

## **PLANNING AND HIGHWAYS (EAST) COMMITTEE MEETING 29<sup>th</sup> MARCH 2021**

### **Additional information for Members**

#### **ITEM 3 – APP. REF. 19/01559/FUL**

Further to the publication of the main agenda, it is apparent that the report for planning application ref. 19/01559/FUL is unclear as to the level of affordable housing to be delivered by the proposed development. To this end, section 10 of the report erroneously indicates that the development will deliver 100% affordable housing.

The development will, in fact, deliver 2 no. affordable dwellings, both available for affordable rent, as set out at section 11 of the report. This means that 15% of the proposed apartments will be affordable, an amount which fully accords with the requirements of policy H2 of the Council's CSDP and the affordable housing objectives of the National Planning Policy Framework. The affordable housing is to be secured via an agreement under s106 of the Town and Country Planning Act.

The proposed development is therefore considered to be acceptable in relation to affordable housing and, for the reasons set out in the main agenda report, is considered to be acceptable having regard to all other material considerations.

**RECOMMENDATION:** Members are therefore recommended to APPROVE the application, subject to the completion of the s106 agreement securing 2 no. Affordable apartments and financial contributions towards ecology and off-site open space provision and the conditions set out in the main report.

#### **ITEM 5 – APP. REF. 20/02193/LP3**

As set out in the main agenda report, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority (LLFA), had requested the submission of further information in respect of the proposed sustainable drainage strategy for the development. Additional details of ground conditions and the design of the headwall at the northern end of the bridge have since been provided and have been reviewed by the LLFA.

The LLFA have confirmed that the application can be approved from a sustainable drainage perspective but have requested that a condition be imposed which requires the submission of final details of the surface water drainage system for the development. The surface water drainage information to be submitted should include a plan and section, details of the outfall to the Wear and a section from the outfall to the Wear and any sizing and specification of proprietary treatment device. It is recommended that this information is submitted before the completion of the bridge deck, to ensure that the risk of any uncontrolled run-off is minimised.

**RECOMMENDATION:** With regard to the above and the details provided within the main agenda report, it is recommended that Members GRANT CONSENT for the proposed development under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the conditions set out in the main report and the additional condition no. 21 below:

**Additional condition**

*21. Prior to the completion of the reinforced concrete bridge deck, final details in relation to surface water drainage arrangements for the bridge must be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the details to be submitted must include a plan and section, details of the outfall to the River Wear and a section from the outfall to the Wear and the sizing and specification of any proprietary treatment device. The development must then be completed in full accordance with the agreed details.*

*Reason: to minimise the risk of uncontrolled run-off and to comply with the objectives of policies WWE2 and WWE3 of the Council's CSDP.*

**ITEM 6 – APP. REF. 20/00112/LP3**

The final paragraph in the conclusion section of the committee report says

“Officers would advise that matters relating to drainage and ecology are still under consideration and an update will be provided for Members in due course”.

Drainage

The most recent Drainage Strategy describes a temporary solution and permanent one via drainage within Galley's Gill. The permanent solution via Galley's Gill has been removed from the application; which means the temporary solution would be used on both a temporary and permanent basis.

The drainage strategy describes the solution in question as

“Surface water flows from the site are proposed to be split into two systems. One system is to collect surface water and discharge to the NWL sewers within the vicinity of the site. The second system will collect surface water and discharge into a recently constructed basin as part of the SSTC works. Both systems will enter an NWL surface water sewer before connecting into a combined overflow and discharging into the River Wear”.

The Lead Local Flood Authority have said that

“...should the drainage solution termed "temporary" in the submitted documents be considered a permanent solution it is considered to be suitable and to meet all the

requirements of the LLFA with regard to provision of flood risk assessment, drainage strategy, flow control and water quality treatment.”

Northumbrian Water have said that

“The revisions to the planning application do not provide sufficient detail with regards to the management of surface water from the development for Northumbrian Water to be able to assess our capacity to manage the flows from the development. The existing surface water sewer serving the development site is unlikely to be capable of receiving full flows without some on-site storage and attenuation. The applicant should seek further advice from our pre-planning enquiry team regarding capacity of the surface water sewer. We would therefore request the following interim condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.”

Officers are intending to further discuss the above condition with the LLFA and Northumbrian Water. Officers would, however, stress that the situation would appear to be resolvable within a short period of time given that the LLFA have advised that the proposed drainage solution would be suitable and Northumbrian Water have recommended a condition.

The Environment Agency (EA) have been re-consulted on the amended plans; but a response has not yet been received. The EA, in an earlier consultation response, did state “We have no objection to the application as submitted”. They did, however, also ask a question concerning the drainage to Galley Gill which has now been removed.

Officers are intending to speak to the EA later in the week to establish whether they are in a position to issue an amended consultation response solely raising no objection. Officers would stress that the situation would appear to be resolvable within a short period of time given that the EA have raised “no objection” and their question relates to an item which has now been removed from the scheme.

In terms of progressing the drainage issues, officers would therefore recommend that Members grant Authority to the Executive Director of City Development to grant planning permission; subject to the resolution of the outstanding matters relating to drainage to the satisfaction of the Lead Local Flood Authority, Northumbrian Water and the Environment Agency (including any amended or additional planning conditions).

## Ecology

The applicant, given the removal of the drainage within Galley's Gill, has submitted an amended Preliminary Ecological Assessment and Ecological Enhancement Plan.

The Preliminary Ecological Assessment states that

"Most of the habitats being impacted are low quality and the proposals are unlikely to impact on the SSSI due to its distance away. Building a multi storey carpark is unlikely to impact the adjacent LWS".

