

Sunderland Local Plan Examination

Story Homes and Mr Norman Elliott - Springwell

Matter Statement 9 - Generic Policies

Issued May 2019

1.0 Health Impact Assessments

(1.1) Is the requirement for a Health Impact Assessment (Policy SP7) for developments of more than 100 dwellings or 100 student bedspaces justified and consistent with national policy?

- 1.1 We respond to Matter 9 on behalf of Story Homes and Mr Norman Elliot (“our Client”) in relation to land at East Springwell (Policy HGA2 and Policy SS3).
- 1.2 Our Client broadly supports the Council’s commitment to promoting healthy and safe communities; however, amendments are suggested to ensure Policy SP7 is justified and consistent with national policy
- 1.3 Policy SP7 (6) (vii) and paragraph 5.5 require that Health Impact Assessments (HIA) are prepared for major developments of 100 dwellings or more. Our Client objects to this requirement as requiring all residential schemes for 100 homes or more to submit a HIA is overly onerous. Furthermore, there is no national requirement for HIA to be submitted for major developments. Our Client suggests that this requirement is removed from the Core Strategy and Development Plan (CSDP) to ensure consistency with national legislation.
- 1.4 Furthermore, paragraph 5.5 advises that a HIA should be submitted for any development for which an Environmental Impact Assessment (EIA) is required. However, this approach conflicts with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations). The EIA Regulations only require that assessments are undertaken where there are likely significant effects. If it is unlikely that a development will have a significant impact on health, then this should not be assessed within the EIA. Should a development have a significant effect on health, then our Client considers that this matter should be assessed in the Socio-Economic assessment of any Environmental Impact Assessment.
- 1.5 The Policy is therefore not justified. In order to resolve this, the Policy should be amended to remove subpoint vii and the reference in paragraph 5.5.

2.0 Design Quality

(2.1) Are the requirements for good design within Policy BH1 (Design Quality) positively prepared and consistent with national policy (particularly criteria 8, 10 and 13 and the requirement for masterplans and design codes for larger scale developments)?

- 2.1 Although our Client generally supports the content of this policy, they consider that the policy is inflexible and onerous in the following places:

- 2.2 Policy BH1 (8) requires the enhancement and upgrading of public realm and existing green infrastructure, retaining landscape features. However, it may not always be appropriate and necessary to upgrade such features or such requirements could result in a scheme becoming unviable, contrary to Regulation 122 of the Community Infrastructure Levy Regulations.
- 2.3 Policy BH1 (10) requires that development does not detract from established views of important buildings, structure and landscape features, whilst Policy BH1 (13) requires that developments maximise durability and adaptability throughout the lifetime of the development to accommodate a range of uses. However, there could be cases where these requirements are overly restrictive and inflexible, whilst Policy BH1 (10) does not take into account that mitigation could be used to minimise any significant adverse impacts.
- 2.4 Our Client has concerns about Policy BH1 (14) and paragraph 9.4 which requires developments to meet national space standards as a minimum (for residential). Please also refer to the our Client's response to Question 8.1 in Matter 5. Our Client considers that the application of national space standards, which are enhanced standards, are optional and should only be applied where there is a robustly evidenced need which also addressed viability implications. In line with the requirements of national policy, the new Local Plan must have a robust and justified evidence base that sets out how and why they can justify the inclusion of these enhanced standards.
- 2.5 It is considered that Policy BH1 will have significant impacts on development viability and affordability issues associated with inflated costs of new homes and reduced customer choice particularly for entry level homes. The housing market in the north east has significant demand for entry level homes that would not meet such standards, but inevitably are required to form a component of new housing schemes. Without allowing for this flexibility in new development, and progressing with a prescriptive and onerous approach to national space standards, we consider that there will be significant affordability issues in the borough as lower income quartiles of the housing market may not be able to afford new-build tenure.
- 2.6 The CSDP should also seek to provide the development industry with flexibility. Housebuilders conduct extensive market research and always ensure that new developments respond to local housing markets and demographics. In summary, the CSDP should therefore support this approach and ensure that a mix of housing tenures can continue to be delivered in the future plan period.
- 2.7 With regards to other requirements in Policy BH1, our Client does not support the final sentence in the policy which states that "*Large scale developments should be supported by detailed Masterplans or development frameworks, and where appropriate, design codes*". It is not clear in what context this approach will be applied to new development. The requirement for masterplans, development frameworks and/or design codes are not set out as a requirement in the site-specific policies associated with the Housing Growth Area allocations. In the interests of ensuring that the new Local Plan is positively planned and flexible we would urge the Council to ensure that this approach is a potential approach that can be taken by applicants where appropriate, rather than being a requirement for seeking planning permission. It is apparent in other North East authorities that have adopted post-NPPF Local Plans and that require such detail upfront can be incredibly onerous, detrimental to housing delivery and ultimately stifle early delivery on allocated housing sites which is contrary to the spirit of national policy.
- 2.8 Our Client suggests the following changes to ensure a sound CSDP and accordance with the NPPF:

