

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Extraordinary Meeting to be held in Committee Room No. 6 on  
Thursday 11<sup>th</sup> May, 2017 at 4.45p.m.**

ITEM	PAGE
1. <b>Receipt of Declarations of Interest (if any)</b>	
2. <b>Apologies for Absence</b>	
3. <b>Applications made under the Town and Country          Planning Acts and Regulations made thereunder</b>	1
Report of the Executive Director of Economy and Place (copy herewith).	

**E. WAUGH,  
Head of Law & Governance.**

Civic Centre,  
SUNDERLAND.

3<sup>rd</sup> May, 2017



# Item 3

## **Development Control (South Sunderland) Sub-Committee**

**11<sup>th</sup> May 2017**

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### **REPORT ON APPLICATIONS**

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#### **REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE**

##### **PURPOSE OF REPORT**

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### **LIST OF APPLICATIONS**

Applications for the following sites are included in this report.

1. 16/02356/LR4 - Chapelgarth South West Of Weymouth Road Sunderland

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk).

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Ms. Irene Lucas CBE  
Chief Executive

1.

South  
Sunderland

**Reference No.:** 16/02356/LR4 Reserved Matter (Reg 4)

**Proposal:** **Reserved Matters for up to 160no residential units, public open space, landscaping and internal road networks along with up to 720sqm of Local Equipped Area for Play (LEAP) and 2.88ha of Suitable Alternative Natural Greenspace (SANG).**

**Location:** Chapelgarth South West Of Weymouth Road Sunderland

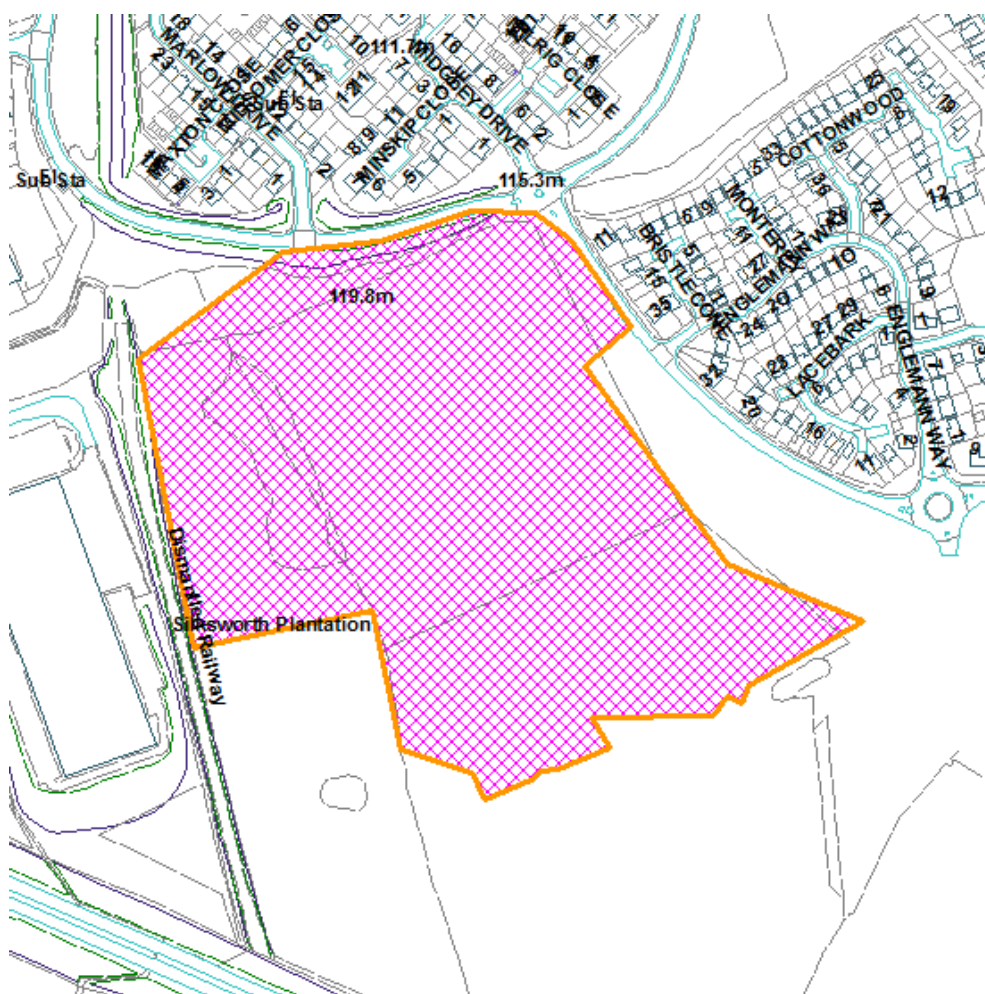
**Ward:** Doxford

**Applicant:** Miller Homes

**Date Valid:** 22 December 2016

**Target Date:** 23 March 2017

### Location Plan



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## PROPOSAL:

