

## **DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE**

### **AGENDA**

**Extraordinary Meeting to be held in Committee Room 2 on Tuesday 16<sup>th</sup> April, 2019 at 5:30p.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>  Report of the Executive Director of Economy and Place (copy herewith)	1

E. WAUGH,  
Head of Law & Governance.

Civic Centre,  
SUNDERLAND.

8<sup>th</sup> April, 2019

## **Development Control (Hetton, Houghton and Washington) Sub-Committee**

16 April 2019

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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. 18/01963/FU4  
Former Easington Lane Primary School, South Hetton Road, Easington Lane,  
Houghton-le-Spring DH5 0LQ

##### **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 (019 561 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/)

Peter McIntyre

Executive Director Economy and Place

**Reference No.:** 18/01963/FU4 Full Application (Reg 4)

**Proposal:** Erection of 116no dwellings including access, public open space, parking provision, hard and soft landscaping and associated infrastructure.

**Location:** Former Easington Lane Primary School South Hetton Road Easington Lane Houghton-le-Spring DH5 0LQ

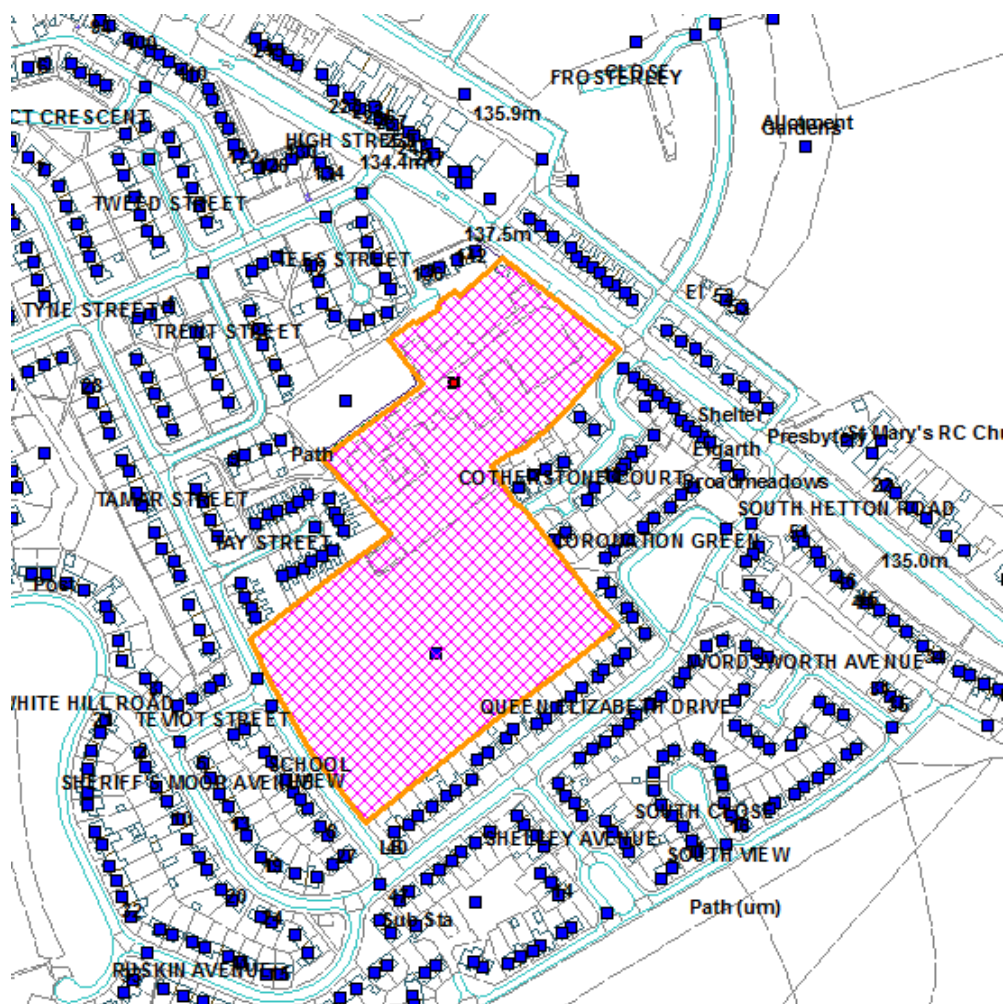
**Ward:** Hetton

**Applicant:** Placefirst Construction Ltd

**Date Valid:** 9 November 2018

**Target Date:** 8 February 2019

## Location Plan



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## PROPOSAL:

The proposal relates to the erection of 116no.dwellings including vehicular and pedestrian access off South Hetton Road, public open space, parking provision, hard and soft landscaping and associated infrastructure on the site of the former Easington Lane Primary School.

