable road safety measures and footway construction to directly support the planning application. The proposals shown by the plan are therefore considered to be acceptable and all other aspects of the proposals are acceptable in relation to highways considerations (e.g. internal highway layouts and resident and visitor parking provision). Consequently, and subject to the appropriate implementation of the road safety scheme, the Highways team have confirmed that there are no objections to the planning application on highways grounds.

Council's Urban Design team - initially raised the following concerns with the development proposals:

- The proposals offer little in the way of pedestrian and/or vehicular permeability and essentially consists of two inward-looking cul-de-sacs - this introverted scheme therefore offers little in the way of positively responding to the site's surrounding context;
- Further consideration needs to be given to how the development can contribute to creating and strengthening pedestrian and cycle connections that are attractive, well overlooked and safe;
- Further consideration needs to be given to how the scheme works with the site and its surrounding context, in particular the character of nearby housing, landscape features, trees and plants, wildlife habitats and site orientation, with emphasis placed on fitting the development into the area's broader character through landscape design and lower density levels - the current high density levels and lack of open space within the scheme prevent the development from achieving this;
- Various house types contain blank elevations; this should be revised, particularly where units stand at entrances into the sites, on corner plots or overlook footpaths;

Subsequent to the receipt of these comments, revisions were made to the initially-submitted scheme (changes made summarised in first section of this report). The amended proposals have been considered by the Urban Design team and concerns still persist, namely:

- Neighbouring built development to the north (The Mews) consists of large detached dwellings with substantial front and rear gardens, with dwellings built at a density of approximately 15 dwellings per hectare (dph). Beyond The Mews, the dwellings off Black Boy Road consist of similarly spacious dwellings and plots in a mature suburban setting at a density of approximately

20 dph. The development being constructed by Persimmon Homes, meanwhile, will have a density of approximately 30 dph.

- This analysis establishes a clear pattern to the existing urban grain, characterised by a reduction in housing density from the centre of Chilton Moor and Fencehouses towards the rural edge at Redburn Row and it would be reasonable to expect a development of the application sites to maintain this pattern by delivering a low density of large detached dwellings occupying spacious plots (as was the case with the outline planning permission). The current scheme contradicts this pattern by proposing a density of 38 dph (now 36 dph following the amendment to the proposals), delivered via smaller house types.

- This approach is considered to contrary to the local and national planning policies contained within the Council's Unitary Development Plan and the National Planning Policy Framework which require new development proposals to respect and enhance the best qualities of nearby properties and the locality and respond to local character and the identity of local surroundings.

- In addition to the above, the proposals do not appear to include any amenity greenspace, in conflict with the objectives of policy H21 of the Council's UDP.

- Previous concerns regarding the introverted nature of the scheme have been addressed in respect of Redburn Row through the inclusion of 'corner turning' units. The development would, however, still back on to Black Boy Road and in this regard, it is observed that elsewhere, properties provide either front or side elevations to this road, with brick or hedge boundary treatment; whilst the amended boundary treatment plan has introduced a brick wall to this elevation, this does not adequately address the concerns regarding a lack of activation and detailing.

Council's Ecology team - the comments of the Council's Ecology team can be summarised as follows:

- o Noted that outline planning permission was previously granted for 27 dwellings; this full application proposes 50 dwellings. The increase in number of dwellings will result in increased negative impacts from people and domestic animals upon species, habitats and designated sites (Local Sites and Rainton Meadows Nature Reserve).

- o The proposed site layout and reduction in garden size and greenspace will reduce the ecological and landscape quality of the scheme, dilute the on-site mitigation for habitat loss, and diminish the protection and viability of existing on-site features.

- o Number of dwellings, infrastructure and site layout notwithstanding, the proposal offers nothing in the way of habitat creation, including, for example, retention and management of existing hedgerows and trees outwith boundary fencing, and establishing similarly located new native perimeter hedging to improve landscaping, screening and habitat linkage and diversity.

- o Clarity is needed with regard to species (protected and priority) that require further assessment, protection and mitigation, and those that negate the need, other than through good practice such as timing of operations, exposure of ground excavations or materials and treatments used during construction.

- o The status of wetlands and presence of great crested newt within c. 500m of the site should be reassessed through appropriate survey methods to ensure all data are up to date and inform the planning decision and construction programme going forward.

- o Trees previously assessed as medium risk for roosting bats appear now to be low risk; however the assessment must make clear that all three trees and features therein are low or negligible risk for roosting bats.
- o The Preliminary Ecological Appraisal also notes a general range of birds of conservation importance potentially affected by the proposed development; primarily focused on the hedgerows and trees. The development will have an impact on species of conservation concern, including farmland birds and raptors (and mammals such as brown hares and hedgehog), by reducing territory for breeding and roosting and foraging. Mitigation and compensation for the loss of habitat and the increased disturbance from people and domestic animals on and off site is limited; the applicant should address this shortcoming, and not just the impacts on existing trees and hedgerows.
- o Habitats on site, and possibly the location of the site, suggest a negligible risk of reptiles using the site; however, further specific survey work is necessary if the report concludes a higher risk or factors change on site.
- o Preference would be to remove the road spur proposed for the south east corner of site A and reconfigure the site layout accordingly.
- o Habitat and species mitigation and enhancement measures should include those recommended in the 2014 outline approval and a mechanism to ensure the sustained and appropriate management of all features; this safeguard existing biodiversity and promote a net gain in biodiversity.

Subsequent to the receipt of these comments, further discussions around the ecological and biodiversity impacts of the development were held, culminating in the applicant submitting a 'Further Ecological Information' document, the purpose of which is to attempt to address the Council's Ecologist's comments. The document has, in turn, been reviewed by the Council's Ecologist, and the following additional comments have been provided:

1. Protection and retention of existing hedgerows, variation in new grassland/lawns and bat roost units are positive elements of the development; however they do not entirely mitigate or compensate for the impact of the development and, primarily with regard to the soft landscaping, provide no surety of sustainable long-term viability, especially if retained within each private purchaser plot. Additional planting and maintenance of connective features such as native species hedgerows should therefore be included and form an integral part of the landscaping of the site, especially around the perimeter where they do not currently exist (western plot).
2. Details of protection for existing hedgerows to be retained and the location of hedges in and outside the site/plot boundaries should be clear and agreed prior to works commencing on site. Trimming back of existing hedges must ensure best practice and retention of hedgerow vigour, aesthetic and ecological value.
3. Regarding native species: a replacement for *Sorbus aria* in the planting schedule is recommended.
4. A developer contribution towards ecological and green infrastructure provision to address on- and off-site impacts of the development, in the form of site wardening, access and habitat management and species protection; totalling £92,500.

With regard to the requested financial contribution, the Council's Ecologist has clarified that the increase in housing numbers, reduction in green space within the development, proximity to high

value nature conservation sites and cumulative impact with other approved and emerging residential development proposed in the area necessitate a long-term programme of measures for ecological protection. The focus for activity from the requested developer contribution would be:

- £13,000 x 5 years = £65,000 for warden staff
- £5,500 x 5 years = £27,500 for project budget

The project priorities involve: ground nesting, feeding and roosting birds; people, cats and dogs; weekend and evening supplement to current resource; and supporting volunteer programme; access and habitat monitoring and management.

Council's Education team - initially made a request for a contribution of £222,785 towards the provision of primary and secondary school places in the local area.

Following the reduction in the number of proposed dwellings from 53 no. to 50 no, the requested contribution has accordingly been lowered to £214,609. This figure has been calculated using a formula which takes into account the number of dwellings proposed, the number of bedrooms to be delivered by the scheme (which in turn indicates the likely number of school-age children to reside at the development) and the cost of school places as agreed with the Department for Education.

POLICIES:

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

EN10_Proposals for unallocated sites to be compatible with the neighbourhood
EN11_Restrictions upon new development or intensified use of land liable to flooding
EN12_Conflicts between new development and flood risk / water resources
EN14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H1_Provision for new housing
H4_Density of housing development to at least reflect that of the locality
H16_Negotiation for affordable housing in major developments
H21_Open space requirements in new residential developments (over 40 bed spaces)
B2_Scale, massing layout and setting of new developments
B11_Measures to protect the archaeological heritage of Sunderland (general)
B13_Sites and monuments of local importance affected by development
B14_Development in areas of potential archaeological importance
CN8_Protection of higher grades of agricultural land (Grades 2 and 3A)
CN17_Tree Preservation Orders and replacement of trees
CN20_Developments affecting designated/proposed SSSI's
CN21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN22_Developments affecting protected wildlife species and habitats
T14_Accessibility of new developments, need to avoid congestion and safety problems arising
T22_Parking standards in new developments
R3_Infrastructure provision, etc. in association with developments

ISSUES TO CONSIDER

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 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.