The application seeks to agree reserved matters for the erection of 160 residential dwellings (scale, appearance, layout and landscaping) in connection with an extant hybrid planning permission for up to 750 residential units, ancillary commercial space, together with associated landscaping and car parking on land south west of Weymouth Road, Chapelgarth.

Members may recall that a Hybrid Planning Application under reference : 16/00388/HY4 was presented to South Sunderland Development Control Sub-Committee dated 09.08.2016 where members were minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement and conditions. The subsequent Section 106 was sealed and the approval certificate issued dated 21.12.2016.

Following the issuance of the decision notice, and given the wider hybrid application was subject to a full Environmental Impact Assessment, a formal Screening Opinion was submitted to the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 ("the EIA Regulations). Following consideration the Local Planning Authority determined that the reserved matters submission would not constitute EIA development.

This particular phase of the wider Chapelgarth scheme is located within the north-western part of the site and extends to 9.6 hectares, of which approximately 4.3 hectares is proposed to consist of public open space. The proposal has been accompanied by a compliance statement which seeks to fulfil the requirements of condition 20 of the above hybrid planning permission, which states in part:

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

The compliance statement demonstrates that the reserved matters submission aligns fully with all requirements of the outline element of the hybrid planning permission, and accords with all the rules and parameters featured in the Design Code document.

The reserved matters application has been supported by the following documents:

- Design and Access Statement.
- Flood Risk Assessment.
- Noise Modelling Report.
- Arboricultural Method Statement.
- Arboricultural Impact Assessment.

The proposal was subject to pre-application discussions in order to ensure that the proposal was aligned with the hybrid planning permission prior to submission.

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, that is by

- Site Notice (posted 23.01.2017).
- Press Notice (posted 17.01.2017).
- Neighbour Notification Letters.

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

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Southern Area Command - Police  
Environmental Health  
The Highways Agency  
Tyne And Wear Archaeology Officer  
Nexus  
Fire Prevention Officer  
Southern Area Command - Police  
Network Management  
Flood And Coastal Group Engineer  
Northumbrian Water  
Network Management  
Flood And Coastal Group Engineer  
Northumbrian Water  
Environmental Health  
The Highways Agency  
Tyne And Wear Archaeology Officer  
Nexus  
Fire Prevention Officer

Final Date for Receipt of Representations: **13.02.2017**

**REPRESENTATIONS:**

The application has been subject to a single full consultation exercise and as result representations have been received from 26 separate addresses. Members should note that the original and full copies of the representation are available to view via the planning portal on the Council's website.

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

Principle of development. (Outline/hybrid application ref:16/00388/HY4).

- Overdevelopment of site.
- Loss of agricultural land.
- Loss of walking routes, pathways and rights of way.
- Loss of wildlife habitats.
- No demonstrated housing need.
- Declining population.
- Commercial uses not required.
- Council selling off assets (Non-material).
- Noise, air pollution, general construction nuisance.

- Demand upon existing infrastructure, doctors, schools etc.
- Longevity of proposed works.
- Increased levels of associate crime.
- Requirement for additional archaeological work.

With regards the above, each of the comments raised were addressed in the consideration of the outline/hybrid application, this application was subsequently approved, therefore the development proposed already benefits from outline planning permission and therefore the principle of locating residential development on this site is established and cannot be given any further consideration.

Design and residential amenity.

- CO2 reduction commitment
- Proposed house types

Matters pertaining to both design and sustainability will be covered in full in the relevant section of the committee report.

Highway consideration.

- Increase in car parking (Moorside Road)

This concern was covered at the outline/hybrid stage and condition 18 imposed stating the following :

"No construction work shall take place in phase 1 until a detailed scheme of highway improvements to Weymouth Road and Moorside Road, including bus stop infrastructure and traffic management proposals have been submitted to and approved in writing by the Local Planning Authority and implemented under a Section 278 Agreement under the Highways Act to enable funding and implementation prior or occupation of any dwellings. Reason : In the interest of residential amenity and highways safety and to comply with policies B2 and T14 of the saved UDP."

The information to discharge this condition is currently under review and subject to consultations with the Network Management Section.