The site is located on land that was previously occupied by Easington Lane Primary School until its demolition in 2008 and covers an area of 2.74 hectares. The site is relatively flat and consists of a mixture of brownfield/greenfield areas which previously housed the school building, a large area of hard standing and playing fields to the rear. The site is located within a predominantly residential area and is bound on three sides by residential properties.

The north eastern boundary of the site is formed by both South Hetton Road and Cornerstone Court, the south eastern boundary by the rear gardens of properties located along Queen Elizabeth Drive, whilst the south western boundary is overlooked by the properties along School View. To the north west of the site are the residential properties located within Tees Street, Trent Street and Tay Street.

The site is currently owned by the City Council and was marketed with the assistance of the Land at Easington Lane, Sunderland, Planning and Development Brief dated March 2017. A pre-requisite of the future development of the site was the need for a S106 contribution (or similar financial contingency) to be secured towards education and increasing capacity within the area.

The current proposal has been submitted by Placefirst Developments, who have secured an option on the site, subject to the granting of planning permission. The proposal seeks to introduce a build to rent neighbourhood consisting of 26 two bedroom bungalows, 46 three bedroom houses and 44 four bedroom houses.

The application has been supported by the following documents.

- Planning Statement (including Affordable Housing Statement and Open Space Assessment)
- Viability Report
- Geo-Environmental Report
- Construction Management Plan
- Noise Assessment
- Arboricultural Impact Assessment
- Tree Survey Report
- Flood Risk Assessment
- Drainage Networks Details
- Phase 1 Habitat Survey
- Transport Assessment
- Statement of Community Involvement.

The application is departure from the saved adopted Unitary Development Plan (UDP) and has been advertised accordingly.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Flood and Coastal Group Engineer  
Environmental Health

Network Management  
Hetton - Ward Councillor Consultation  
Network Management  
Environmental Health  
Southern Area Command - Police  
Northumbrian Water  
NE Ambulance Service NHS Trust  
Flood and Coastal Group Engineer  
Hetton Town Council  
Sport England  
Hetton Town Council  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **20.12.2018**

## **REPRESENTATIONS:**

### **Sport England**

The application site has become vacant as a new replacement primary school (bearing the same name) has been developed within Easington Lane. The new school includes replacement playing field and to all intents and purposes. Sport England is content that the application site's playing field has been replaced in accordance with playing field exception E4.

In light of the above Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

### **County Archaeologist**

A geophysical survey has been submitted, because two pre-historic settlements have previously been found at Easington Lane, the nearest one being north-east of Murton Lane.

Ridge and furrow (former ploughing), land drains, linear and curvilinear anomalies have been identified.

The anomalies may represent possible soil-filled features, which may be archaeological in origin.

The results of the geophysical survey need to be tested by archaeological trial trenching.

If archaeological features are found in the preliminary trenches, further archaeological excavation will be required in order to fully record and excavate the archaeological remains before development can commence.

Should Members be minded to approve the application it is recommended that the following conditions are imposed:

- Archaeological Excavation and Recording Condition.
- Archaeological Post Excavation Report Condition.
- Archaeological Publication Report Condition.

## **Northumbrian Water**

We would have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Management Strategy for School View, Hetton, Sunderland dated October 2018. In this document it states as per the Northumbrian Water Pre-Development Enquiry correspondence dated 29th October 2018 that foul can connect to MH6812 and Surface Water can discharge at a restricted rate of 9l/s into MH6811.

It is therefore recommended that should Members be minded to approve the application the following condition is imposed.

"Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Management Strategy for School View, Hetton, Sunderland dated October 2018 drawing no. HYD358-101-D." The drainage scheme shall ensure that flows discharge to the foul sewer at manhole 6812 and ensure that surface discharges to the surface water sewer at manhole 6811. The surface water discharge rate shall not exceed the available capacity of 9l/s which has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

### **REASON:**

To prevent the increased risk of flooding from any sources in accordance with the NPPF."