Members should note that footnote 6 to paragraph 11 advises that 'areas or assets of particular importance' include habitats sites and/or designated as Sites of Special Scientific Interest, Green Belt land, Local Greenspace, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

Meanwhile, footnote 7 to paragraph 11 clarifies that in relation to applications for housing, relevant development plan policies should be considered out of date in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Members should note that of relevance at this point is the Supreme Court's verdict in respect of the recent *Suffolk Coastal District Council v Hopkins Homes Ltd.* and *Richborough Estates Partnership v Cheshire East Borough Council* cases (both 2017), which determined that in respect of housing supply, the term 'relevant' policies for the purposes of paragraph 11 of the NPPF should be interpreted narrowly (i.e. meaning only those policies which specifically relate to housing supply and excluding those other policies which, although potentially having an effect on the consideration of applications for housing, have a broader purpose).

Paragraph 12 of the NPPF goes on to advise 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

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);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14); and
- Conserve and enhance the natural environment (section 15).

These core principles of the NPPF feed into policies EN10, EN11, EN12, EN14, H1, H4, H16, H21, B2, B11, B13, B14, CN8, CN17, CN20, CN21, CN22, T14, T22 and R3 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

The Council has also produced a new Core Strategy and Development Plan (CSDP), which sets out the Council's long-term plan for development across the City until 2033. The CSDP submission documents and supporting documents were submitted to the Secretary of State for examination on 21st December 2018; the examination by the Planning Inspectorate took place in a 3-week period from May - June 2019.

Paragraph 48 of the NPPF 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);
- c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

With regard to paragraph 48's advice, given that the CSDP has been subject to examination, it is considered that the policies within which are not subject to unresolved objections can now be given moderate weight. Where unresolved objections to a policy remain, it is considered appropriate to lessen the weight given to the policy. The majority of the CSDP policies referenced in this report are still subject to objections and so, unless otherwise noted, it is considered appropriate to only give these policies limited weight in the determination of this application.

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. The Council's position in respect of housing land supply and delivery;
2. Land use considerations;

3. The implications of the development in respect of residential amenity;
4. The implications of the development in relation to design and the character and appearance of the area;
5. The impact of the development in respect of highway and pedestrian safety;
6. The impact of the development in respect of ecology and biodiversity;
7. The impact of the development in respect of flooding and drainage;
8. The impact of the development in respect of ground conditions, including coal mining legacies;
9. The implications of the development in respect of archaeology;
10. The implications of the development in respect of education provision;
11. The implications of the development in respect of play provision;
12. Affordable housing considerations;
13. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

1. Housing land supply and delivery position

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.

Also relevant are paragraphs 117 and 118 of the NPPF, which require local planning authorities to give substantial weight to the value of using suitable brownfield (i.e. previously-developed) land within settlements for homes and other identified needs.

As indicated by aforementioned paragraph 11 of the NPPF, if a local planning authority cannot demonstrate five-year supply of housing land, development plan policies which are relevant to housing should be considered out-of-date and planning permission granted for housing development unless the policies of the NPPF indicate otherwise.

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council produced a Strategic Housing Land Availability Assessment (SHLAA) in 2018, which was then updated in May 2019. The SHLAA identifies sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

The 2019 update to the SHLAA concludes that the Council can demonstrate a supply of available housing land equivalent to 6.1 years (including a 5% under-delivery buffer), which would deliver 745 no. dwellings per year over the CSDP period. The figure of 745 dwellings per annum has

been identified by the Objectively Assessed Housing Need within the addendum to the Council's Strategic Housing Market Assessment (SHMA) of April 2018 and is stated as the Council's housing delivery objective for the Plan period by policy SP8 of the CSDP. Policy SP8 states that the delivery of 745 dwellings per annum will be achieved by the development of sites within the SHLAA, together with the development of sites allocated in the CSDP and forthcoming Allocations and Designations Plan (A&D Plan), the conversion and change of use of properties, the development of windfall sites and the development of small sites.

Members should also note that the housing requirement of 745 dwellings per annum set out in the Council's Publication Draft CSDP is significantly higher than the figure for the City generated by using the Government's standardised methodology for calculating housing land supply. Were the standardised methodology to be used, it would identify an annual five-year need in the City of just 570 net additional dwellings per annum. Therefore, if the standardised methodology was used as part of the five-year supply calculation, it would demonstrate that the Council is in an even stronger position in relation to the five-year supply of housing land.

It should also be noted at this point that the City has, over the period from 2015/16 - 2017/18, seen an over-delivery of housing, with a total of 2,479 homes delivered (or an average of just over 826 dwellings per year), compared to the aforementioned target of 745 dwellings per year set out in the CSDP. The Government's most recent Housing Delivery Test figures also show that the Council has delivered 186% of the number homes required over this period when using the Government's standardised methodology for calculating housing need in any given area.

The housing land supply assessed by the SHLAA includes the application site, which is considered to be capable of delivering 27 no. dwellings (the number approved in respect of the previous outline planning permission) within the next 5 years.

Given the position set out above, the Council would consider that at present, it is able to demonstrate a housing land supply of at least 5 years and so, with regard to the guidance of paragraph 11 of the NPPF, would contend that the relevant policies within its adopted UDP and the publication draft of the CSDP can be given appropriate weight (having regard to their age, consistency with the NPPF and, in respect of publication draft CSDP policies, the advice of aforementioned paragraph 48 of the NPPF). To this end, given that the housing policies within the UDP are over 20 years old, it is considered that caution must be exercised in applying these policies to the current application.

Furthermore, it is considered that in terms of it being a material consideration, the weight to be afforded to the additional housing supply proposed by the application is less than would be the case if the Council were unable to demonstrate such a healthy housing land supply and delivery position.

2. Land use considerations

With regard to local land use policy, the development site is not allocated for a specific land use on the proposals map of the Council's adopted UDP (it does not, for example, form part of the Tyne and Wear Green Belt) and nor is it identified as 'open countryside' by the Policies Map of the Council's Publication Draft CSDP. As such, policy EN10 of the UDP is applicable and this advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain - new development proposals must respect the prevailing land uses in the neighbourhood.

Clearly, it has previously been determined that the application site is, in principle, suitable for housing development given the approval of the recent outline planning application (ref.

14/01804/OUT). To this end, it is concluded that as existing housing stands on the opposite side of Redburn Road, the proposed residential development would be, in terms of broad land use principles, an acceptable use of the application site and would not unacceptably conflict with the aims and objectives of aforementioned policy EN10 of the UDP.

As noted above, whilst the application site is not allocated for housing development by the proposals map of the UDP, it has been identified as a deliverable housing site in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA) and so would support the objectives of Publication Draft CSDP policy SP8, which sets out the Council's housing supply and delivery strategy for the Plan period. It would also accord with policy H1 of the Council's UDP, which generally supports the provision of new housing in the City.

The development sites would appear to be capable of agricultural use, although they do not appear to have been subject to agricultural activity for some time, with no obvious evidence of grazing or crop planting. It is understood that the land has been left fallow in accordance with farming policies and practices and as such, could reasonably be made available for agricultural purposes. Regard must therefore be given to policy CN8 of the UDP, which seeks to protect the most valuable agricultural land in the City (i.e. Grades 2 and 3A) from development resulting in its irreversible loss, a stance echoed by policy NE12 of the Publication Draft CSDP. The approach of these policies also broadly reflects the advice of paragraph 170 of the NPPF, which requires Local Authorities to recognise the economic and other benefits of the best and most versatile agricultural land.

Natural England's Agricultural Land Classification map for the North-East region identifies the site as constituting Grade 3 land, although this mapping does not differentiate between Grade 3A and 3B land. However, a review of the MAGIC website, which is the Government's authoritative geographic information database, has shown the land to be Grade 3B and consequently, the proposal will not lead to the loss of prime, valuable agricultural land, in accordance with the aims and objectives of policy CN8 of the UDP, policy NE12 of the draft CSDP and paragraph 170 of the NPPF.

In summary, there is not considered to be any clear conflict with the aforementioned land use-related policies in the UDP and in this regard, the broad principle of a residential development of the site is considered to be acceptable. It is acknowledged that the proposals involve the development of a greenfield site, but it must be recognised that the land is envisaged as contributing to the delivery of housing within the City over the next 5 years by the SHLAA and the Publication Draft of the Council's Core Strategy and Development Plan and furthermore, the site has only recently been subject to planning approval for new residential development.

Notwithstanding the above, it is recognised that the proposals would not bring about any benefits in terms of regeneration or the redevelopment of a brownfield site and so would not contribute to the objectives of paragraphs 117 and 118 of the NPPF.