Flood risk and drainage.

- Failure to demonstrate SuDS Manual Ciria 6972007.
- Significant risk to flooding.
- Overflow of attenuation ponds.

The Lead Local Flood Authority has been consulted on the current reserved matters proposal, the impact of the layout, developable area and run off rates have all been assessed and findings are summarised in the relevant drainage section of this report.

In addition to the above, concerns have been raised over the level of consultation undertaken as part of the application. As detailed above the application was subject to press, site and letter notifications as part of the consultation process.

Concern raised over potential reduction in house prices is not considered to be material in the determination of this application.



County Archaeologist.

An archaeological desk based assessment and geophysical survey have already been produced for the wider Chapelgarth site.

Part of the archaeological site has been archaeologically evaluated (Archaeological Services Durham University, February 2016).

Two of the archaeological trenches excavated to date lie within this plot, trenches 1 and 2, but neither trench recorded archaeological features.

Trenches 3 -5 which lie just outside the plot, did record archaeological features. Trenches 5 recorded a gully (0.67m wide and 0.08m deep) which had spelt wheat in its fill (suggests an Iron Age date). Trench 4 contained a gully (0.067m wide and 0.08m deep) which had heath grass in its fill (again this could be prehistoric). A further gully (0.7m wide and 0.1m deep) was recorded in trench 3. So we know that at least part of the Chapelgarth site has archaeological survival.

Radiocarbon dating for these features is to be done within six months of the granting of planning permission for the hybrid application (16/00388/HY4) but have not been received to date. These presumed prehistoric features require a strip, map and record excavation.

There are still three preliminary archaeological trenches to be excavated within this plot of the Chapelgarth site. It was expected that these trenches would have been excavated before the reserved matters application was submitted so that only the final archaeological mitigation is conditioned on the reserved matters application. Ideally the trenches would be excavated before this application is determined. If archaeological features are found in the preliminary trenches, then a strip, map and record excavation will be required.

The County Archaeologist has recommended that Should Members be minded to approve the reserved matters proposal the following conditions are imposed:

1. Archaeological Excavation and Recording Condition.
2. Archaeological Post Excavation Report Condition.
3. Archaeological Publication Report Condition.

Nexus.

No objection to this application, however state that the whole South Sunderland Growth Area would benefit from having a transport masterplan to ensure the appropriate level of public transport is provided and the whole development is accessible.

Tyne and Wear Fire and Rescue Service.

No objections.

Highways England.

No objection.

Northumbrian Water Ltd.

Having assessed the proposed development against the context outlined in the hybrid application NWL confirm that at this stage they have no additional comments to make.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
H\_1\_Provision for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_7\_Provision for executive housing  
H\_16\_Negotiation for affordable housing in major developments  
EN\_12\_Conflicts between new development and flood risk / water resources  
T\_1\_Promote the development of a varied, balanced, integrated & sustainable transport system  
T\_2\_Promote the role of public transport, improving quality, attractiveness and range  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_18\_Promotion of nature conservation (general)  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
EN\_1\_Improvement of the environment  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_9\_Conflicts between proposed sensitive developments and existing non compatible uses  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

The main issues to consider in relation to this application are:

1. The principle of the development. (Compliance with the Hybrid Planning Approval).
2. Design (Visual and Residential Amenity).
3. Design (Ecology and Open Space).
4. Design (Drainage Components).
5. Design (Highway Considerations).
6. Hybrid Planning Applications conditions.
7. Conclusion.

1. The principle of the development.

The development proposal currently benefits from outline planning approval as part of the hybrid planning application (16/00388/HY4) subject to conditions, one of which included the requirement for any reserved matters application to submit a compliance statement aligning the development proposal along with the principles, regulatory plans, parameters and rules of the Chapelgarth Design Code.

The submitted compliance statement dated 18.04.2017 is considered to provide an overview of how the current scheme takes account of the key development issues and constraints and accords with aspects of the scheme required by the approved hybrid planning permission.

Sections relating to affordable housing, air quality, bio-diversity, trees and hedgerows, landscape and visual, noise and vibration, transportation, water resources, construction management,

archaeology and land contamination have all been incorporated and are considered to be aligned to the requisite principles, plans, parameters and rules for the site.

In light of the conformity of the compliance statement it is considered that the current proposal is in accordance with the design code and as such the principle of locating residential development on the site is established and cannot be given any further consideration.

## 2. Design (Visual and Residential Amenity).

The National and Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies and how these are expected to be applied. The NPPF advocates a presumption in favour of sustainable development and seeks to boost the supply of housing.