## **Lead Local Flood Authority (LLFA)**

The submitted Flood Risk Assessment and Drainage Management Strategy dated March 2019 is considered to be acceptable. The aforementioned document has been amended on a number of occasions and has now included the following information on source control for the site.

"National and local policy identifies that Sustainable Drainage Systems (SuDS) should be incorporated into new development where at all feasible. Given the underlying ground conditions it is unlikely that an infiltration-based solution would be suitable to deal with all the run-off generated by the development. The proposals are however to include permeable paving partially on the site, where practical, to assist with minimising run-off generated by the proposals. The presence of permeable paving, even in a partial capacity will assist with managing the first 5mm of surface water run-off generated during rainfall events and will conform with the SuDS guidance by providing a mechanism of source control onsite. The area of permeable paving proposed is 0.189ha; this is 14% of the total impermeable area."

In light of the above, the LLFA have suggested that the development in relation to flood risk and drainage can now be recommended for approval subject to a condition should members be minded to approve requiring the development be undertaking in accordance with the updated details provided in FRA&DMS dated March 2019.

## **Public Protection and Regulatory Services**

The development is broadly acceptable. The supporting noise assessment states that Plots 1-6 will only achieve the "reasonable" noise criteria (from BS 8233) in the daytime rather than the "good Criteria" which is met by the rest of the plots on site. All plots can achieve the "good" noise standard during night time hours. Subsequently it is recommended that prior to the occupation of the proposed development, a specification shall be provided and agreed with the Local Planning Authority for each plot detailing appropriate noise mitigation measures including façade treatment and acoustic fencing. References should be made to the noise insulation specification and

predicted noise levels in Table 5.1 and Appendix 3 of the Noise Assessment (dated 2nd January 2019).

## Land contamination

The conclusion that remediation is necessary for the northern area as delineated by Brownfield Solutions Ltd to include all hardstanding areas and areas to the north is accepted.

However, it is proposed that the cover layer be 600mm thick in garden areas and 450mm thick in landscaped area within the northern part of the site. This depth is insufficient for certain uses as construction of ponds. In line with Sunderland practice it should be considered that a continuous warning layer including asbestos warning signage need to be supplied at the base of the cover layer (e.g. orange geotextile with warning tape). Either a natural or artificial hard-to-dig layer should also be considered above the separator/warning layer (exclusive of soil cover) in order to provide a more robust solution.

Final design of the cover layer to be included in the Remediation Strategy should take into account Sunderland precedents, advice from the NHBC and the designer's requirements for robustness. The gas risk assessment is incomplete and should be finalised within the Remediation Strategy.

Construction Environment Management Plan (CEMP) – The times of site operation and material deliveries have been provided as 07:30-18.00 Monday to Friday and 08:00-14:00 Saturday. No work on a Sunday/Bank Holidays.

Due to the close proximity of existing residential properties, it would be preferable if the site operation and deliveries were restricted to between 08:00-18.00 Monday to Friday and 08:30-14.00 Saturday.

The CEMP states that Vibro Piling will be used on site in the creation of foundations. However, no further information has been provided within the document regarding the control of noise and vibration for this method at the nearest sensitive properties.

Further information is required on predicted noise and vibration levels during construction and how the impact will be mitigated if necessary. The applicant should also outline the procedure for maintaining good public relations including complaint management and public consultation and liaison.

## Third party representations

Two letters of representation were received raising concerns related to the following:

- Extra traffic.
- Extra pressure on local services etc.
- Style of properties proposed.
- Boundary treatment.
- Loss of trees.

Each of the matters raised are addressed within the main body of the agenda report.