Additionally, whilst the proposed development involves a greater number of dwellings than proposed by the previous application and as identified by the SHLAA (50 no. dwellings rather than 27 no.), it is considered that this increased quantum of development would not materially undermine the Council's planned strategy for delivering housing in the city.

Conversely, however, it must be highlighted that given the Council's current position in relation to housing land supply and housing delivery, there is not considered to be a pressing requirement or need for the site to deliver more than the 27 no. units identified by the SHLAA (to, for example, assist in covering any shortfall in available housing land or delivery) and that the weight to be given to the additional housing proposed by the application is less than would be the case if such

a strong housing land and delivery position could not be demonstrated. The merits of the application therefore fall to be considered in light of this position.

In order to determine whether the proposal represents the 'sustainable development' sought by the NPPF, consideration must be given to all other relevant material planning considerations raised by the scheme, relative to the greater number of dwellings being proposed by this application. Each area for consideration is addressed in more detail below.

3. Implications of development in respect of residential amenity

Policy B2 of the UDP requires new development proposals to maintain acceptable standards of residential amenity, whilst 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.

Meanwhile, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan 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 retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development broadly comprises modest 2- and 3-bed dwellings which will generally occupy fairly small plots with modest rear gardens. The spacing between the new dwellings largely accords with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations), an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with a middle- to long-distance outlook.

With regard to plots 1-7 within Site B, it is noted that the southern boundaries of their rear gardens (depths ranging from approximately 9 metres - 10.5 metres) will be flanked by trees and hedges which are proposed to be retained for visual amenity and ecology reasons. Given this relationship, the retained trees/hedges will give rise to overshadowing of the rear gardens of these dwellings, which would be keenly felt by occupiers of the dwellings given the gardens' fairly limited depth, in particular those to plots 6 and 7. This situation would, in turn, place pressure on the hedges and trees to be trimmed, lopped, thinned or, at worst, felled by property owners wishing to alleviate overshadowing issues, to the detriment of their visual amenity and ecological value.

In addition to the above, it is noted that the dwellings to the western part of Site A are in relatively close proximity to the Leamside railway line. The line is currently mothballed, and whilst there have been various proposals to bring it back into use, there are currently no firm plans to do so and much of the track has been removed. Nevertheless, as the westernmost dwellings to Site A are separated from the cutting containing the line by a strip of scrub/grassland and a public footpath and as the dwellings stand 'side-on' to the boundary at a distance of approximately 30 metres from the line, it is considered that a satisfactory buffer will be provided between the dwellings and the line in the event it ever becomes operational again in the future.

Notwithstanding the above, Network Rail has highlighted that the developer should be aware that the line may become operational in the future, and as such consideration should be given to providing adequate soundproofing for each new dwelling. It is considered that this matter could

be brought to the applicant's attention via an appropriately-worded informative note in the event planning permission is granted.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that the separation distances between the new dwellings and existing properties is such that their living conditions will not be unduly harmed. The closest existing dwelling to a proposed new dwellings is 4 Maiden Law, the south-west elevation of which faces across Redburn Road to the development within Site B. This existing property does not, however, directly face any of the new dwellings, for it stands opposite the gap between the dwellings to plots 11 and 12, and as such it is considered that the new development will not result in 4 Maiden Law, or any other nearby dwellings, experiencing any significant loss of outlook, privacy or being subjected to overshadowing/loss of light.

With regard to the above comments, it is considered that the development will not give rise to any harm to the amenity of existing dwellings in the vicinity of the application site. The development will, in the main, also afford future occupiers of the dwellings with an acceptable standard of amenity.

However, as noted earlier, the relationship between the dwellings to plots 1 to 7 and the retained hedges and trees to the southern boundary of site B does give cause for concern in terms of overshadowing and potential future pressure on the hedges and trees which would arise. Nevertheless, the weight that can be attributed to this issue can only reasonably be determined in the context of the conclusions reached in respect of all other relevant material planning considerations.

4. Implications in relation to design and character and appearance of the area

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 122 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

- the identified need for different types of housing and the availability of land suitable for accommodating it;
- local market conditions and viability;
- the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change;
- the importance of securing well-designed, attractive and healthy places.

Paragraph 123, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable

development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place;

Paragraph 130 then states that planning 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 and the way it functions.

Meanwhile, policy B2 of the Council's UDP states that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby dwellings and the locality; large scale schemes creating their own individual character should relate harmoniously to adjoining areas. Policy H4 of the Council's UDP states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy CN17 seeks to protect valuable trees and hedgerows.

Also relevant is UDP policy H21, which states that within new residential developments of more than 40 bed spaces, amenity open space/casual play space should be provided at a ratio of 0.4ha per 1000 bed spaces if the site is within 0.5km of a neighbourhood (or larger) open space, or 0.9ha per 1000 bed spaces if it is not.

Aforementioned policy BH1 of the Publication Draft CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

With regard to greenspace provision, policy NE4 of the Publication Draft CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

In terms of the visual amenity of the locality, it is clear that the application site affects open agricultural land located beyond the existing south-western edge of Chilton Moor. This urban edge is not, however, identified as a 'settlement break' (i.e. an important break between two neighbouring settlements) by the UDP or the Publication Draft CSDP and so is not subject to the relevant policies therein (i.e. UDP policy CN6 and CSDP policy NE7) which seek to retain such breaks unless certain circumstances apply. Broadly speaking, and as was concluded in respect of the previous application for housing on the site, it is considered that a proposed residential development of the land could act as a 'natural' south-westward extension to Chilton Moor and would not necessarily jar with the established pattern of development and land use in the area.

Irrespective of this broad conclusion, consideration must be given to whether the development proposed by the current application would be sympathetic to its context and the character of the locality and whether the development would deliver the good design sought by the NPPF, UDP and Publication Draft CSDP, whilst also taking into account the NPPF's guidance in respect of effectively using land.

As set out in the 'Representations' section of this report, the Council's Urban Design team have raised some significant concerns regarding the design quality of the development and the way it relates to its surroundings. To this end, it is noted that the established pattern of the existing urban grain in the area is one of a reduction in housing density from the centre of Chilton Moor and Fencehouses towards the rural edge at Redburn Row/Black Boy Road. This pattern of development serves to provide a gradual and pleasing transition from the built-up area of Chilton Moor to the open countryside to its south and west.

The pattern is clearly evidenced by the density of the longstanding housing to the north of Redburn Row - furthest to the north (closest to the centre of Chilton Moor), the housing off Black Boy Road and Atherton Drive is suburban in character, with large detached dwellings occupying spacious plots at a density of approximately 20 dwellings per hectare (dph). Closer to the urban edge and the development site, the large detached dwellings of The Mews and Maiden Law) are built to an even lower density of approximately 15 dph.

The previously approved development on the site would, broadly speaking, have continued this pattern of low density development by affording a scheme with a density of approximately 19 dph and it is observed that the Council's 2018 SHLAA considers such a density to be most appropriate for this site.

In terms of recently approved/pending approval housing development in the vicinity of the application site, the Council's Urban Design officer calculates the Persimmon Homes development to the north-east of the site (app. ref. 16/01321/VAR) as being built to a density of approximately 30 dph, although further analysis of the approved site layout suggests a density closer to 32 dph (to clarify, this calculation excludes the part of the site area which will remain undeveloped due to its location within a Flood Risk Zone). The proposed development to the north side of Black Boy Road (app. ref. 16/02123/OU4), which is pending approval subject to the completion of a s106 agreement, involves a development of up to 141 no. dwellings on a site of 4.77ha, giving a density of approximately 29 dph.

The proposed development, meanwhile, would be built to almost 36 dph (50 no. dwellings across the two sites comprising approximately 1.4ha in area). This is a far greater density of development than exists in respect of the established residential development to the north side of Redburn Road and is also substantially greater density than the scheme which is pending approval on the site to the north side of Black Boy Road. The development would also comprise substantially smaller house types and smaller plot sizes than other housing in the vicinity.

It is acknowledged that the Persimmon Homes development is also relatively dense in comparison to the existing housing in the locality, although it is still of a lower density than proposed by the current application. It must be recognised, however, that the context of the Persimmon Homes site substantially differs to the application site, insofar as it acts as a westward extension of the longstanding Atherton Drive/Syston Close housing estate. The proposed development, meanwhile, would be viewed as a south-westerly extension of an urban area which, as noted earlier, is characterised by the decreasing density of housing towards the rural/urban fringe, culminating in the very low density housing of The Mews and Maiden Law (lower density than Atherton Drive/Syston Close).

The Persimmon Homes development was also approved by the Council's Planning Committee in July 2015, a time when the Council was in a considerably weaker position in terms of housing delivery and housing land supply and at a time when different national planning policies were in effect.