Section 7 of the NPPF identifies the need for development to provide good design. Paragraph 56 states in part that:

"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Policy B2 of the saved adopted Unitary Development Plan (UDP) requires that:

"The scale, massing, layout and setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and locality and retain acceptable levels of privacy; large scale schemes creating their own individual character, should relate harmoniously to adjoining areas. Policy B2 is therefore relevant to the consideration of this application for reserved matters.

In addition to the above, Sunderland's Residential Design Guide is a Supplementary Planning Document (SPD) which provides a set of guidelines that seek to ensure a high standard of residential development within Sunderland. The current proposal has been master planned, and underpinned by a comprehensive design code and design and access statement at the hybrid stage. The current submission provides a comprehensive compliance statement and design and access statement for the first phase of residential properties.

The reserved matters design and access statement has considered the site character, topography, constraints and opportunities, concepts, spatial syntax, access, landscaping, character areas, housing mix, privacy, appearance and character, sustainability and finally as part of the ongoing development process for the Chapelgarth scheme, a Building for Life Assessment has been undertaken to ensure the development proposals establish good design practice.

The proposal has been supported by a sustainability strategy, that covers basic design proposals with a preference towards the thermal performance of the building, the materials to be used achieving a Green Guide rating A - C on a scale from A+ - E, with A+ rated specifications having the lowest overall environmental impact. In terms of waste the proposal seeks to utilise a balanced cut and fill scheme, minimising the amount of material that will be either imported or exported from the site.

In keeping with the design code set out for the Chapelgarth master plan, the development proposals include for affordable housing that meets both Lifetime Homes and Building for Life compliance.

With specific reference to the character areas proposed for the wider site, it is worthy of note that the current proposal is covered by two of the character areas. Area 1 : Knockles Square and Area 2 : Moor Farm, subsequently when assessing the remaining reserved matters, namely scale,

appearance, layout and landscaping, subtle differences are apparent when moving from one character area to another.

#### Scale of the Proposed Development.

The scale is reflected in the height, width, length of each building and has been formulated in the context of the surrounding residential properties. The scale is defined by the design code and in particular the Knockles Square and Moor Farm character areas. The site is proposed of 160 dwellings which are proposed to be in keeping with existing built context in terms of height and massing. Slight variations in scale from a floorspace perspective are proposed; with units ranging from a minimum internal floor area of 832 sq.ft. to a maximum of 1991 sq.ft to provide a mix of units. The majority of units are proposed to reach a maximum of 2 storeys, and no dwellings are proposed to exceed 2.5 storeys in height.

#### Appearance of the Proposed Development.

The development comprises a mix of sixteen house types, with a selection of building materials and finishes proposed, in order to align with the two character areas identified within the design code. The proposal is considered to provide a bespoke response to the development site, with the objective of providing a design style which has traditional design proportions whilst also introducing elements of contemporary design.

In addition to the sixteen house types, dwellings which are in important locations within the site, such as those at key junctures of the primary route, have elevational treatments which possess further variance to add visual interest.

#### Layout of the Proposed Development.

The layout of the proposed development follows the general principles of Regulatory Plan 02 : Access, Movement and Streets. The proposed built form allows views from within the site, with the vast majority of internal streets, lanes, and rises designed to have views out to surrounding green space and wooded areas.

With regards to spacing, the layout of the proposal is considered to be in accordance with rules contained within the design code for the hierarchy of streets to ensure a satisfactory standard of space between dwellings. For example the primary street that runs throughout the design proposal is accompanied by a 3 metre cycleway, 2 metre footpath, and swale which follows the entire length of the street, giving the primary route a spacious layout and distinctive and well-designed character. The proposal also seeks to retain hedgerows and landscape buffers to allow the development proposal to fit comfortably within the existing topography and arboricultural features.

In terms of the proposed layout and the potential impact of noise upon properties located within the current reserved matters phase, whilst the occupation of dwellings located within a specific buffer area, previously defined in the hybrid application as the "Red Zone Area" are restricted until the installation and completion of the Acoustic Noise Barrier, the submitted Noise Modelling Report by Cundall dated 03.11.2016 recommends a series of noise mitigation measures to further assist in minimising adverse effects from general transportation noise sources (A19). It is therefore recommended that should Members be minded to approve the proposal a condition shall be imposed to ensure that the development is undertaken in accordance with the Noise Modelling Report.

#### Landscaping of the Proposed Development.

The scheme proposes to provide 4.26 hectares of public open space within the development in addition to the Suitable Alternative Natural Greenspace (SANG) that is proposed to surround the development proposal to provide an accessible circulatory route around the entire Chapelgarth development site.

