

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

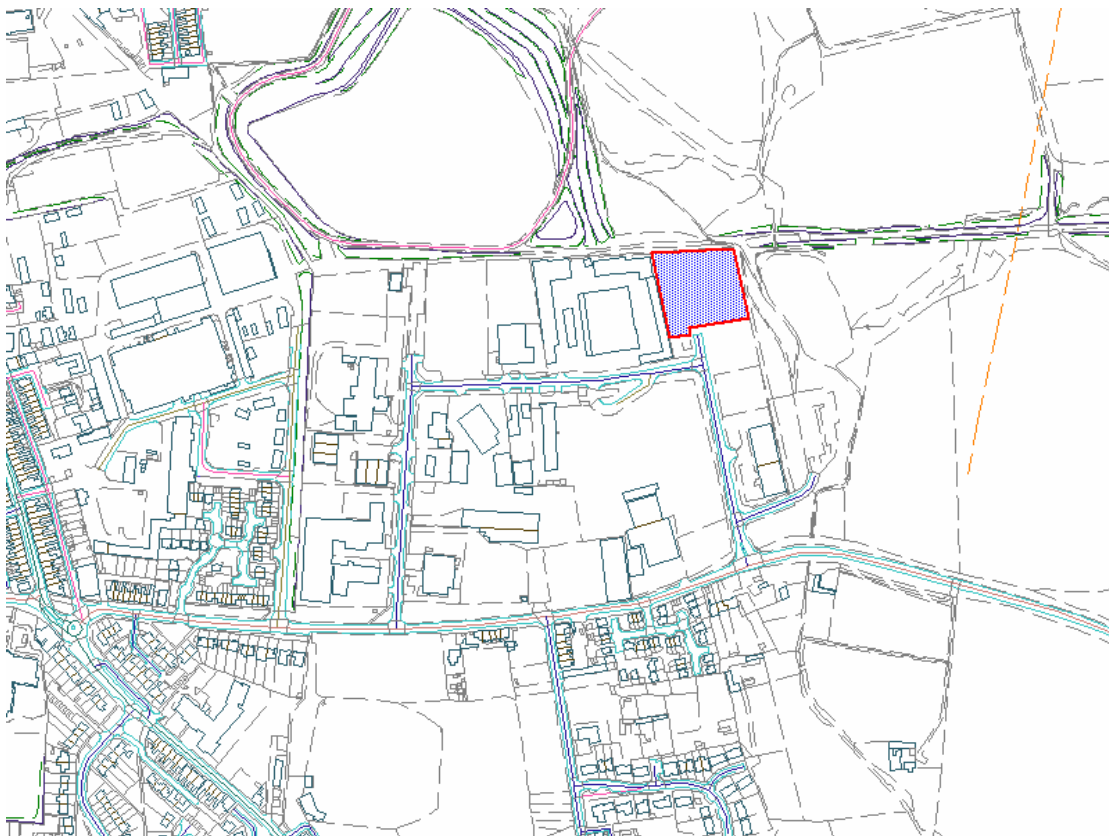
Reference No.: 12/02138/SUB Resubmission

Proposal: **Change of use from vacant land to inert waste recycling facility comprising external aggregate production stockpiles, screened soil product, pre-screened soil and inert waste areas, screening plant, 360° excavator, skip/container plant storages areas and associated parking (Retrospective)**

Location: Plot 19C Hetton Lyons Industrial Estate Hetton le Hole Houghton-Le-Spring

Ward: Hetton
Applicant: North East Waste Products Ltd
Date Valid: 23 July 2012
Target Date: 17 September 2012

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

This application is a resubmission of application ref. 11/02873/FUL, which was heard at the Extraordinary Meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee of 31 January 2012, wherein Members resolved to refuse the application. The reasons given for the refusal of planning permission are as follows:

1. The proposed stockpiles, by virtue of their scale, location and materials, would appear incongruous and would detract from the visual amenity afforded to Hetton Lyons Industrial Estate and Hetton Lyons Country Park, contrary to policy B2 of the adopted Unitary Development Plan.
2. The proposed development is likely to generate an unacceptable level of litter and dust which cannot be adequately mitigated and, due to the close proximity of the application site to Hetton Lyons Country Park, would result in undue pollution of the Country Park, an environmentally sensitive area, contrary to policy EN9 of the adopted Unitary Development Plan.
3. The proposed development, by virtue of its detrimental visual and environmental impact, would deter other businesses from setting up within Hetton Lyons Industrial Estate, which would prejudice its future vitality and economic viability, contrary to policies EC2, EC4 and HA1(7) of the adopted Unitary Development Plan.