## POLICIES:

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



B\_2\_Scale, massing layout and setting of new developments  
 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  
 R\_1\_Working towards environmentally sustainable development  
 R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land  
 H\_1\_Provision for new housing  
 L\_7\_Protection of recreational and amenity land  
 H\_4\_Density of housing development to at least reflect that of the locality  
 T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
 CN\_22\_Developments affecting protected wildlife species and habitats  
 CN\_17\_Tree Preservation Orders and replacement of trees  
 EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
 EN\_12\_Conflicts between new development and flood risk / water resources  
 EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

The main issues to consider in the determination of this application are:

- Principle of development
- Design, layout and visual amenity
- Residential Amenity
- Highways
- Landscape and ecology
- Archaeology
- Noise
- Flood risk and drainage
- Land contamination and stability
- S106 contributions and viability

## **Principle of development.**

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

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

Paragraph 11 of the NPPF then sets out a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; and

- 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:
  - (a) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - (b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Paragraph 59 of the NPPF 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 in its area, as informed by a local housing needs assessment.

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. In accordance the requirements of paragraph 67 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. The SHLAA identifies sites and broad locations with potential for housing, assesses their development coming forward and provides a five-year land supply trajectory.

The 2018 SHLAA concludes that the Council can demonstrate a supply of available housing land equivalent to 5.6 years (including a 5% under-delivery buffer), which would deliver 745 no. dwellings per year over the Core Strategy and Development Plan (CSDP) period. The figure of 745 dwellings per annum has identified by the Objectively Assessed Housing Need within the addendum to 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 the 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.

The land supply assessed by the SHLAA includes the application site, which is identified as site 086 and is considered to be capable of delivering up to 75 dwellings.

Given this position, the Council would consider that at present, it is able to demonstrate a housing land supply of at least 5 years and so would contend that the relevant policies within its adopted UDP and the submission draft of the CSDP can be given appropriate weight having regard to their consistency with the NPPF and, in respect of CSDP policies, the advice of aforementioned paragraph 48 of the NPPF.

The provisions of UDP policy R1 promote the overarching requirements for delivering sustainable patterns of development. The policy states in part that:

“The impact of development will be considered against the need to respect the long term welfare of the environment by:

- (i) Making the most efficient use of land, energy and other resources;
- (ii) Reducing reliance on the use of the private motor car;
- (iii) Avoiding the risk of serious environmental damage, especially damage which may be irreversible or very difficult to undo.

The above policy is considered to be fully compliant with the NPPF.

Policy R2 of the UDP relates to resource utilisation and seeks to maximise the use of existing infrastructure, existing development sites and minimising the need to travel

Saved UDP policy H1 seeks the provision of new housing which maximises locational choice, caters for reduced out migration, assists in regeneration and secures reuse of vacant land.

The site is located on land that was previously occupied by Easington Lane Primary School until its demolition. The site is located within a predominantly residential area and is bound on three sides by residential properties. The site is relatively flat and consists of a mixture of brownfield/greenfield areas which previously housed the school building, a large area of hard standing and playing fields to the rear.

The site is identified within the UDP as a school playing field and as such policy L7 is applicable.

UDP policy L7 states that:

“Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishment. Permission for other uses on these sites will only be granted if:

- I. Alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards increased in policies L4, L5 and L6; or
- II. The development is for educational purposes; and
- III. There would be no significant effect on the amenity, recreational and wildlife habitat value of the site.”

In light of the above policy, it is noted that the following planning applications are particularly relevant to the redevelopment of the school site:

Ref: 03/02694/LOU: Approved dated 07.12.2004.

Construction of new primary school with playgrounds, games area, playing field, drop off area, car parking, attached community facilities and new access, together with the stopping up of highway and change of use to landscaping.

Ref: 05/01401/LRE: Approved dated 16.08.2005.

Construction of new primary school including playgrounds, games areas, playing fields, parents drop off area and car parking, lighting and CCTV columns and 3 temporary classrooms.

The site is identified in the 2018 Sunderland Strategic Housing Land Availability Assessment as 1-5 year housing sites and as such is considered deliverable.

The site also forms part of the Sunderland City Council Brownfield Register meaning the site is considered to be deliverable for housing-led development, and is available now.

In light of the above, and given that an alternative educational building has been provided in the form of the New Easington Lane Primary School, the principle of residential development on the site is considered acceptable, subject to securing the requisite contribution towards education and increasing capacity within the area.

## **Design, Layout and Visual Amenity.**

The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states at paragraph 127 that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF goes on to state at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or styles of a development with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, relating harmoniously to adjoining areas, whilst creating their own individual character.

Policy H1 is a general housing policy, and seeks to ensure that new housing maximises locational choice, caters for reduced out-migration and increasing household formation, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible.