The proposal has also been accompanied by a landscape strategy, that indicates the levels of locally equipped play area (LEAP), structure and landscape framework planting, green infrastructure public realm, eco-value planting and habitat creation and the potential for public art located at key gateways.

Should Members be minded to approve the reserved matters proposal it is recommended that conditions be imposed requiring the submission of full details of the LEAP, and designs for public art features.

In summary, the current proposal with reference to visual and residential amenity is considered to be in full accordance with the supporting design code providing a high quality design that seeks to ensure good standards of amenity for both existing and future occupants of land and buildings. Subsequently the development proposal is compliant with both national and local planning policies.

### 3. Design (Ecology and Open Space).

Due to the site's proximity to the Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar Site , the hybrid application was subject to a Habitats Regulations Assessment (HRA). The assessment concluded that the development would have no significant impact on these designated areas provided the level of Suitable Alternative Natural Greenspace (SANG) was provided at a rate of 18 hectares per 1000 dwellings. At a quantum of 160 dwellings the level of SANG required is 2.88 hectares.

As part of the Section 106 agreement attached to the hybrid application (Schedule Six relates to the provision and maintenance of the SANG) this legal requirement requires the submission of a full specification of works to be submitted and implemented prior to the occupation of the final dwelling constructed in each phase.

Existing areas of dense vegetation are to be retained at the site perimeter, with buffer areas introduced, additionally a strip of trees is to be retained running through the site on an east west axis that provides a new pedestrian link and green connection between open spaces at the eastern and western site boundaries.

Should Members be minded to approve the reserved matters proposal it is recommended a condition be imposed that requires the imposition of a condition requiring the proposal be undertaken in accordance with the protection measures identified in the supporting Arboricultural Impact Assessment by All About Trees dated 20.09.2016.

In summary the current reserved matters layout proposal will need for four trees to be removed, with a further three trees recommended for removal due to their structural defects. The layout also requires three segments of hedgerow to be removed.

Notwithstanding the above, subject to suitable mitigation in the form of a fully implemented Construction Environment Management Plan, to safeguard root protection, felling or clearance of trees so as not to disturb breeding birds and an adequate replanting scheme, the overall impact of

the development upon ecology and existing open spaces is considered to be acceptable and in full accordance with national and local planning policy.

#### Design (Drainage Components).

The existing site has no existing impermeable area and is classed as Greenfield. The current proposal forms part of the wider Chapelgarth scheme which is subject to an overarching drainage strategy for the site. The detailed part of the hybrid application included the installation of two attenuation basins that are to be located south of Weymouth Road. These basins are to be implemented as part of the Phase 1 infrastructure works and are integral to the drainage system for this reserved matters proposal.

Surface water from this proposal will run into the phase 1 basins, however elements of source control will be provided on site with the introduction of swales, filter drains and porous paving. Each of the aforementioned have been incorporated into the design, and have had a direct impact upon the appearance, layout and landscaping of the development. Flows ultimately outfall to the existing public sewer system.

Following consultations with the Lead Local Flood Authority (LLFA), due consideration has been given to the updated Flood Risk Assessment Rev D dated 26th April 2017, engineering layout, source control locations, flood routing plan and section 104 layout and the LLFA are satisfied that the drainage design is considered to be acceptable. It is recommended that should Members be minded to approve the proposal a condition be imposed requiring the works to be carried out in accordance with the FRA dated 26.04.2017.

In addition to the above it is also recommended that a further condition be imposed requiring final details of pipe sizing and swale filter drain depths/pipe sizes for all adoptable swales prior to commencement on site.

With all the above in mind, the Chapelgarth Drainage Strategy Note and Design Code Addendum state that an updated drainage solution and associated revised drainage model has updated the discharge approval level from Northumbrian water to 35 litres per second, and will allow for up to 50% contributing impermeable area (based on the developable plot area).

The reserved matters proposal is considered to be fully compliant with the hybrid planning consent and in accordance with both national and local policy.

#### Design (Highways).

The comments provided below are on behalf of the Local Highway Authority and cover the submission of a detailed layout for the proposed residential development to be delivered by this phase.

**Traffic Impact** - The traffic to be generated by the proposed development of 160 dwellings has already been assessed with regard to impact on the local road network. A review of the traffic impact and suitability of the existing road network including a number of key junctions was contained within the Transport Assessment submitted by Siglion for the overall development of up to 750 dwellings including other committed developments in the area.