Members are also advised that an appeal has been submitted against this refusal of planning permission (Planning Inspectorate Ref. APP/J4525/A/12/2181436/NWF), which is currently in progress.

The proposal comprises the retrospective change of use of the site from previously vacant land to an inert waste recycling facility. The operation involves the sorting and storage of inert and excavation waste using a 3-way split screen, which shall be positioned wholly behind the recently installed easternmost noise attenuation bund at all times during its operation. The subject facility comprises 3no. separate areas dedicated for pre-screened soil and inert waste, aggregate production stockpiling and screened soil product as well as 2no. 360° excavators, a loading shovel and a skip/container/plant storage area whilst no crusher is to be provided on site. All of the above are sited wholly within the curtilage of the site, which is bounded by steel palisade fencing with a maximum height of 2.4m.

The bunds have been fully installed to a height of 4.4m, in accordance with the proposed site plan (Drawing No. 2478/1243/03 Revision H), which are constructed of inert material which has been screened of large objects. Since the previous refusal of planning permission, the height of the stockpiles has been notably reduced, the bunds surrounding the site have been seeded and vegetation has grown on the north and east-facing sides and plywood has been added to sections of the palisade fencing which bounds the site.

The aforementioned plan also proposes the provision of a series of wooden planks/boards along the base of the galvanised steel palisade fence which borders the site to prevent spillage off the site and the installation of close-boarded timber fencing along 3no. boundaries adjacent to the palisade fencing, which would remain in situ. In addition, an area of semi-hard surfacing would be

provided adjacent to the entrance of the site on which 7no. parking spaces and vehicular access to/from these spaces would be provided and areas have been identified on which no materials would be stored and the proposed screen would be located. This plan also indicates that the site is free draining (i.e. no hard surfacing is proposed, to the surface of the site would remain permeable, allowing water to drain naturally).

The materials to be brought on to site are all inert material, hardcore, bricks, concrete, tiles, soils, demolition wastes and building materials that are salvaged from construction or demolition works. They are then screened and it was proposed to put the materials into stockpiles of no more than 8 metres, although if the material is fine (i.e. less than 3mm in diameter) or topsoil the maximum height would be limited to 6 metres and reduced further and treated with crusting agents during high winds. The screened materials are then taken off site when the stockpiles reach their maximum height. In order to control dust a water bowser is to be permanently located on site, wind boards would be made available, where necessary, and regular monitoring is to be undertaken to this regard.

A maximum of 400 tonnes of material is expected to be imported to the site daily, which equates to approximately 40no. 8-wheel heavy goods vehicle movements in and out of the site (20no. in and 20no. out), which would be reduced to a maximum of 20no. vehicle movements on Saturdays. The average is estimated at 26no. vehicle movements on weekdays, which equates to just over 1no. vehicle per hour, and 12no. on Saturdays. Operating hours of 07:00 to 18:00 Mondays to Saturdays inclusive are proposed, with no works to take place on Sundays or Bank Holidays, and it is stated in the application form that a total of 8no. full-time staff are/would be employed by the proposed use.

The application has been supported by a Planning, Design and Access Statement and Desk Top Study prepared by Oaktree Environmental Limited as well as an Environmental Noise Survey prepared by AB Acoustics.

Site Description and History

The Hetton Lyons Industrial Estate is situated immediately to the south of Hetton Lyons Country Park to the southeast of Hetton Shopping Centre. The Estate is characterised by commercial and industrial development where premises are predominantly used as offices, light industry, general industry, storage/distribution and waste transfer / recycling, namely Classes B1, B2 and B8 under the current Town and Country Planning Use Classes Order, with the exception of waste transfer and waste recycling facilities, which are unclassified and therefore known as sui generis uses.

The application site has an area of approximately 0.6ha and forms the northeast corner of Hetton Lyons Industrial Estate immediately abutting Hetton Lyons Country Park to the north and east. The site previously existed as an area of grassed open space prior to the commencement of the current operation. The nearest residential property is located approximately 230 metres to the south of the site. The current operator, North East Waste Productions Ltd., also carries out a waste recycling operation at Unit 6 Hetton Lyons Industrial Estate, approximately 150 metres to the west, under the name Alltrac Waste Recycling. Previously, application ref. 96/01448/10 was approved in 1997 for the erection of

a 4,645 square metre factory unit on the host site, however this consent was not implemented.