In any case, it is important that the current proposals are assessed with regard to their own particular merits and with reference to the most up-to-date national and local planning policies. To this end, and with regard to the above comments, it is considered that the housing development proposed by the current application would not maintain, or even broadly respect, the existing pattern of development in the area, as would have been the case with the earlier outline planning permission. Rather than representing a sympathetic extension of the existing urban area which reflects the prevailing grain, the scheme would appear as an overly-dense development of smaller houses occupying smaller plots which would fail to correspond satisfactorily to the existing pattern of built environment found in the locality.

It is also considered that a development of this density and heavily built-up character would not respect its location at the urban/rural fringe - rather than acting as an appropriate, low density transition from the existing built development on the north side of Redburn Road to the open countryside to the south of the site, the proposed housing would appear as a harsh intrusion of high-density development into the open countryside landscape, which would be detrimental to the prevailing character and appearance of the area.

The Council's Urban Design officer has confirmed that the revised proposals do largely address previous concerns regarding the development's introverted nature as the scheme now includes a series of 'corner turning' units at key locations. The development would, however, still back on to Black Boy Road, whereas elsewhere, dwellings primarily present either a front or side elevation and brick or hedge boundary treatment to this road. Consequently, and although a brick wall has been introduced to the Black Boy Road boundary, a concern persists that the proposals do not provide sufficient activation and detailing to this road, to the detriment of the design quality of the scheme and the visual amenity of the area.

In terms of greenspace, the applicant has advised that the area of Site B in which the foul pumping station would be located will be made available as open space for the use of residents. The intention would be that the land is transferred to and subsequently maintained as open space by a management company. The area in question covers approximately 770 sq. metres.

Using the calculation set out by policy H21 of the UDP (which, at present, remains the Council's adopted greenspace policy), on the basis that there are no 'neighbourhood' level areas of open space within 0.5km of the site (as listed in Annexe A of the UDP), the development should incorporate 1242 sq. metres of greenspace. It is observed, however, that the site is within 300 metres of the Rainton Meadows Nature Reserve and visitor centre, which is identified by the Council's most recent Greenspace Audit and Report (December 2018) as an area of 'high quality

natural and semi-natural greenspace' covering over 2ha. It is also possible to reach areas of open countryside to the south and west of the application site via the network of public rights of way in the locality, one of which flanks Site B.

Given the site's proximity to Rainton Meadows and open countryside and the amenity opportunities they offer, it is considered that in this case, it would be reasonable and appropriate to base a potential greenspace requirement for the site on the lower threshold set out by policy H21 (i.e. 0.4 ha per 1000 beds), which gives a figure of approximately 552 sq. metres. Consequently, and purely from an amenity perspective, it is considered that the level of open space being provided within the proposed development is appropriate given its proximity to existing high-quality open space provision and consequently, there is no objection to the scheme in relation to this issue.

In addition to the above, it is observed that the proposed scheme is designed to retain existing trees and hedgerows around the edge of the two development sites, although, as highlighted by the Council's Ecologist and noted in the 'Residential Amenity' section of this report, concerns exist around ensuring the sustainable long-term viability of the hedges, particularly if located within a private plot.

Notwithstanding the conclusions in respect of greenspace and trees/hedges, for the reasons set out earlier in this section of the report, the proposed development gives rise to significant concerns regarding its relationship with its surroundings, with the high density of the development and type of dwellings proposed therein considered to be at odds with the existing, low-density pattern of large houses occupying large plots to the north of the site and its location on the urban/rural fringe. The development also responds poorly to its context insofar as it will not provide any meaningful activation to the key site boundary with Black Boy Road.

It is recognised that paragraph 122 of the NPPF emphasises the importance of new development making the most effective use of land and that in many circumstances, a higher density of development may be appropriate, particularly in areas where there is an acute need for housing. Paragraph 122 does, however, highlight that this objective cannot be divorced from the need to ensure development appropriately maintains an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places. To this end, paragraphs 124 and 127 of the NPPF stress the importance of good design and the role of the planning system in delivering developments which function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

Moreover, and having regard to the guidance of paragraph 123 of the NPPF, it is considered that given the Council's strong current position relative to housing delivery and supply, it is not especially important to avoid a low-density development of the site.

With the NPPF's objectives regarding design quality in mind, it is concluded that the proposed development would not deliver a scheme which affords a good standard of design and that instead, it will fail to function well, will not add to the overall quality of the area, will not be visually attractive and would not be sympathetic to local character, the surrounding built environment and landscape setting. Rather, it is considered that the development will have an unacceptably harmful effect on the visual amenity and character and appearance of the area and so the proposed development conflicts with the requirements of paragraphs 122, 124 and 127 of the NPPF, policies B2 and H4 of the Council's UDP, policy BH1 of the Council's Publication Draft CSDP and the Council's 'Residential Design Guide' SPD.

5. Impact of the development on highway and pedestrian safety

Policy T14 of the Council's UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 seeks to ensure development is provided an appropriate level of off-street parking.

Meanwhile, policy ST2 of the Council's Publication Draft 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 108 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 109, 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 110 goes on to advise that within the context of paragraph 109, 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.

Paragraph 106 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

In considering the previous application, it was concluded that subject to the delivery of improved footway provision along Redburn Road (to be delivered via a s106 contribution), the site would be afforded acceptable pedestrian access routes and that residents of the development would also be afforded appropriate access to public transport opportunities, with frequent bus services available nearby in the centre of Chilton Moor. The centre of Chilton Moor also provides a range of local services and amenities within a short walk of the application site (via Black Boy Road).

Notwithstanding the above, it is evident that one of the main issues of concern amongst objectors to the development and the Council's Highways team is its impact on highway and pedestrian

safety, with Redburn Road cited as already being a busy, narrow and dangerous route with vehicles travelling at up to 60 mph, which is subject to regular accidents and incidents. The Council's Highways team subsequently advised that having reviewed the Transport Assessment and other supporting information submitted with the application, it is considered that in its current condition, Redburn Road is not capable of accommodating the additional traffic associated with the proposed development and that the new access points serving the development will create additional hazard points.

To address this concern, the Council's Highways team advised that it will be necessary to deliver a road safety scheme along Redburn Row to manage traffic speeds and improve facilities for the safe movement of pedestrians, cyclists and other road users. It was initially envisaged that such a scheme would be delivered by the Council using a financial contribution of £45,000 paid by the applicant; however, as outlined in the 'Representations' section of this report, the developer has instead proposed to fund and then deliver a road safety scheme via an agreement under s278 of the Highways Act.

The proposed road safety scheme submitted by the applicant, which involves the provision of footways along Redburn Road, new kerbing, new additional driver/pedestrian warning signs, replacement and relocation of street lighting columns, new road markings and surfacing at junction points and the resurfacing of the existing carriageway, is considered to be acceptable by the Council's Highways team. As such, the Council's Highways team have advised that subject to the delivery of the agreed road safety scheme, there are no objections to the planning application in respect of its potential impact on the safety of the road network in the vicinity of the site.

In addition, there are no objections to the development in respect of the highways layout within each part of the application site (which will be carried out to an adoptable standard) or the level of resident and visitor parking being proposed.

The Council's Network Management team has therefore confirmed that, subject to the successful delivery of the road safety scheme, the impact of the proposed development on highway and pedestrian safety will be acceptable.

In reaching this view, it must be noted that the Network Management team has had full regard to the potential additional highways and traffic implications raised by the other approved and currently-pending residential development applications in the locality of the application site.

For the reasons set out above, it is considered that subject to the delivery of the road safety scheme via the s278 agreement, the proposed development will be sustainable in terms of transport considerations and that it will not have an unacceptable impact on highway safety. As such, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 110 of the NPPF, whilst the proposals also comply with the aims and objectives of policies T14 and T22 of the UDP and policy ST2 of the Publication Draft CSDP.

6. Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment. At paragraph 170, it advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, protecting sites of biodiversity value (in a matter commensurate with their statutory status or identified quality in a development plan), by recognising the benefits from natural capital and ecosystem services and by minimising impacts on and providing net gains for biodiversity.

At paragraph 175, the NPPF advises that planning permission should be refused for development if any significant harm it causes to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for. Planning permission should also be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodlands and ancient or veteran trees, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

On a local level, policy CN20 of the UDP states that development which will adversely affect a designated or proposed Site of Special Scientific Interest (SSSI) either directly or indirectly will not be permitted unless no alternative site is reasonably available, the benefits of the development would clearly outweigh the site's value and appropriate mitigation can be secured through the use of planning conditions or planning obligations. Policy CN21 applies the same principles to development affecting designated or proposed Local Nature Reserves and Sites of Nature Conservation Importance (now Local Wildlife Sites).

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

Also relevant is policy CN17 of the UDP, which seeks to protect valuable trees and hedgerows.