**Proposed Access and Layout** - The new highway access to this phase has been designed as a priority junction and includes for localised widening for right-turn movements on Weymouth Road with capacity to accommodate the new development traffic. The access arrangements were approved as part of the hybrid planning application with outline permission for up to 750no

residential units (planning application ref no: 16/00388/HY4). The primary road through the development could potentially be used as a bus route to serve both this and future phases once the main roads are adopted as public highway. The road width will need to be constructed at a minimum of 6.7metres with any on-street parking provided outside of this width to prevent obstruction of this route, as shown on the submitted site layout plan. The layout of the primary road, residential streets and shared surfaces are acceptable in principle. The detailed design will need to be checked to ensure that dwellings located off shared surface areas can accommodate access for refuse collection arrangements, and are of suitable width for vehicular, cycle and pedestrian use.

**Parking Provision** - Parking for individual dwellings should be provided on the basis of a minimum 1 in-curtilage space per dwelling, increasing to two spaces depending upon the size of property. The majority of the new homes include either double driveways or single with garage provision, which meets with parking provision standards and the developer considers appropriate for the house types proposed. New homes should be provided with the option of installing home charging equipment for electric vehicles.

**Visitor Parking** - Visitor parking provision is normally applied at 1 space per 3 dwellings; this however can be relaxed subject to locations where dwellings have double driveways, which applies in the case of this development. The Design Code for the Chapelgarth development states that 20% of visitor parking for homes are to be provided on-street. Visitor parking bays will need to be sited so as not to interfere with free flow of traffic particularly along the primary route which is designed to accommodate a bus route. Parking courts will also need to be designed to be safe / secure and have appropriate shared use access arrangements.

**Traffic Calming in Development** - The development should be designed to ensure traffic speeds are managed within the development with physical measures provided to deter speeds in excess of 20mph within the internal road layout. Speed cushions (1.8m width) to be provided on the primary road as a minimum requirement.

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

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

At two locations, private shared driveways on the development have included four dwellings. Three is the normal limit recommended, however in order to minimise the number of vehicular crossing points through the swales provided for highway surface water drainage, the change is acceptable in this instance.

**Section 278 Offsite Highway Works** - The proposed alterations to existing public highway and the forming of the new access roads will involve construction works within adopted public highway. The developer will need to enter into agreements under Sections 38 and 278 of the Highways Act to ensure the necessary technical and funding arrangements are in place before works start on site. The hybrid application included a planning condition to secure off-site highway improvements including traffic management measures to Weymouth Road and Moorside Road.

These traffic management proposals have been changed following discussions with Ward Councillors. The drawings will need to be updated, resubmitted and agreed showing the detailed design of the off-site highway works, bus stop infrastructure and traffic management proposals. These works will be subject to public consultation with statutory consultees including Ward Councillors and residents affected by the proposals. Subject to a successful outcome of the consultation, the traffic management proposals will be included within works under Section 278 of the Highways Act to enable funding and implementation prior to occupation of dwellings.

Travel Plan - A Travel Plan will be required to cover this phase of the development and be based upon the Interim Travel Plan submitted on behalf of Siglion for the overall development, and include public transport incentives with new homes welcome packs.

Nexus Consultation - Nexus offer no objection to this application. However, there is a recommendation that a wider public transport strategy be delivered for the whole of the Sunderland South Growth Area. This strategy had already been developed and is covered by an Infrastructure Delivery Plan which sets out public transport contributions to be secured via a Section 106 agreement. The developer will need to agree to this financial contribution to achieve this requirement.

Highways England Consultation - Highways England offers no objection to this application. The issues relating to traffic impact on the strategic road network, and particularly the A19 / A690 junction were resolved as part of the hybrid planning application with outline permission for up to 750no residential units (planning application ref no: 16/00388/HY4).

A Construction Management Plan will need to be submitted for approval for this phase, and will need to clearly define routes for site deliveries and construction traffic. The routing and control of construction traffic will need to be agreed through a Scheme of Work condition. Other issues to include are any details of site compounds, contractor parking, wheel washing and/or road cleaning operations. The latter will be needed to ensure appropriate control measures are in place to prevent mud or debris being deposited on the highway.

## 6. Hybrid Planning Application Conditions.

The planning compliance statement has provided a tabled schedule of planning conditions, which have been sub-divided into five sections. These sections are as follows:

1. Pre-commencement of any development, including the submission of reserved matters, foul water disposal, land contamination, construction noise and vibration assessments, samples of materials and details of boundary treatments.
2. Prior to construction, details will be required relating to the routing of construction traffic vehicles and a site specific construction environment management plan.
3. Prior to commencement of groundworks a second phase of archaeological fieldwork including evaluation trenching and mitigation strip and record excavation is required.
4. Adherence conditions including unexpected land contamination procedures, compliance with the design code, landscaping and arboricultural works and finished slab levels throughout the site for the residential properties.
5. Pre-occupation including land contamination verification report, archaeological fieldwork report and publication.