Consideration has been given as to whether the applicant should be asked to carry out an Environmental Impact Assessment (EIA). Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as 'Schedule 2' development. Specifically, it is recommended that proposals involving installations for the disposal of waste should be accompanied by the request for an EIA screening opinion if the disposal is by incineration, or the area of the development exceeds 0.5 hectare, or the installation is to be sited within 100 metres of any controlled waters. However, in this instance the operation does not involve the disposal of waste, so the above criteria is not considered to be applicable, and no specific criteria is provided within the EIA Regulations for waste recycling uses. Notwithstanding this, given the nature of the operation, which involves inert materials only, and its siting within an allocated industrial estate, which is not considered to be an environmentally sensitive location as defined by the Regulations, it is not considered that the retrospective proposal poses any unduly significant environmental risk to such an extent as to reasonably require a screening opinion request to be carried out by the applicant. A detailed assessment of the environmental implications of the proposal is provided later in this report.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Environment Agency
Street Scene (Environmental Service)
Hetton Town Council

Final Date for Receipt of Representations: **04.09.2012**

REPRESENTATIONS:

Residents/Occupants

Representations have been received from residents of 3no. neighbouring properties and on behalf of Hetton Green Watch, the comments and concerns raised within which are summarised as follows:

- The requisite consents should have been obtained prior to operations commencing on site.
- The partial screening of the site with plywood is not a sustainable measure, particularly during winter.

- Odorous material from the site has recently been deposited on Unit 6 Hetton Lyons Industrial Estate, which will have a detrimental impact on users of the Country Park should it be returned to the application site through the emission of odour and dust.
- The stockpiles which exist on the application site are unsightly and detract from the amenity of Hetton Lyons Country Park, the Industrial Estate and nearby dwellings.
- Pollution is being generated from the site, as well as wagons travelling to and from the site, in the form of dust, mud, noise, litter, foul smells and water run-off which cannot be adequately mitigated, to the detrimental of the appearance of, and existence of wildlife, flora, fauna and natural water sources within, Hetton Lyons Country Park (including Eppleton Grassland SSSI situated around 200m away, the fishing lake and Blossom Pond) and no. 16 Lyons Avenue, also situated around 200 metres from the application site, from early hours until 19:00, including weekends and Bank Holidays.
- The Council and Environment Agency have not effectively enforced against the unlawful operation of the site to date, so are unlikely to do so in future.
- Consultation on the application was carried out during the school holiday period, which may have prohibited many local residents from making representation.
- There are regular waste spillages from uncovered wagons on the corner of Parkgate and Colliery Lane which are not cleared.
- Wagons associated with the site emerge from the Parkgate junction onto the B1285 prior to 06:30 and the proposal would result in an additional 40no. vehicle movements per day, to the detriment of the amenity afforded to neighbouring properties.
- Inadequate assurance is provided that no asbestos would be crushed.
- The proposed means of containing dust and litter are not appropriate and lowering the stockpiles during windy conditions would exacerbate the situation, so should not be allowed to exceed 6m in height at any time.
- No facility is proposed for vehicle maintenance.
- No weighbridge is provided, so vehicles may exceed their weight limit before leaving the site.
- Operating hours should be restricted to 09:30 - 15:00 on Mondays to Fridays only, with no crusher operating from the site.
- Operations from the application site have reduced in recent months, which may account for less complaints being received.
- The proposed 360° excavators would travel between sites and is not intended for road use.
- Given the lack of additional information, there is no material difference between this and the previously refused application.
- The proposal will continue to deter other businesses from setting up within the Industrial Estate.
- The application site is being operated in conjunction with Unit 6.
- The applicant has failed to comply with conditions of the Environmental Permit and planning conditions pertaining to the nearby site at Unit 6, which has been the subject of numerous complaints, so are unlikely to comply with any further conditions should the current application be approved.
- Ecological surveys should have been provided given the close proximity of the site to the Country Park.

- In respect of the comments provided by the Council's Environmental Health comments stating that only 1no. complaint in respect of dust has been received, such complaints should be directed to the Environment Agency, to which at least 3no. such complaints have been made since the refusal of the previous planning application.