Policy NE2 of the Publication Draft CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect designated sites will have to demonstrate that there are no reasonable alternatives and that the case for the development clearly outweighs the nature conservation value or intrinsic value of the site. Policy NE3, meanwhile, seeks to conserve significant trees, woodlands and hedgerows wherever possible.

As set out in the 'Representations' section of this report, the Council's Ecologist has raised a series of concerns regarding the implications of the development in respect of ecology and biodiversity, both in terms of its on-site impacts and its off-site impacts. In terms of its current value, it is observed that the sites form part of an area of open countryside that provides a buffer for, and connectivity with, Rainton Meadows Local Wildlife Site and Nature Reserve.

With regard to on-site impacts, it is noted that the Preliminary Ecological Appraisal submitted with the application highlights that a range of birds of conservation importance, in particular species utilising hedges and trees, would potentially be affected by the development. The proposals would also have an effect on species of conservation concern, including farmland birds and raptors and mammals such as brown hares and hedgehog, by reducing the territory available for breeding, roosting and foraging.

The proposed increase in the number of dwellings compared to the previously-approved scheme and the resulting decrease in garden sizes, greenspace and landscaping will, however, reduce the ecological and landscape quality of the scheme, dilute the possible on-site mitigation for habitat loss and diminish the protection and viability of existing on-site features. The development offers very little in terms of habitat creation; for example, there are no proposals for new native perimeter hedges to Site A to improve landscaping, screening and habitat linkage and diversity.

The applicant clarified that the existing hedges around Site B are to be retained, that there will be greater variation in new tree/shrub and grassland/lawn planting as part of landscaping proposals and that a series of bat roost units will also be provided. These are all positive elements of the

development (although the Council's Ecologist would recommend an adjustment to the proposed planting schedule), but it is nevertheless maintained that they do not entirely compensate for the impact of the development and that the additional planting mentioned in the previous paragraph should be provided and form an integral part of the landscaping of the site.

Moreover, there is concern that although the existing hedges around Site B are proposed to be retained, there is no surety of their sustainable long-term viability, particularly if, as is proposed, they are retained within each private purchaser plot. The applicant has not, to date, provided any further details as to how the hedges would be protected during the development, following its completion and upon occupation of the dwellings, and neither have details been provided in respect of the management procedures required to ensure their vigour and aesthetic and ecological value is maintained.

With regard to off-site impacts, it is considered that the proposed increase in the number of dwellings, the limited amount of greenspace within the development, the small size of domestic gardens, the development's proximity to high value nature conservation sites (a number of Local Sites and Rainton Meadows Nature Reserve) and cumulative impact with other approved and emerging residential development proposed in the area will result in additional pressure and negative impacts from people and domestic animals upon the nearby designated sites. The impacts will be such that it will be necessary to develop a long-term programme of measures for ecological protection.

In order to provide suitable mitigation of the identified impacts and develop the recommended ecological protection programme, the Council's Ecologist considers it necessary to request that the developer makes a financial contribution towards ecological and green infrastructure provision, in the form of site wardening, access and habitat management and species protection. A contribution of £92,500 has been sought, the focus of which would be:

- £13,000 x 5 years = £65,000 for warden staff
- £5,500 x 5 years = £27,500 for project budget

The priorities for a project have been developed following discussions with Durham Wildlife Trust (managers of Rainton Meadows) and would involve: ground nesting, feeding and roosting birds; people, cats and dogs; weekend and evening supplement to current resource; supporting a volunteer programme; access and habitat monitoring and management. The contribution would be secured via an agreement under s106 of the Town and Country Planning Act 1990 (as amended).

As highlighted earlier in this report, the applicant has submitted a Viability Assessment, which in turn has been reviewed by the District Valuation Service and a report provided to the Council. The DVS report concludes that the scheme is only able to support a maximum contribution of £50,000 towards any s106 costs being sought by the Council. Given the conclusions of the DVS report, it is evident that the development would not be able to deliver the full financial contribution being sought by the Council's Ecologist and the applicant has confirmed that Gleeson are unwilling to make the full contribution being sought.

The Council's Ecologist has subsequently advised that there is not considered to be any scope for a reduction in the financial contribution being sought as this amount is necessary to provide the level of management required to adequately mitigate the off-site impacts of the development as detailed above. Without the contribution, the Council's Ecologist considers that the development would not be sustainable from an ecological perspective.

Given this position, it must be determined whether, based on the nature of the proposed development and the information supplied with the application, the impacts of the scheme in respect of ecology and biodiversity would be acceptable and sustainable without the full financial contribution being made.

In this regard, the Council's Ecologist is clearly of the view that without the requested financial contribution, the impacts of the development on Local Sites and Rainton Meadows Nature Reserve, resulting from increased pressures from people and domestic animals using the sites for recreational purposes, are such that the scheme would have an unacceptable impact on the ecological and biodiversity value of the habitats they offer.

Furthermore, the Council's Ecologist considers that the proposed development will not provide the levels of on-site mitigation and enhancements required to compensate for the loss of a site which, as previously noted, holds significant value in terms of the habitat it offers to a range of bird and mammal species of conservation concern.

With reference to the Council's Ecologist's concerns, it is considered that the proposed development does not satisfy the objectives of the National Planning Policy Framework. The development would not contribute to or enhance the natural environment and would not serve to minimise impacts on biodiversity. Additionally, the proposals will not provide any net gains for biodiversity, either at the application site or at the nearby protected sites. Furthermore, the scheme does not serve to avoid, adequately mitigate or compensate for this significant harm to biodiversity.

It is consequently considered that the proposals do not comply with the requirements of paragraphs 170 and 175 of the NPPF. Nor do the proposals comply with the objectives of policies CN21 and CN22 of the Council's UDP and policy NE2 of the Council's Publication Draft CSDP.

7. Implications of development in respect of flooding/drainage

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

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

Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding). Policy WWE2 of the Publication Draft 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 Flood Risk Assessment (FRA) submitted with the application advises that the development site is located within Flood Risk Zone 1, i.e. land at the lowest risk of flooding. The FRA essentially concludes that the site is not within an area which is susceptible to fluvial or tidal flooding and is

not at risk from flooding and that by restricting the surface water discharge, there will be no increased flood risk to downstream properties.

The Assessment continues by advising that the ground conditions at the site are of low permeability and so soakaways would not be viable to dispose of the surface water run-off generated by the development. For source control, it is intended to use infiltration systems, such as permeable surfaces, within the development in order to maximise infiltration and reduce the volume of storage required. Given the size of the development site, the design solution involves a flow attenuation structure at both sites, with the lower attenuation structure at Site B controlling the final discharge to the Red Burn. Flow attenuation will be provided on site in the form of oversized pipes to cater for run-off from storms up to the 1 in 30 year event and to cater for storms up to and including the 1 in 100 year event (+ 40% additional capacity to account for climate change), 'Stormbloc' crate storage structures will be located on both development sites.

As set out in the 'Representations' section of this report, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, have confirmed that following the submission of additional supporting and clarifying information from the applicant's consultant, the sustainable drainage strategy proposed for the development is acceptable and that the proposals satisfy all relevant policy objectives in relation to minimising flood risk and ensuring sustainable drainage of new development.

It is also noted that Northumbrian Water have raised no objections to the development, although it is requested that a condition requiring the submission of further information in respect of the disposal of foul and surface water be imposed in the event planning permission is granted.

Given the comments received by the LLFA and Northumbrian Water, it is considered that the proposed development is compatible with this location in terms of flood risk and that the development will not materially increase the risk of flooding elsewhere. As such, the proposal is considered to be compliant with the requirements of policy EN12 of the UDP, policies WWE2 and WWE3 of the Publication Draft CSDP and paragraphs 155 and 165 of the NPPF in this regard.

8. Implications of development in respect of land contamination/coal mining legacies

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. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out. Policy HS3 of the Publication Draft CSDP sets out a similar approach to dealing with contaminated land to UDP policy EN14.

As noted in the 'Representations' section of this report, having reviewed the relevant reports and assessments submitted by the applicant, both the Coal Authority and the Council's Environmental Health team have confirmed that the prevailing ground conditions, contamination from previous land uses and historic coal mining activity do not represent significant constraints to the development of the site. As such, neither consultee has any objection to the approval of the proposed development. The Council's Environmental Health team would, however, require further detailed site investigations to be carried out prior to development commencing, but this requirement could be handled via appropriately worded conditions.

With regard to the above comments, it is considered that the implications of the development in respect of land contamination and coal mining legacies is acceptable, in accordance with the requirements of paragraph 178 of the NPPF, policy EN14 of the UDP and policy HS3 of the Publication Draft CSDP.