In addition to the above conditions, the hybrid planning application was subject to the signing of a Section 106 agreement, the agreement categorises the developers obligations to providing financial contributions, the provision, management and maintenance of privately maintained areas, the requirement for noise impact assessment and noise mitigation works related to the



living acoustic barrier, the provision and maintenance of the suitable alternative natural greenspace and the requirement to construct and provide affordable housing.

In managing the future development of each reserved matters proposal on site, the above conditions and the Section 106 seek to provide an overarching mechanism to ensure that each development phase is sustainable and intrinsically linked to the aims of the Chapelgarth Masterplan.

## 7. Conclusion.

The proposed scale, layout, appearance and landscaping relating to the current reserved matters proposal are considered to be acceptable and in accordance and compliant with the hybrid consent and accompanying design code parameters, rules and regulatory plans and therefore aligned with the relevant policies contained within the UDP and Residential Design Guide SPD.

It is considered that matters raised by the representations in connection with this application, have been addressed and through the imposition of the site specific conditions imposed and those overarching via the hybrid approval, the site can be delivered in a managed and sustainable form.

With the above in mind, it is considered that this proposal will provide a development that follows the core planning principles identified within paragraph 17 of the NPPF, specifically that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

To conclude and following consideration of all material considerations, it is considered that the reserved matters proposal has clearly demonstrated alignment with the hybrid approval and the provision of a good quality design, tailored in compliance with the Chapelgarth, Sunderland Design Code and members are therefore recommended to Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION: Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 subject to the conditions listed below.**

**Conditions:**

- 1 The development to which this permission relates must be begun not later than whichever is the later of the following dates.
  - (a) the expiration of three years from the outline approval of planning permission.
  - (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing No. 683-MIL-SD00.01, Site Location Plan received 22.12.2016.
  - Drawing No. 683-MIL-SD10.01, Site Plan as Existing Rev B received 22.12.2016.
  - Drawing No. 683-MIL-SD10.02, Site Plan as Proposed Rev F received 10.03.2017.
  - Drawing No. 683-MIL-SD10.03, Colour Layout Rev B received 27.03.2017.
  - Drawing No. 683-MIL-SD10.04, Surface Treatment Plan Rev D received 10.03.2017.
  - Drawing No. 683-MIL-SD10.05, Boundary Treatment Plan Rev D received 10.03.2017.
  - Drawing No. 683-MIL-SD10.06, Adoption Plan Rev C received 10.03.2017.
  - Drawing No. 683-MIL-SD10.07, Elevational Treatment Plan Rev B received 27.03.2017.
  - Drawing No. 683-MIL-SD10.08, Elevational Treatment Plan Rev B received 27.03.2017.
  - Drawing No. 683-MIL-SD20.01, Housetype Plans HT2 received 22.12.2016.