Policy H4 states that:

“Housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought.”

With the above policies in mind, the City Council's Urban Design Officer recognises that the increased density that the proposal seeks to introduce is acceptable in this particular instance given the model of development proposed. The creation of the secure community garden areas between the bungalow developments, removed the need for residents to look after larger garden plots and ensures a managed area of amenity space. It is also recognised and welcomed that the development model targets an older generation demographic for future occupancy and places significant value upon tackling issues of loneliness and social isolation.

The house types proposed are considered to provide elevations contemporary in nature and acceptable within the existing surrounding residential context.

Furthermore the provision of an equipped children's play facility within the site is welcomed, and should Members be minded to approve the proposal, a condition can be imposed to ensure suitable equipment and maintenance programmes are secured.

In terms of the layout, the introduction of small areas of landscaping has broken up the dominance of car parking that previous layout provided, whilst also providing a more acceptable and adoptable vehicular and pedestrian surface.

Overall, whilst the model proposed is unique to the City, the rationale behind the design and layout, is considered to provide a form of development that seeks to encourage strong community cohesion and interaction between future residents. The proposal is considered to accord with relevant UDP policies and is considered to be acceptable in terms of its overall design ethos.

## **Residential Amenity**

The NPPF states that planning decisions should ensure that development create that are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The impact of the development on residential amenity is assessed against Policy B2 of the adopted UDP which seeks to protect residential amenity.

The Council's Residential Design Guide Supplementary Planning Document (SPD) provides minimum standards for spacing between dwellings unless demonstrated through careful design that a lesser distance would be acceptable. The SPD advises that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living room windows and blank elevations, this arrangement ensures dwelling are afforded acceptable levels of privacy and main living room windows are afforded a middle-to-long distance outlook.

The proposed layout has been amended to ensure that these standards have been imposed at the perimeter of the site, to safeguard amenity levels of existing occupiers.

Internally the layout of the site, does provide a number of units where the guidance provided within the SPD has not been strictly adhered to, however the applicant has provided a robust statement as to the reasons behind the reductions, particularly in the areas of shared communal gardens and given the issue surrounding the cost of developing the site and viability, these reductions are considered to be acceptable in this particular instance.

## **Highways**

Policy T14 of the UDP relates to new development proposals and requires new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
- (ii) Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modification to the highways concerned must be proposed to

the satisfaction of the relevant highway authority and the cost of these must be met by the developer.

- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.
- (iv) Make provision for the loading and unloading of commercial vehicles.
- (v) Indicate how parking requirements will be accommodated.”

The application has been supported by both a Transport Assessment and a Travel Plan by SCP both dated November 2018.

The proposed access arrangements have been discussed throughout pre-application and submission documents with the local Highway Authority to reach an agreement to achieve a vehicular access being provided from the A182 South Hetton Road. The access provides a 5.5 metres wide carriageway, 8 metres junction radii and 2 metres footways on both sides of the road. An additional emergency only access will be provided from School View to the south west of the site.

Parking on site has been provided as below:

- 4 bed units 2 parking spaces.
- 3 bed units 1.34 parking spaces (including visitor parking).
- 2 bed units 1 parking space.

In addition to the above, the details of the layout, private drives, shared surfaces and servicing arrangements have all been secured with the City Council’s Adoption Engineer and Transportation Development Section to ensure conformity with the above UDP requirements and Sunderland Council’s Highway Adoption policies.

## **Landscape and Ecology**

The NPPF states in paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological values and minimising impacts on and providing net gains for biodiversity.

Policy CN22 of the UDP seeks to safeguard the animal or plant species, or its habitat afforded special protection by law. The application has been supported by an Extended Phase 1 Habitat Survey dated October 2018. The recommendations of the report state the following:

“Protected species are a material consideration when a planning authority is considering a planning application. The presence of protected species, the effect of the proposed development and suitable mitigation, if required, must be established before planning permission can be granted. Following the findings of the Extended Phase 1 Habitat Survey, the following may be required:

Nesting Birds – If any work to the shrub beds or trees needs to be carried out within the bird nesting season (generally March to August), then a nesting bird survey will be required by experienced personnel immediately prior to work commencing.”