9. Implications of development in respect of archaeology

In line with the requirements of paragraph 189 of the NPPF, policies B14 and B15 of the Council's UDP states that where a development proposal affects a site of known or potential archaeological interest, a desk-based archaeological assessment or field evaluation will be required. Policy BH9 of the Publication Draft CSDP sets out a similar approach to the evaluation and recording of archaeological remains and heritage assets and, in line with the requirements of paragraph 199 of the NPPF, it states that where significant findings arise, it will be necessary for a report of the findings to be made publically available.

As noted in the 'Representations' section of this report, the County Archaeologist has reviewed the archaeological reports prepared by the applicant and is satisfied that the development can proceed subject to conditions requiring the undertaking of archaeological excavations and recording, the preparation of a report of the results of the fieldwork and the production of a report of the findings suitable for publication in an agreed archaeological journal. Subject to the imposition of these conditions, it is considered that the proposals would satisfy the objectives of paragraphs 198 and 199 of the NPPF, policies B14 and B15 of the UDP and policy BH9 of the Publication Draft CSDP.

10. Implications of development in relation to education provision

As set out in the 'Representations' section of this report, the Council's Education officer is of the view that the development should contribute a total of £214,609 towards primary and secondary school provision in the area, with this figure calculated with regard to the number of school-aged children likely to reside at the development and the cost of school places based on Department for Education data.

With regard to education provision, paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy R3 of the Council's UDP states that where the effects of a development would require additional off-site infrastructure or community facilities (including schools), the developer will normally be expected to enter into a planning obligation with the City Council to enable suitable provision, protection or investigation to be made.

As highlighted earlier in this report, the viability assessment provided by the applicant and reviewed by the District Valuer has demonstrated that the scheme could not support the full financial contribution sought by the Council's Education officer and the applicant has confirmed that Gleeson are unwilling to make the full requested contribution. To support the application in light of this position, the applicant has, in response to the Education contribution request made by the Council, provided an analysis of the existing situation in respect of school place provision

in the area. It is argued that there is currently capacity in Dubmire and Burnside Primary Schools and that in relation to secondary school provision, whilst Kepier Academy is oversubscribed, there remains space at Hetton School. The applicant therefore contends that the Education contribution sought by the Council is unreasonable and unnecessary and essentially challenges the request.

The analysis produced by the applicant has in turn been considered by the Council's Education officer, who is of the view that it does not provide an accurate representation of the true situation in respect of the pressures on education provision in the Houghton-le-Spring area. In particular, it is noted that the analysis does not include any other recently approved housing developments in the Houghton-le-Spring and Hetton-le-Hole area which, it is conservatively estimated, will yield around 477 primary school-aged children (or 68 children per year group).

Based on the May 2018 census, there were 115 no. spaces available in the primary schools considered by the applicant (i.e. Dubmire, Burnside and Newbottle) - as such, it is calculated that there will be a shortfall of 362 no. spaces when taking into account the additional primary age children anticipated to reside at the proposed development and the other developments adjacent to those schools. If the catchment area is widened to include Gillas Lane and Bernard Gilpin Primary Schools, the surplus would rise to 145 no. spaces, which still gives a deficit of 332 no. spaces when taking into account new residential development in the area.

In terms of secondary provision at Kepier, there are 262 no. children in the current Year 5 of its feeder schools (i.e. the 2020/21 cohort for Kepier), then 252 no. children in the current Year 4, 270 no. children in the current Year 3 and 273 no. in the current Year 1. The school has capacity for 210 no. children (with a further 20 being resourced provision for the City). Given these figures, it is evident that in the next 5 years, there will be more children seeking a place at Kepier than it is able to accommodate and due to the amount of new residential development taking place in Kepier's catchment area, neighbouring schools (such as Hetton) will no longer have the surplus capacity to accommodate any learners over and above their own feeder schools.

With regard to the comments and information provided by the Council's Education officer, it is considered that the financial contribution towards primary and secondary school provision is reasonable, justified, directly related to the development, in that the proposed housing will inevitably place additional strain on the education provision in the area. The contribution being sought is also commensurate to the amount of new housing being proposed by the application. Moreover, the approach being taken by the Council in requesting the financial contribution in respect of this development proposal is entirely consistent with the approach it has taken in respect of other housing schemes in the locality, which have all only been granted planning permission on the basis that a proportionate contribution to education provision is made.

In the absence of the full contribution being sought by the Council being forthcoming, it is considered that when taking into account the pressures generated by other housing developments in the Houghton-le-Spring area, the numbers of school-age children residing at the development would not be able to be satisfactorily accommodated by the existing primary and secondary school provision in the locality. Without the financial contribution being paid to support additional primary and secondary school place provision, the development would result in unacceptable additional pressure being placed on the existing education provision in the area, in conflict with the objectives of paragraph 94 of the NPPF and policy R3 of the Council's UDP.

11. Implications of development in relation to play provision

Paragraph 91 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other objectives, enable and support healthy lifestyles, for example through the provision of safe and accessible sports facilities. Paragraph 92 goes on to

state that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of community facilities such as sports venues and open space.

Paragraph 96 of the NPPF then advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning decisions should be based on robust and up-to-date assessments of the need for open space and sports and recreation facilities and opportunities for new provision.

On a local level, aforementioned policy R3 of the Council's UDP states that where the effects of a development would require additional off-site infrastructure or community facilities (including open space and formal recreation), the developer will normally be expected to enter into a planning obligation with the City Council to enable suitable provision, protection or investigation to be made. Policy H21 then states that within new residential developments of more than 40 bedspaces, formal (equipped) children's playspace should be provided at a minimum of 0.2ha per 1000 bedspaces. In applying the policy, the Council will take into account existing provision in the area.

The supporting text to the policy also states that in some cases, it may be more appropriate for a developer to enter into a planning obligation with the Council to secure provision (in line with policy R3). In this regard, the Council's Greenspace Audit and Report of December 2018 provides a summary of the current position in the City in respect of fixed play facilities for children and young people. As an action point, it states that the Council will seek direct future investment towards maintenance of existing sites as well as seeking to address identified accessibility gaps, either through provision of new play facilities or enhancement of existing facilities that would feasibly serve a wider catchment area.

In this case, the proposed development does not include any formal on-site play provision and in lieu of this, the applicant has been asked to make a financial contribution of £701 per dwelling (a total of £35,050) towards supporting the maintenance and upkeep of existing children's play facilities in the area, which would be placed under greater pressure as a result of the additional usage from residents of the new development. The nearest equipped play area to the development site is at the recreation ground off Keir Hardie Street in the centre of Chilton Moor, approximately 750m to the north-east of the application site.

As set out previously, the viability assessment submitted by the applicant has demonstrated that the scheme would be capable of supporting a financial contribution of £50,000, which could cover the contribution to off-site play facilities being sought by the Council. In the event this contribution is made, it is considered that the implications of the proposals in respect of play provision would be acceptable.

In the event it was considered more appropriate to allocate the available contribution of £50,000 to another area (e.g. education or ecology) an assessment must be made as to whether the proposed development would be acceptable without any playspace being provided on the site and without a financial contribution towards upkeep of existing provision in the area being made instead. Such an assessment can only be made in the context of considering the merits of the other financial contributions and obligations being sought in respect of this application; an assessment of this nature is undertaken in section 13 of this report.

12. Affordable housing

Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site.

Paragraph 64 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups. Some exemptions to this requirement do apply (e.g. where the development is for Build to Rent homes or provides specialist accommodation), although none of the listed exemptions are considered to apply to the application proposal.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

On a local level, policy H16 of the UDP states that the Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing. The Council's current approach, as informed by its most recent Strategic Housing Market Assessment (SHMA update of 2017), is that 10% of dwellings within new housing developments of 15 or more units should be affordable. The affordable provision should then be split at a ratio of 80% affordable rent housing to 20% intermediate housing, on the basis that there is an unmet need for affordable rent housing in the City.

Policy H2 of the Council's Publication Draft CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable. The supporting text to the policy reiterates the recommendation of the 2017 SHMA in terms of the 80:20 split between different tenure types. Policy H2 also states that any affordable units being provided within a development should be retained in an affordable use in perpetuity.

Members should note at this stage that as the CSDP is not yet adopted, it is not considered appropriate to request the 15% affordable housing contribution set out by policy H2 therein and the applicant was consequently requested to provide the 10% contribution (i.e. 5 affordable units) with an 80% affordable rent/20% intermediate tenure split as recommended by the SHMA.