A number of perceived inaccuracies are identified within the application form, namely:

- Section 12: It is stated that the site is not within 20m of a watercourse, however the fishing lake is situated just over 18m away, and disagreement is expressed over the applicant's claim that the proposal will not increase flood risk elsewhere.
- Section 13: Disagreements are expressed over the applicant's claim that the proposal will not have a detrimental impact on biodiversity.
- Section 15: The applicant's claim that there are no trees or hedges adjacent to the site are incorrect.

These alleged inaccuracies are noted, however Members are advised that the proposal has been considered in respect of the submitted plans and associated information together with the specific circumstances of the site.

In addition, two petitions have been submitted, containing 399no. and 351no. signatures respectively (750no. in total), which set out the following statements:

Petition 1 (399 signatures)

'We the, undersigned, object to the above retrospective planning application (in effect, an expansion of the existing waste recycling facility at the applicant's 'Main Yard' at Unit 6 - see Section 7 of application form) because:

- 1) The stockpiles, at either the 'Main Yard' at Unit 6 or Unit 19C, by virtue of their scale, location and materials, are currently and will continue to be incongruous and detract from the visual amenity afforded to Hetton Lyons Industrial Estate, Hetton Lyons Country Park and nearby residential housing, contrary to policy B2 of the adopted Unitary Development Plan.
- 2) The development at either the 'Main Yard' at Unit 6 or Unit 19C will continue to generate an unacceptable level of litter and dust which cannot be adequately mitigated and, due to the close proximity of the application site to Hetton Lyons Country Park, would result in undue pollution of the Country Park, an environmentally sensitive area and local people, contrary to policy EN9 of the adopted Unitary Development Plan.
- 3) The development at either the 'Main Yard' at Unit 6 or Unit 19C, by virtue of the detrimental visual and environmental impact, will continue to deter other businesses from setting up within Hetton Lyons Industrial Estate which will continue to prejudice its future vitality and economic viability, contrary to policies EC2, EC4 and HA1(7) of the adopted Unitary Development Plan. '

Petition 2 (351 signatures)

'We the undersigned object to planning application number 12/02138/SUB. By Northeast Waste Productions (Alltrac Ltd.) for site known as 19C Hetton Lyons Industrial Estate. On the grounds that the location is not suitable for Alltrac's type of business, and will deter other businesses and employment from coming to the Trading Estate. Also on past performance Northeast Waste Productions (Alltrac) has caused air pollution, waste products littering Hetton Lyons Country Park,

road dust, badly loaded vehicles leaving demolition materials on the road and road degradation in the Trading Estate. The visual assault often coupled with obnoxious smells also parking problems for both cars and HGVs. Northeast Waste Productions'

It is noted that a number of the points raised by residents make reference to the existing 'Alltrac site' at Plot 6 Hetton Lyons Industrial Estate. Planning permission was originally granted in 2004 (application ref. 04/02160/FUL) for the operation of a construction waste recycling centre on this site; the erection of an additional construction waste recycling building on the same site was subsequently granted consent in 2006 (ref. 06/00942/FUL).

In particular, concerns have been raised that the site operator has failed to comply with conditions of the original planning consent and the Waste Management Licence, issued by the Environment Agency. It must be stressed to Members that applications for planning permission must be judged solely on the development that is being proposed and the identity of the applicant does not constitute a material consideration to the planning merits of an application; it would be prejudicial to give weight to the identity of the applicant or a perceived reputation of them in determining a planning application. Any breach of planning / environmental permit condition or other offence can be reported to the attention of the Council's Planning or Highways Enforcement teams, the Environment Agency and/or police, who shall respond appropriately.

Consultees

The Environment Agency (EA) raised no objections, but provided advice in relation to the requirement for an Environmental Permit from the EA, an application for which has been received but will not be issued unless planning permission is granted. Reference is also made to EA's Groundwater Protection: Principles and Practice document as well as the EA's website in relation to surface water drainage for sites under 1ha.

Hetton Town Council has formally objected to the application, citing the height and unsightly appearance of the mounds within the site, the creation of dust and dirt which is affecting nearby trees and grassed areas, the volume of heavy vehicles operating from the site, the creation of smells and the operator's previous record of failing to comply with planning conditions.

The Executive Director of City Services: Network Management noted that, since the submission of the previous application and from site observations, it is apparent that the site is responsible for depositing a large amount of mud onto the highway, which is an offence under the Highways Act 1980 (S.148). In order to mitigate this, it is strongly recommended that the applicant provide a hardstanding and wheel wash facilities within the site. It is also noted that, whilst the provision of 7no. on-site parking spaces is acceptable, the proposed in-curtilage parking area is currently obstructed by a large stockpile.