Following consideration and consultations with the City Council’s Natural Heritage Officers the submitted report and its subsequent recommendations are considered to be satisfactory.

Policy CN17 of the UDP relates to the retention of trees and encourages the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas.

The application has been supported by an Arboricultural Impact Assessment and Method Statement by tba landscape architects dated October 2018. The statement indicates that of 44 items surveyed, 33 trees have been identified for removal, the vast majority of which require removal to facilitate the development of the site. Of these trees identified for removal one specimen (a lime) which is located along the south eastern boundary has been categorised as a high value category A tree. In this instance the removal is required to allow an access path to be installed to plots 7-10 of the development. Whilst the removal of this specimen is unfortunate, in this instance, given the siting of the tree within the site and away from public highways a TPO would not be appropriate.

To mitigate the loss of the existing specimens the development seeks to plant a total of 75 new specimens around the site, adding to the overall landscaping of the site.

In light of the above the proposed landscaping alterations and tree replanting is considered to provide a suitable form of development in terms of visual amenity and habitat creation.

## **Archaeology**

Section 16 of the NPPF: Conserving and enhancing the historic environment contains guidance on preserving heritage assets, emphasising the desirability of sustaining and enhancing the significance of heritage assets, along with the desirability of new development making a positive contribution to the character of a place.

Policy B11 of the UDP states that:

“The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded.”

The Tyne and Wear Archaeology Officer has been consulted and following consideration of the submitted geophysical survey has recommended a series of conditions should Members be minded to approve the application to ensure the safeguarding of the heritage of the site.

## **Noise**

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

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

Policy EN6 of the UDP is also concerned with noise and states that:

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

The application has been supported by a Noise Assessment dated January 2019 and following consultations with the City Council's Public Protection and Regulatory Services Section it is recognised that a small number of plots that front directly on to South Hetton Road are going to require an increased level of mitigation to ensure appropriate levels of noise attenuation are provided. With this in mind, Members are requested to impose a condition should they be minded to approve the proposal to ensure a full specification of measures are provided for consideration prior to the occupation of any of the plots identified between Plots 1-6.

Notwithstanding the above, the development is considered to be broadly acceptable.

### **Flood Risk and 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. Furthermore 165 states that:

“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems should:

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

Policy 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.

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

The application under consideration has been accompanied by:

- A Flood Risk Assessment and Drainage Management Strategy.
- A Domestic Drainage Layout.
- Section 104 Layout.
- A Manhole Schedule.
- Longitudinal Sections.

The proposed development site is located with Flood Zone 1 based on the Environment Agency Flood Map for Planning. Residential development is classified as “more vulnerable” within the Planning Practice Guidance which supports the NPPF. The guidance confirms that “more



vulnerable” development is appropriate when located within Flood Zone 1, providing there is no increase in flood risk elsewhere due to the proposals.

Further to consultations with the LLFA, and an agreement with both Sunderland City Council and Northumbrian Water discharge rates have been agreed. To facilitate these rates the layout of the development has incorporated two separate attenuation tanks underground, with associated hydraulic and engineering constraints. In addition, source control has been added to the design of the scheme by means of permeable paving to allow surface water to filtrate into the ground.

Subject to a condition, requiring the development be carried out in accordance with the Flood Risk Assessment and Drainage Management Strategy dated March 2019, should Members be minded to approve the application, this element of the proposal is considered to be acceptable.

## **Land Contamination and Stability**

The NPPF states that Local Planning Authorities should seek to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or land instability. Planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

UDP policy EN14 states that where development is proposed on land which there is reason to believe is either:

- i) Unstable or potentially unstable;
- ii) Contaminated or potentially at risk from migrating contaminants;
- iii) Potentially at risk from migrating landfill gas or mine gas.

A “Phase 1 Desk Study Assessment Report” from Brownfield Solutions Ltd dated October 2018 and two ground investigations reports entitled “Geo-Environmental Assessment Report” dated October 2018 and “Supplementary Geo-Environmental Assessment Report dated October 2018 were submitted for review.

Further to consultations with the PPRS section the submitted reports are considered to be broadly acceptable. The conclusions that remediation is necessary for the northern area of the site to include all hardstanding areas and areas to the north is considered to be acceptable.