Drawing No. 683-MIL-SD20.02, Housetype Plans HT3 received 22.12.2016.  
 Drawing No. 683-MIL-SD20.03, Housetype Plans Darwin received 22.12.2016.  
 Drawing No. 683-MIL-SD20.04, Housetype Plans Darwin DA received 22.12.2016.  
 Drawing No. 683-MIL-SD20.05, Housetype Plans Malory received 22.12.2016.  
 Drawing No. 683-MIL-SD20.06, Housetype Plans Larkin received 22.12.2016.  
 Drawing No. 683-MIL-SD20.07, Housetype Plans Rolland received 22.12.2016.  
 Drawing No. 683-MIL-SD20.08, Housetype Plans Esk received 22.12.2016.  
 Drawing No. 683-MIL-SD20.09, Housetype Plans Seegar received 22.12.2016.  
 Drawing No. 683-MIL-SD20.10, Housetype Plans Auden received 22.12.2016.  
 Drawing No. 683-MIL-SD20.11, Housetype Plans Mitford received 22.12.2016.  
 Drawing No. 683-MIL-SD20.12, Housetype Plans Stevenson received 22.12.2016.  
 Drawing No. 683-MIL-SD20.13, Housetype Plans Chadwick received 22.12.2016.  
 Drawing No. 683-MIL-SD20.14, Housetype Plans Buttermere received 22.12.2016.  
 Drawing No. 683-MIL-SD20.15, Housetype Plans Jura received 22.12.2016.  
 Drawing No. 683-MIL-SD20.16, Housetype Plans Rosebury received 22.12.2016.  
 Drawing No. 683-MIL-SD30.01, Housetype Elevations HT2 received 22.12.2016.  
 Drawing No. 683-MIL-SD30.02, Housetype Elevations HT3 received 22.12.2016.  
 Drawing No. 683-MIL-SD30.03a, Housetype Elevations Darwin (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.03b, Housetype Elevations Darwin (Option 2) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.04, Housetype Elevations Darwin DA received 22.12.2016.  
 Drawing No. 683-MIL-SD30.05, Housetype Elevations Malory received 22.12.2016.  
 Drawing No. 683-MIL-SD30.06, Housetype Elevations Larkin received 22.12.2016.  
 Drawing No. 683-MIL-SD30.07a, Housetype Elevations Rolland (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.07b, Housetype Elevations Rolland (Option 2) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.08, Housetype Elevations Esk received 22.12.2016.  
 Drawing No. 683-MIL-SD30.09, Housetype Elevations Seeger received 22.12.2016.  
 Drawing No. 683-MIL-SD30.10a, Housetype Elevations Auden (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.10b, Housetype Elevations Auden (Option 2 ) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.11, Housetype Elevations Mitford received 22.12.2016.  
 Drawing No. 683-MIL-SD30.12a, Housetype Elevations Stevenson (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.12b, Housetype Elevations Stevenson (Option 2) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.13, Housetype Elevations Chadwick received 22.12.2016.  
 Drawing No. 683-MIL-SD30.14a, Housetype Elevations Buttermere (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.14b, Housetype Elevations Buttermere (Option 2) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.15a, Housetype Elevations Jura (Option 1) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.15b, Housetype Elevations Jura (Option 2) received 22.12.2016.  
 Drawing No. 683-MIL-SD30.16, Housetype Elevations Rosebury received 22.12.2016.  
 Drawing No. 683-MIL-SD40.01, Street Scene Rev B received 27.03.2017.  
 Drawing No. 683-MIL-DAS Design and Access Statement received 22.12.2016.  
 Drawing No.QD1197-03-01 Rev A Engineering Layout received 11.04.2017.  
 Drawing No.QD1197-03-02 Source Control Locations received 11.04.2017.

Drawing No.QD1197-03-03 Flood Routing Plan received 11.04.2017.  
Drawing No.QD1197-08-02 Rev A Source Control Details received 11.04.2017.  
Drawing No.QD1197-17-01 Section 104 Layout received 11.04.2017.

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

- 3 No groundworks or development shall commence until a second phase of archaeological fieldwork (to include evaluation trenching and mitigation strip and record excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM 7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 4 The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (3) has been submitted to and approved in writing by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM 7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 5 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason : The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 6 A Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority prior to the occupation of the 80th residential unit, that covers this phase of the development and be based upon the Interim Travel Plan submitted on behalf of Siglion for the overall development, and include public transport incentives with new homes welcome packs, in order to reduce the number of journeys by car and increase the number of journeys using public transport, walking and cycling as a means of travel, in the interest of traffic mitigation and environmental sustainability and to comply with policy T14 of the Unitary Development Plan.
- 7 The reserved matters hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Miller Homes dated 27th April 2017 Rev.E - Queensberry Design Limited, unless otherwise first agreed in writing by the Local Planning Authority. In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved Unitary Development Plan.

- 8 Notwithstanding the submitted Flood Risk Assessment dated 27th April 2017 Rev E, and prior to the commencement of works on site, a final surface water drainage design and layout should be submitted to and approved in writing by the Local Planning. For the avoidance of doubt, details required include an engineering layout, source control locations, flood routing plan and section 104 layout and should include pipe sizing and swale filter drain depths/pipe sizes for all adoptable swales. In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved Unitary Development Plan.
- 9 The reserved matters hereby approved shall be carried out in complete accordance with Section 6 Conclusion, set out in the Arboricultural Impact Assessment for Trees at Chapelgarth, Sunderland issued 20.09.2016, in order to ensure that no damage is caused to trees during construction work and to comply with saved policy CN17 of the adopted Unitary Development Plan.
- 10 The development hereby approved shall be carried out in complete accordance with noise mitigation measures contained within the Noise Modelling Report Chapelgarth Phase 1 for Miller Homes by Cundall dated 03.11.2016, in order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved Unitary Development Plan policies EN1, EN5 and EN6.