The Executive Director of City Services: Environmental Health noted that no additional information has been provided by the applicant regarding pollution issues since the last application and is satisfied that the condition of the land is not likely to be a significant risk to human health. Environmental Health confirmed its satisfaction with the proposed means of dust suppression, prevention of litter and noise mitigation and advised that the site is unlikely to

give rise to malodorous emissions; these matters will be elaborated upon later in this report. During the course of the previous application, a list of 11no. complaints from local residents over the applicant since 2009 were identified; 10no. of which relate to the site at plot 6 Hetton Lyons Industrial Estate, the other relates to the current application site. The majority of these complaints relate to alleged operations during unsociable hours (i.e. outside of those permitted by the current planning permission, namely 07.00 to 19.00 on Mondays to Saturdays, 08:00 to 14:00 on Sundays and at no time on Bank Holidays). Other issues relating to the operating practices carried out at the waste transfer facility were also reported and were referred to the appropriate regulatory service accordingly (i.e. planning enforcement and/or the Environment Agency). Since the previously refused application, 1no. further complaint regarding dust from Unit 6 has been received, on 03 August 2012, which was referred to the EA.

Irrespective of such complaints, planning applications must be considered on the basis that relevant regulation of the proposed use will be properly applied and enforced. Should planning permission be granted, the waste processing operation will be subject to regulation by the Environment Agency with local support from Environmental Health and other relevant bodies. The Environment Agency has confirmed that the Applicant has applied for an appropriate permit, which is currently under consideration. If granted, the permit will control the risk of pollution to air, land and water in addition to noise from equipment.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

CN_18_Promotion of nature conservation (general)

CN_20_Developments affecting designated/proposed SSSI's

CN_23_Measures to conserve/ improve wildlife corridors

EC_2_Supply of land and premises for economic development purposes

EC_4_Retention and improvement of existing business and industrial land

EN_1_Improvement of the environment

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_9_Conflicts between proposed sensitive developments and existing non compatible uses

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

HA_1_Retention and improvement of established industrial / business areas

M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in determining this application are:

- The principle of the use
- Residential and visual amenity
- The environmental implications of the operation in terms of noise/vibration, dust/litter and potential contamination
- The ecological impact of the use on Hetton Lyons Country Park
- The highway implications of the operation

PRINCIPLE OF USE

Policies EC2 and EC4 of the UDP relate to land for economic development and specify Classes B1 (Businesses), B2 (General Industry) and B8 (Storage or Distribution) as acceptable primary uses; proposals for uses not listed shall be decided on their individual merits. Specifically, policy HA1(7) of the UDP allocates Hetton Lyons Industrial Estate, within which the site is located, as an existing employment site and identifies the following as acceptable primary uses within the Estate: offices, research and development, light industry, general industry, warehousing and storage (Classes B1, B2 and B8).

The subject use is not specifically classified by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and, as such, comprises a sui generis use. However, a waste transfer station is similar in nature to a typical Class B2 use and such uses are most appropriately located within industrial estates. There is also an existing waste recycling facility within close proximity to the site, so the proposed use is considered to be in-keeping with the established nature of this Estate.

For such reasons, the retrospectively proposed use of the site for waste recycling accords with the requirements of policies EC2, EC4 and HA1(7) of the UDP and is therefore considered to be acceptable, in principle, subject to the satisfaction of the other issues as identified above.

RESIDENTIAL AND VISUAL AMENITY

Policy B2 of the adopted Unitary Development Plan (UDP) requires the scale, massing setting and layout of new developments to respect and enhance the best qualities of the area and retain acceptable levels of residential amenity. In addition, policy M18 seeks to ensure that waste reclamation and recycling facilities do not have significant adverse impacts on local amenity in terms of dust and noise generation or visual impact.

Prior to the commencement of the current operation, the site existed as open space, however, given the previous industrial activity which took place, the site is considered to be 'brownfield'. Given its industrial allocation, it is not considered

reasonable to resist the application on the grounds that open space has been lost.