A further remediation strategy has recently been received and is currently under review. As a result of initial consultations it is recommended that should Members be minded to approve the application conditions are appropriate for a Remediation Strategy/Verification Plan, Verification Report and a condition for Unexpected Contamination.

## **Section 106 Contributions and Viability**

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;

In this instance, Section 106 contributions will be required for the following:

Affordable Housing – 16 Affordable Units

Education – Primary School request based on the 3 and 4 bedroom house numbers equating to £314,828.

A request for a section 106 contribution of £73,800 to fund the extension of local healthcare infrastructure was received from the National Health Service Clinical Commissioning Group (CCG).

However, the CCG did not provide any relevant evidence to support its request, neither did the CCG provide the basis for its calculation when arriving at the requested figure. The CCG did not identify an appropriate project/area in which it intended to spend the requested funds. On this basis the request for S106 contributions for the CCG does not meet the tests of Regulation 122(2) of the CIL Regulations, 2010 (as set out above) and cannot be required in the context of this planning application.

In terms of viability, the applicant has submitted a viability report and an executive summary that states that:

“In line with the adopted NPPF, NPPG on viability and RICS Guidance Note (Financial Viability In Planning Guidance Note – GN94/2012), developments must deliver a return which does not undermine deliverability of a scheme. For residential schemes a developer will require a typical margin of between 18-20 % profit on GDV.”

Based on the applicant's appraisals, even assuming no affordable units or no financial contributions, the appraisal is achieving a very low profit on GDV of 9.7% and as such in terms of S106 contributions has requested that S106 contributions are reconsidered in respect of the development.

The Council commissioned Bradley Hall, to independently assess the submitted viability report. The conclusions of the report which looked at and considered, professional fees, external costs, build costs, abnormal development costs and benchmark land value stated the following.

“Taken collectively I have revisited my appraisal and with the adjustments set out above now calculate a residual land value of £518,347. I therefore conclude that the scheme can support no affordable housing and a financial contribution of £48, 347.”

It is noted that the viability of this scheme is weighed heavily by the quantum of abnormal development costs.

Consequently, given the viability issues associated in developing this vacant former school site, it is necessary to consider whether the absence of a significant proportion of the requested planning obligations would outweigh the significant regeneration benefits on offer by the application proposal. In this regard, given the site has been actively marketed by the City Council, for development for residential use and forms a key component of the Council's housing five-year land supply, the development proposed which provides a new housing model to the City is given

significant weight.

Notwithstanding the above, and given the existing pressures in this instance facing the local primary education facilities in terms of school places, it is considered that the full education contribution needs to be provided, in order for the development to be realised and the site to be considered to be sustainable.

In view of the viability issues associated with the application proposal colleagues in Property Services have reached agreement on price for the transfer of the site to the applicant on the granting of planning approval. This report was recently tabled within a Cabinet Report for the disposal of the site. With the above in mind, Property Services have confirmed that any shortfall towards education will be funded directly from the capital receipt for the site.

In light of the above, whilst it is recognised that the development is only partly viable, to facilitate the redevelopment of the site, monies provided towards education will be paid in part by the applicant via a S106 agreement and by the City Council in terms of redirecting part of the capital receipt money to the provision of additional primary school education places in the Hetton Ward.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons

that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

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

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

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

## **CONCLUSION**

The proposed development represents a departure from the development plan. However, given the former school has now been relocated, the development of the site for 116no. dwellings is considered to be acceptable in principle.

The layout, design and impacts upon the local amenity of the area are all considered to be acceptable. Any loss of existing trees within the site are to be mitigated by the quantum of tree planting proposed, therefore adding to the overall visual amenity of the site.

In terms of engineering, the drainage, access and internal configuration of the layout are all considered to provide a suitable form of development.

Risks to future residents have been assessed in terms of land contamination and noise and subject to appropriate conditions is considered to be acceptable.

Finally, in securing the requisite financial contribution towards education places, the development is considered to be sustainable, providing a mix of house types commensurate with the local area and a form of tenure model that is unique to the City.

It is considered that the proposed development is acceptable and it is recommended for approval.

## **RECOMMENDATION:**

Members be minded to Grant Consent under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended) subject to the draft conditions set out below and subject to the signing of a legal agreement under the provisions of Section 106 of the Act.