As highlighted earlier, the DVS report concludes that the scheme will be unable to sustain the affordable requirement being requested by the Council. The applicant has, however, put forward a proposal for what is argued to be an affordable housing contribution which falls within definition (d) of Annex 2 to the NPPF and which would also address the requirements of paragraph 64 of the NPPF, insofar as it comprises affordable homes for ownership. To clarify, the definition at (d) is, in full:

- (d) Other affordable routes to home ownership:

Is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

The affordable housing proposed by the applicant entails:

- 10% of units on site to be sold at a price which represents a minimum 20% discount from local market levels based on a Royal Institute of Chartered Surveyors (RICS) accredited report;
- Annual increase in unit price to be limited to being no greater than the annual percentage increase to the National Living Wage given every April, to ensure that prices remain affordable for the lifetime of the development;
- The discounted homes would all be standard specification and sold with a parking space. Garages and customer extras would be an addition to the price.

The applicant argues that the discount being proposed means the homes would be affordable to at least 80% of full-time working couples in the locality and if sold with Help to Buy, would become affordable to a full-time working couple on the minimum/living wage. The applicant has clarified that as there is no public grant funding involved, it is proposed that the 20% discount would only apply to the initial sale of any affordable dwelling and that the reference to ensuring the units are affordable for the 'lifetime of the development' only relates to the period up to the sale of the final unit (rather than any discount being provided in perpetuity following full occupation of the development).

The Council's Planning Policy and Housing Strategy officers have reviewed the affordable housing contribution being proposed by the applicant and would question how the proposed offer differs from traditional 'Discounted Market Value' housing (this being affordable housing for sale where a pre-agreed discount on the cost of the property is maintained in perpetuity) - there does not appear to be any material difference, other than the applicant contending that as the offer falls within definition (d) of NPPF Annex 2 and does not involve grant funding, there is no requirement to provide a discount in perpetuity.

The absence of any mechanism to secure the discounted value of the affordable properties in perpetuity is of great concern to the Council's Planning Policy and Housing Strategy officers, as the development would not provide a permanent source of affordable housing. Additionally, given that the proposed affordable housing offer does not involve any homes for affordable rent, the Council's Planning Policy and Housing Strategy officers are concerned that the applicant's proposed affordable housing offer will prejudice the ability of the Council to meet the needs of those groups which require affordable rented properties within the City. Nevertheless, the Council's Planning Policy officers have advised that although an 80:20 split between affordable rent units and intermediate tenure would be strongly preferred (given that this split is recommended by the SHMA), if this would render the scheme unviable, the Council may be minded to look favourably on the affordable housing provision taking the form of Discounted Market Value housing, but only on the basis that the discount was maintained in perpetuity to prevent the affordable stock being lost after its initial sale by the applicant.

To summarise, the Council does not consider that the affordable housing product proposed by the applicant is appropriate for the City given that it would not provide affordable housing in perpetuity. Additionally, the product proposed by the applicant would not include any housing for affordable rent, which the Council's most up-to-date evidence base identifies as being most required in the City.

It is therefore considered that the proposed affordable housing provision would not satisfy the objectives of paragraph 64 of the NPPF and policy H16 of the Council's UDP in that it would not meet the affordable housing needs of the City.

13. Summary of position in respect of 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;

On a local level, policy R3 of the Council's UDP states that where the effects of a development would require additional off-site infrastructure or community facilities (including schools), the developer will normally be expected to enter into a planning obligation with the City Council to enable suitable provision, protection or investigation to be made.

Policy ID2 of the Publication Draft 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.

As set out in the 'Representations' section of this report, the following financial contributions have been requested from the respective consultees and would be secured via a s106 agreement:

- o £214,609 towards primary and secondary education provision;
- o £92,500 towards off-site ecological mitigation and protection programme;
- o £30,300 requested by the NHS Clinical Commissioning Group;

In addition, in lieu of an on-site contribution being made, the Council would also normally require a financial contribution of:

- o £35,050 towards off-site play provision, to be spent on the maintenance and upkeep of existing facilities in the locality.

The s106 agreement would also seek to secure the provision of affordable housing which, as discussed above, should entail:

- o 10% of properties being affordable, with a split of 80% affordable rent and 20% intermediate tenure.

As highlighted earlier in this report, the applicant has submitted a Viability Assessment in respect of the scheme, which in turn has been appraised by the District Valuation Service. With regard to viability, paragraph 57 of the NPPF states that it is up to an applicant to demonstrate whether

particular circumstances justify the need for a viability assessment at the planning application stage. The weight which should then be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

Policy ID2 of the Council's Publication Draft CSDP also states that where there are site specific viability concerns, development must be accompanied by a Viability Assessment. The supporting text to the policy notes that it is recognised that some development proposals may be unable to meet all of the relevant policy and planning obligation requirements whilst remaining economically viable and deliverable and in such circumstances, the Council will consider requests to reduce the level of planning obligations to a level which ensures the scheme remains viable. In these instances, preference will be given to the needs and priorities of an area and the wider benefits of development such as, for example, regeneration and meeting housing need.

With regard to the policy framework outlined above, consideration is now given to the merits of each contribution request:

Education contribution

As set out earlier in this report, the Council's Education officer is of the view that the requested financial contribution of £214,609 is fully justified as it is necessary to support additional primary and secondary education provision, which will be placed under increased pressure as a result of the proposed development. It is considered that the requested contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and so satisfies the 'tests' of paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010.

Without the full contribution, it is considered that it will not be possible for the Council to properly manage the pressures on education provision resulting from the development.

Ecological mitigation and protection contribution

As set out earlier in this report, the Council's Ecologist is of the view that the requested financial contribution of £92,500 is fully justified as it is necessary to appropriately mitigate and manage the pressures the development will bring on the designated wildlife sites in the locality, in particular Rainton Meadows Nature Reserve. It is considered that the requested contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and so satisfies the 'tests' of paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010.

Without the full contribution, it is considered that it will not be possible to adequately mitigate and manage the pressures on nearby protected sites resulting from the development.

Off-site play contribution

As discussed earlier in this report, in lieu of any children's play equipment being provided within the development, the applicant has been asked to make a financial contribution of £35,050 towards the maintenance and upkeep of existing off-site play equipment. This requested contribution could be covered in whole by the £50,000 calculated as being available by the District Valuer's review of the applicant's viability assessment.

It is considered that the requested contribution towards off-site play is reasonable and meets the tests of paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

Nevertheless, in the event Members were minded to approve the application, it is considered that it would be more appropriate to set the available £50,000 against the contributions being sought in respect of education provision and ecology. In reaching this view, it has been concluded that the implications of the development in respect of education and ecology, as outlined earlier in this report, are such that it would be of greater benefit to the overall sustainability of the scheme if any available contribution could be put towards these areas.

NHS Clinical Commissioning Group (CCG) contribution

The CCG has requested a contribution of £30,300 to support the provision of local healthcare infrastructure. The CCG has not, however, provided any relevant evidence to support such a request and has not identified an appropriate project or area in respect of which the contribution would be spent. As such, it is considered that the CCG has not provided the Council with sufficient evidence or information to justify requiring the applicant to make the requested contribution.

On this basis, it is considered that the CCG's request for a financial contribution would not meet the tests set out by paragraph 56 of the NPPF or Regulation 122(2) of the CIL Regulations and so cannot be reasonably required in the context of the current planning application.

Affordable housing contribution

The NPPF makes it clear that Local Planning Authorities should seek affordable housing as part of any major planning application for residential development and the Council's own policies and evidence base set out the types of affordable housing which are considered to be most in demand in the City. It is considered that the requested affordable housing contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and so satisfies the 'tests' of paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010.

Without a contribution which secures affordable housing in perpetuity, it is considered that the development would fail to deliver an appropriate form and amount of affordable housing, thus prejudicing the ability of the Council to meet the needs of those groups which require affordable housing within the City.

For the reasons discussed above, it is considered that the request for a financial contribution from the NHS CCG cannot, at this juncture, be justified or properly evidenced and so would not meet the tests set out by paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

The requested financial contributions towards education provision, ecology, off-site play and the contribution towards affordable housing are, however, considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. As such, it is considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

Consideration must now be given to whether, in light of the position in respect of financial contributions and affordable housing, the development is acceptable or otherwise, having regard to all the material considerations detailed throughout this report.

CONCLUSION

In considering the merits of the proposed development, regard has been given to the UDP and publication draft Core Strategy and Development Plan policies which are relevant to housing proposals. However, and notwithstanding the Council's strong position relative to housing land supply and delivery, given the age of the UDP and as the CSDP is not yet an adopted Plan, it is considered that it is appropriate to engage the 'tilted planning balance' test set out by paragraph 11 of the NPPF, in order to determine whether the proposals represent the 'sustainable development' sought by the NPPF.

As is required by paragraph 11, the merits of the proposals must be assessed in the context of the NPPF's presumption in favour of 'sustainable development' - this essentially requires the 'tilted planning balance' test to be undertaken, where the positive outcomes of a development proposal are balanced against its negative impacts. No NPPF policies that protect 'areas or assets of particular importance' provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission, any adverse impacts of the development proposal must significantly and demonstrably outweigh its benefits.