Policy BH1:

“8. provide appropriate landscaping as an integral part of the development, including where appropriate and viable enhancements and upgrade of public realm and existing green infrastructure, retaining landscape features and reflecting surrounding landscape character;

10. ~~not detract from~~ avoid, where possible, disruption to established views of important buildings, structures and landscape features, or provide appropriate mitigation or compensation;

13. ~~maximise~~ encourage durability and adaptability throughout the lifetime of the development to accommodate a range of uses; and

~~14. meet national space standards as a minimum (for residential).~~

Large scale developments should be supported by detailed Masterplans or development frameworks, and where appropriate, design codes”

- 2.9 With the above revisions Policy BH1 would allow flexibility for proposals to be considered on a site-by-site basis. The proposed revision to sub point 10 would allow for a planning balance judgement to be applied in instances where the proposed benefits of a scheme may outweigh the identified harm.

3.0 Heritage Assets

(3.1) Are Policies BH8 (Heritage Assets) and BH9 (Archaeology), as proposed to be modified, consistent with national policy in respect of non-designated heritage assets and assets of archaeological interest?

Policy BH8

- 3.1 Policy BH8 (8) states that development affecting non-designated heritage assets should conserve heritage assets, their features and setting, and make a positive contribution to local character and distinctiveness. Our Client is supportive of the conservation of heritage assets. However, the requirement to conserve non-designated heritage assets is more onerous than national policy contained within the NPPF (para. 197) which advises that the significance of the non-designated heritage asset should be taken into account in determining the application. Accordingly, this part of Policy BH8 is not considered to be sound.
- 3.2 Our Client suggests that the wording of this part of Policy BH8 is amended as follows to ensure compliance with the NPPF and hence a sound policy:

“Development affecting non-designated heritage assets should take into account the significance of the asset including its setting ~~conserve heritage assets, their features and setting, and make a positive contribution to local character and distinctiveness. A balanced judgement will be taken which has regard to the scale of any harm or loss and the significance of the heritage asset.~~”

Policy BH9

- 3.3 Policy BH9 (2) relates to the preservation and protection of archaeology. The use of language in section 12 of the NPPF adopts the use the words sustain, conserve and enhance as opposed to protect and it is considered that the policy should adopt a consistent approach. This will ensure the policy is sound.

3.4 Policy BH9 (2) (ii) advises that preference will be given to preserving archaeology in situ. However, this statement is not NPPF compliant. The NPPF advises that “non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets” (Footnote 63). Our Client considers that Policy HB9 (2) (ii) should be consistent with national policy, not more onerous, in order to ensure it is justified and sound.

3.5 Our Client suggests the following change:

“The council will support the conservation, protection and where possible the enhancement of the city’s archaeological heritage, in a manner appropriate to its significance, by requiring that...”

“Where development affects heritage assets of archaeological interest, ~~preference will be given to preservation in situ~~ the significance of the asset should be taken into account in determining the application. The loss of archaeology that is of equivalent significance to scheduled monuments should be wholly exceptional. ~~However where~~ Where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum...”

4.0 Green Infrastructure

(4.1) Are the requirements for GI corridors within Policy NE1 (GI) reflective of a positively prepared policy that is consistent with national policy?

4.1 Our Client supports Policy NE1 and welcomes the revisions since the Draft CSDP (to Policy E6 as it was then referenced).

5.0 Biodiversity

(5.1) Does Policy NE2 (Biodiversity and Geodiversity), as proposed to be modified, ensure sufficient distinction between the hierarchy of nature conservation sites?

5.1 Our Client considers that the Policy NE2 would benefit from restructuring to provide distinction between the hierarchy of nature conservation sites.

5.2 In addition, our Client suggests changes are suggested to Policy NE2 (1) and NE2 (6) to provide flexibility and ensure this policy is justified and effective.

“1. Biodiversity and geodiversity will be protected, created, enhanced and managed by requiring development to demonstrate how it will seek to:

...

6. proposals that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor. Support will be given to development which enhances the provision of Green Infrastructure in the wildlife corridors.”

5.3 With these updates, our Client considers that Policy NE2 would be justified and effective.

5.4 Paragraph 10.14 in the supporting text relates to wildlife corridors and states that they will be “*protected from intrusive developments.*” This, however, conflicts with paragraph 10.5 in the supporting text which recognises that “*Development brings opportunities to enhance the network and deliver new green infrastructure.*” Our Client supports the recognition that development can improve the provision of Green Infrastructure (GI) and considers that this should also be acknowledged in the supporting text relating to wildlife corridors.

Paragraph 10.14

“...~~Wildlife corridors will be protected from intrusive developments~~ Development brings opportunities to enhance the network and deliver new green infrastructure including certain recreational uses. The nature conservation value of wildlife corridors should be maintained and enhanced as part of any planning approvals, unless appropriate mitigation and / or compensation is provided.”