### **Conditions:**

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No.00, Site Location Plan dated 10.2018.
- Drawing No.01 Rev L, Proposed Site Plan dated 22.10.2018.
- Drawing No.04, Site Sections dated 10.2018.
- Drawing No.05 Rev B, Boundary Treatment and Materials Layout dated 10.2018.
- Drawing No.06, Boundary Treatment Details dated 10.2018.
- Drawing No.07, Proposed Refuse Strategy dated 12.02.2019.
- Drawing No.5895.03 Rev B, Landscaping Proposal dated 10.2018.
- Drawing No.5895.04 Rev B, Landscaping Proposal dated 10.2018.
- Drawing No.SSL:18430:200:1:2, Topographical Survey dated 11.2017.
- Drawing No.SSL:18430:200:2:2, Topographical Survey dated 11.2017.
- Drawing No.18056\_HT\_01, 2 Bed Bungalow dated 10.2018.
- Drawing No.18056\_HT\_02, 2 Bed Bungalow dated 10.2018.
- Drawing No.18056\_HT\_03, 3 Bed Mews Terrace dated 10.2018.
- Drawing No.18056\_HT\_04, 3 Bed Mews Terrace dated 10.2018.
- Drawing No.18056\_HT\_05, 3 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_06, 3 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_07, 4 Bed Mews Terrace dated 10.2018.
- Drawing No.18056\_HT\_08, 4 Bed Mews Terrace dated 10.2018.
- Drawing No.18056\_HT\_09, 4 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_10, 4 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_11, 4 Bed Mews Terrace dated 10.2018.
- Drawing No.18056\_HT\_12, 4 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_13, 4 Bed Townhouse dated 10.2018.
- Drawing No.18056\_HT\_14, 4 Bed Townhouse dated 10.2018.
- Drawing No.101 Rev G, Section 104 Layout dated 12.2018.
- Drawing No.102 Rev A, Drainage Layout dated 12.2018.
- Drawing No.122 Rev F, Cellular Storage Details Cells 2 dated 06.02.2019.
- Drawing No.123 Rev F, Cellular Storage Details Cells 2 dated 06.02.2019.

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 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 No development shall commence until a detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land. The Remediation Strategy and Verification Plan are required to ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details. The abovementioned is required in order to ensure that risks from land contamination to future users of land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.

6 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation 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 199 of the NPPF, Submission Core Strategy Policy BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

7 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 6 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 interest. The investigation is required to ensure that any archaeological remains on site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Submission Core Strategy Policy BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

8 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 the 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 will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Submission Core Strategy Policy BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

9 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Management Strategy for School View, Hetton, Sunderland dated March 2019 drawing no HYD358-101-D". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 6812 and ensure that surface discharges to the surface water sewer at manhole 6811. To ensure in accordance with policies EN12 and B2, the development hereby approved does not impede the flow of water and respects the best qualities of the locality.

10 No dwelling house shall be occupied until final surface water drainage details to show access points to geocellular tanks and a hydraulic model/plan to be submitted to show dual flow control, to ensure, in accordance with UDP policies EN12 and B2, the development hereby approved does not impede the flow of water and respects the best qualities of the locality.

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

12 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Tree Protection Plan dated 10.2018 and British Standard 5837 (2012): Trees in relation to design, demolition and construction, no development shall commence within the development until all tree protection measures required for that phase of development as set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete.

Reason:

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

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

Reason:

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

14 No dwelling house shall be occupied until a final travel plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the final plan should be in accordance with the Framework Travel Plan.

Reason:

To ensure, in accordance with Unitary Development Plan policy T14, does not cause highway safety problems.

15 The development hereby approved shall be undertaken in accordance with the Placefirst Construction and Environmental Method Statement dated March 2019.

Reason:

To ensure, in accordance with Unitary Development Plan policy T14 and B2, does not cause highway safety problems and for the proper planning of the site.

16 Prior to the occupation of the proposed development (units 1-6) a specification shall be provided and agreed with the Local Planning Authority for each plot detailing appropriate noise mitigation measures including facade treatment and acoustic fencing. The approved noise mitigation shall thereafter be provided on site and retained for the lifetime of the development.

Reason:

To ensure, in accordance with Unitary Development Plan policy EN6, the development hereby approved would not be exposed to unacceptable levels of noise.