"The limited habitats on the car park site means that this site has limited strategic importance and, therefore, does not form an essential part of the adjacent wildlife corridor."

The Council's Ecologist, in their initial consultation response before the removal of the area within Galley's Gill, said that they had "No objections to the proposal" and that

"The proposed development will have a negligible impact on designated sites of nature conservation importance, including European Sites and associated features, and as such no further assessment is required in this regard."

The amended Ecological Enhancement Plan says there would be a Biodiversity Net Gain of around +25 %, "focused on woodland management, and species rich grassland management, with scrub and grassland the main habitats to be affected by the proposals".

Officers are intending to consult both the Council's Ecologist and Natural England. Officers would, however, stress that situation would appear resolvable in a short period of time given that the Council's Ecologist and Natural England both previously raised no objection and the scheme continues to provide a biodiversity net gain.

In terms of progressing the ecology issues, officers would recommend that Members grant Authority to the Executive Director of City Development to grant planning permission; subject to the resolution of the outstanding matters relating to ecology to the satisfaction of both the Council's Ecologist and Natural England (including any amended or additional planning conditions).

**AMENDED RECOMMENDATION:** Members be Minded to GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations); subject to:

1. The resolution of the outstanding matters relating to drainage to the satisfaction of the Lead Local Flood Authority, Northumbrian Water and the Environment Agency (including any amended or additional planning conditions).

2. The resolution of the outstanding matters relating to ecology, to the satisfaction of the Council's Ecologist and Natural England (including any amended or additional planning conditions).
3. The draft conditions contained with the committee report.

#### **ITEM 7 – APP. REF. 20/00225/FU4**

As set out in the main agenda report, the Applicant's Viability Assessment has been assessed by the Council's external advisor who has confirmed that overall the scheme is not viable when delivering a CSDP policy H2 compliant development.

However, additional commentary has been made in respect of the assumptions regarding abnormal costs and to ensure robustness in the process it is recommended that these are subject to a further review. Members are therefore requested to delegate the item back to Officers to enable this aspect of the assessment to be independently reviewed by a RICS accredited assessor. Following this review should any further information come to light that alters the position that the scheme is not viable it shall be reported back to Members.

In conclusion and notwithstanding the outcome of the additional review exercise, it is noted that the overall conclusion of the independent assessment is that the scheme is not viable and as discussed in the Agenda report, it is recommended that greater weight is given to the transformative and regenerative aspects of the development of this allocated site.

Further to the Agenda report, the Applicant has confirmed their willingness to deliver suitable pedestrian crossing points on Farringdon Row, as requested by the Council's Highway Engineers. It is therefore considered appropriate to incorporate a negatively worded condition, as detailed below. In addition, as reported on the main Agenda report, it is also recommended that conditions be imposed requiring confirmation of the parking prior to occupation and that details of a parking management plan be submitted and agreed.

The Applicant has provided commentary following the request for an additional noise assessment, as highlighted on page 239 of the Agenda report. In view of the overriding conclusion that noise impacts on the proposed residential development from the adjacent Bridge will be comfortably below the relevant noise criteria the Agent considers that the need to undertake a further assessment is not necessary or warranted. The Council's Environmental Health Service have, in response, confirmed their agreement and that a pre-commencement condition requiring detail of a suitable sound insulation and ventilation strategy be imposed instead.

In recognition of the request of Northumbria Police, the Agent, acting on behalf of the Applicant, have confirmed that they will be seeking to achieve a Silver Award Secured by Design accreditation. The Agent has also confirmed the development is proposing to bring 1GB connections to each home (subject to availability), which should ensure the next generation of hyper-fast broadband and allow for additional smart functionality and enabling more devices to be connected to the network.

It is considered that proposed Condition 6 in the Agenda report is repetitive in view of Conditions 14 (Drainage Verification) and 22 (Accordance with Drainage Strategy) and should therefore be deleted.

Lastly, additional representations have also been received from one of the objectors, supported by various correspondences reiterating their objection to the application. The content is noted but it is not considered to alter the planning position discussed at length on pages 303 – 311 of the Agenda report and most notably the 'Foul Water' section on pages 306 – 307.

**RECOMMENDATION:** With regard to the above and the details provided within the main Agenda report, it is recommended that Members be minded to **GRANT CONSENT** under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to a further review of viability, as discussed above, and subject to the draft conditions set out in this report as well as the main Agenda report, and subject to the successful completion of the required Section 106 Agreement.

#### **Additional condition**

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

#### **24. Glazing and ventilation specifications**

No above ground construction shall commence until a scheme of sound insulation that specifies the glazing and ventilation design specifications to be incorporated into each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policy HS1, an appropriate level of residential amenity.

#### **25. Parking management plan**

The development hereby approved shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall describe how parking will be distributed and managed on site.

Reason:

To ensure, in accordance with CSDP policy ST3, suitable arrangements for parking.

#### 26. Prior to occupation parking

The development hereby approved shall not be occupied until 150 car parking spaces are available for the use of the approved residential properties. Precise written details of the location of spaces shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the agreed details.

Reason:

To ensure, in accordance with CSDP policy ST3, an adequate level of car parking.

#### 27. Farringdon Row – crossing facilities

Prior to the first occupation of the development, pedestrian crossing facilities on Farringdon Row, along with a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policy ST3, an appropriate form of development.

#### 28. Secured by Design

The development hereby approved shall not be occupied until details of how it is seeking to achieve Secured By Design Silver Accreditation. Thereafter the development shall be carried put in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policy SP7, an appropriate form of development.