With this requirement in mind, it is considered appropriate to provide a brief re-appraisal of the benefits of the proposed development and the adverse impacts of the proposed development.

Benefits of development

For the reasons set out above, it is considered that the basic principle of a residential development of the site is broadly acceptable given its inclusion in the Council's most recent SHLAA and as the contribution the site is envisaged to make to housing land supply in the City. Moreover, there is a recent outline planning approval for the erection of housing on the land.

In this regard, it is recognised that the development would contribute to the delivery of housing supply and choice in the City, although as has been detailed earlier in this report, the application site is envisaged as affording a total of 27 no. dwellings, rather than the 50 no. proposed by the current application and the Council holds a strong position in terms of housing delivery and land supply. As such, the weight to be afforded to this boost to housing supply should be reduced.

The development would also provide some direct and indirect economic benefits within the locality and further afield in terms of expenditure in the local economy though, for example, the creation of construction jobs and other indirect jobs over the lifetime of the development. A temporary economic uplift would also be expected to result from the development and expenditure benefits to the area.

More neutrally, it has been found that the development is acceptable with regard to the amenity of existing residential dwellings around the site, flood risk and sustainable drainage, archaeology, ground conditions and land contamination. The Council's Highways officers have also confirmed that the applicant's proposed road safety scheme is satisfactory to ensure that the development will have an acceptable impact on highway and pedestrian safety.

Adverse impacts of development

In terms of the negative aspects of the development, it is recognised that the proposals will see the development of a greenfield site, albeit one which has been subject to a recent planning permission and is identified as available by the Council's latest SHLAA. Nevertheless, it would not bring about any benefits in terms of regeneration or the redevelopment of brownfield land and so would not contribute to the objectives of paragraphs 117 and 118 of the NPPF.

Furthermore, it is considered that the proposed development would not afford a good standard of design and that instead, it will fail to function well, fail to add to the overall quality of the area, will not be visually attractive and would not be sympathetic to local character, the surrounding built environment and its landscape setting. In particular, it is considered that the high density of the development and type of dwellings proposed therein is at odds with the existing, low-density pattern of large houses occupying large plots to the north of the site and its location on the urban/rural fringe, whilst the development also responds poorly to its context insofar as it will not provide any meaningful activation to the key site boundary with Black Boy Road. The proposals therefore fail to accord with the requirements of policies B2 and H4 of the Council's UDP, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan and paragraphs 122, 124 and 127 of the NPPF.

Allied to the above, whilst the standard of amenity to be afforded to future occupiers of the development is largely acceptable, the relationship between the dwellings to plots 1 to 7 and the retained hedges and trees to the southern boundary of site B does give cause for concern in terms of overshadowing and potential future pressure on the hedges and trees which would arise. This situation conflicts with the requirements of policy B2 of the Council's UDP, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan and paragraph 127 of the NPPF.

Additionally, it is considered that in the absence of the full financial contribution requested by the Council's Ecologist, the development would have a significant negative impact on ecology and biodiversity - the proposed development would not contribute to or enhance the natural environment; would not serve to minimise impacts on biodiversity; will not provide any net gains for biodiversity, either at the application site or at the nearby protected sites; and would not serve to avoid, adequately mitigate or compensate for this significant harm to biodiversity. In particular, it is considered that the impacts of the development on Local Sites and Rainton Meadows Nature Reserve, resulting from increased pressures from people and domestic animals using the sites for recreational purposes, are such that the scheme would have an unacceptable impact on the ecological and biodiversity value of the habitats they offer. The proposals therefore fail to accord with the requirements of policies CN21 and CN22 of the Council's UDP, policy NE2 of the Council's Publication Draft Core Strategy and Development Plan and paragraph 127 of the NPPF.

It is also considered that in the absence of the full financial contribution towards education provision being forthcoming, and when taking into account the pressures generated by other housing developments in the Houghton-le-Spring area, the numbers of school-age children residing at the development would not be able to be satisfactorily accommodated by the existing primary and secondary school provision in the locality. The proposals therefore conflict with the objectives of policy R3 of the Council's UDP and paragraph 94 of the NPPF.

In addition to the above, the Council does not consider that the affordable housing product proposed by the applicant is appropriate for the City given that it would not provide affordable housing in perpetuity. The product proposed by the applicant would also not include any housing for affordable rent, which the Council's most up-to-date evidence base identifies as being most required in the City. The development therefore fails to deliver an acceptable type of affordable housing, in conflict with the objectives of policy H16 of the Council's UDP and paragraphs 62 and 64 of the NPPF.

Concluding comments

With reference to the above, to summarise the position, it is recognised that the scheme does give rise to some benefits in terms of housing delivery and economic growth (e.g. job creation during construction works) and is otherwise considered acceptable in relation to residential

amenity, highway and pedestrian safety, flood risk and sustainable drainage, land contamination/ground conditions and archaeology.

However, the development gives rise to significant concerns in respect of the amenity of future occupiers of the development, design quality and visual amenity and, in the absence of the requested financial contributions to mitigate impacts, in respect of ecology and biodiversity and pressure on education provision in the area. The scheme also fails to provide an appropriate amount and type of affordable housing. These concerns are, it is considered, amplified by the amount of dwellings being sought at the site which, as noted earlier in this report, is significantly higher than in comparison to the previous planning permission at the site and the capacity for the site identified by the Council's most recent SHLAA.

In attributing weight to the positive and negative aspects of the development, regard must be given to the Council's strong position in relation to housing delivery and housing land supply, which means that the weight to be attributed to the amount of housing being delivered by the scheme is less than would be the case if a healthy housing delivery and supply position could not be demonstrated. The positive and negative aspects of the development must be considered in this context.

With this in mind, and with regard to the requirements of paragraph 11 of the NPPF, it is concluded that the negative effects of the proposed development and its conflicts with local and national planning policy as outlined above are so wide-ranging and significant in nature that they are not outweighed by the positive aspects of the development or any other material planning considerations.

It is therefore considered that the proposed scheme does not represent the sustainable development sought by the NPPF and that the development fails to comply with a number of policies contained within the NPPF, the Council's Unitary Development Plan and the Council's Publication Draft Core Strategy and Development Plan as referenced throughout this report.

Given this conclusion and in light of the advice provided by paragraphs 11 and 12 of the NPPF, it is considered that the proposed development is unacceptable and as such, the application should be refused planning permission.

The application is consequently recommended for refusal, for the reasons set out below:

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

- sexual orientation.

The LPA is committed to:

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

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

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

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

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

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

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

RECOMMENDATION: REFUSE, for the reasons set out below:

Reasons:

1 The proposed scheme represents a high-density development which affords a poor quality of design and layout, is not visually attractive and which is not sympathetic to the local character and landscape. The proposed development would therefore have a harmful effect on visual amenity and the character and appearance of the area. The development consequently fails to satisfy the objectives of policies B2 and H4 of the Council's Unitary Development Plan, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan and paragraphs 122, 124 and 127 of the NPPF.

2 The relationship between the dwellings to plots 1 to 7 and the retained hedges and trees to the southern boundary of site B is such that the hedges and trees will cause overshadowing of the rear gardens to these dwellings and appear as imposing from the dwellings and their gardens.

The development would therefore fail to provide future occupiers of these properties with an acceptable standard of amenity. The development consequently fails to satisfy the requirements of policy B2 of the Council's Unitary Development Plan, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan and paragraph 127 of the NPPF.

3 Without an appropriate financial contribution to adequately mitigate its impacts, the proposed development will not contribute to or enhance the natural environment, will not minimise impacts on biodiversity, will not provide any net gains for biodiversity at the application site or nearby sensitive sites and will not serve to avoid, adequately mitigate or compensate for the significant harm to biodiversity at the application site and nearby sensitive sites. The development consequently fails to comply with the objectives of policies CN21 and CN22 of the Council's Unitary Development Plan, policies NE2 and ID2 of the Council's Publication Draft Core Strategy and Development Plan and paragraphs 170 and 175 of the NPPF.

4 Without an appropriate financial contribution to adequately mitigate its impacts, the proposed scheme will result in unacceptable pressure being placed on existing primary and secondary school provision in the area. The development will therefore be unsustainable in terms of its impact on education provision in the area and it consequently fails to comply with the objectives of policy R3 of the Council's Unitary Development Plan, policy ID2 of the Council's Publication Draft Core Strategy and Development Plan and paragraph 94 of the NPPF.

5 The proposed development will not provide an acceptable form of affordable housing that will be available in perpetuity, in conflict with the objectives of policy H16 of the Council's Unitary Development Plan, policy H2 of the Council's Publication Draft Core Strategy and Development Plan and paragraphs 62 and 64 of the NPPF.