Whilst no buildings have, or are proposed to be, erected, the site accommodates 3no. separate stockpiles and, most prominently, 4.4m high acoustic barriers (or bunds) which border 3no. sides of the site; these must be at least 1m higher than the loading chute of the screener machine to achieve an acceptable level of noise attenuation. The formation of the majority of these bunds has now been completed on site and, since the determination of the previous application, seeding/planting has been provided on the side of 2no. of the bunds facing the Country Park and natural vegetation has also grown on these sides of the bunds. It is considered that such measures have significantly improved the appearance of the site from the vantage of the Country Park, which will continue to improve as the seeding matures provided that this planting is adequately maintained. The sides of the bunds facing onto the Industrial Estate are less visually pleasant in lieu of any seeding/planting, but are only visible within the context of an industrial setting. In addition, it is proposed to provide close-boarded timber fencing along the northern and eastern boundaries of the site, thereby further improving the appearance from the site from the Country Park. As such, it is not considered that there will be any undue impact on the visual amenity of the locality.

The nearest residential properties to the application site are those in The Lyons, situated approximately 250m to the south of the site opposite the junction with Parkway, and there are additional dwellings in Lyons Gardens to the west of no. 16 The Lyons and Lyons Avenue and Fir Tree Lane to the southwest. The site is not clearly visible from these properties, however due to the nature of this use, careful consideration must be given to its environmental implications and any associated impact on the amenity afforded to neighbouring residents. Accordingly, the impact of the facility on residential amenity must be considered in this instance in relation to noise, vibration, dust and litter emissions, to be discussed below.

ENVIRONMENTAL IMPLICATIONS

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution. The pertinent environmental matters which may impact upon residential amenity in this instance are the generation of noise/vibration, dust and litter, as highlighted by a number of residents. In addition, given that the site previously accommodated an industrial use, any potential contamination must also be considered.

Noise/Vibration

Policy EN5 of the UDP states that, where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the applicant will be required 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 necessary.

The nearest residences are some 250m away and there are a number of intervening uses, including factory units and associated offices, between the site and these dwellings, so it is not considered that the operation would increase vibration levels at these residential properties. However, there is the possibility

that the operations at the site would be audible, particularly at times when the levels of traffic and other industrial activity are lower.

A full Environmental Noise Assessment has been provided, wherein measurements of the individual pieces of equipment to operate on site were made and subsequently calculated at a distance of 250m and 400m, representative of residential premises on Colliery Lane and Fir Tree Lane to the south. Although each individual source has been considered, the cumulative noise level has been calculated at both receptor locations (i.e. the noise level with all items of equipment operating at the same time to present a worst-case scenario). The applicant has recognised that the noise from the proposed activities is likely to contain features such as bangs, etc. and has accordingly applied a +5 dB penalty to the calculated noise level as required by British Standard 4142, 1997: Rating industrial noise affecting mixed residential and industrial areas. This provides an overall site attributable noise level of 55 dB(A) at residential properties on Colliery Lane and 51 dB(A) at Fir Tree Lane.

Background noise measurements were made at the 2no. receptor sites and the above calculated levels have been compared to the lowest background measurement to present a worst case scenario. Originally, the lowest noise levels occurred between 18:10 and 19:00, although the applicant has since confirmed that the site will not be operate during this time period (which can be conditioned accordingly), so has discounted this noise level. Instead, the quietest remaining background noise level has been used; 44.8 dB(A) which occurred between 12:25 and 13:25 on Colliery Lane. This is 10 dB below the level of noise calculated as being produced by the proposed development which, according to the guidance contained in BS4142, is an indication that complaints about noise will be received in the absence of any mitigation.

The applicant has therefore installed 4.4m high dirt bunds along 30no. boundaries of the site to act as an acoustic barrier and another is to be provided to the west of the entrance into the site. In order to achieve 10 dB(A) attenuation, the submitted site plan indicates that the screener machine shall only be located to the east of the site whilst in operation, to ensure that it is fully obscured by the bunds, which can be conditioned accordingly.

A further noise survey is to be provided, which should be conditioned accordingly should Members be minded to approve the application, which must demonstrate that the bunds have reduced the impact of noise from the site by at least 5 dB(A) to the southern boundary when the site is fully operational. This would demonstrate that the resulting overall noise level (without taking into account any absorption, etc.) at residential premises on Colliery Lane would be 50 dB, +5db above the quietest measured background level. BS 4142:1997 assesses the likelihood of complaints being generated by a noise source by subtracting the measured background noise level from the rating level (noise generated by the source). The greater this difference, the greater the likelihood of complaints. A difference of around +10 dB or more indicates that complaints are likely whereas a difference of around + 5 dB is of marginal significance.

Provided that the maximum predicted attenuation is achieved, the Noise Assessment calculates the overall noise level at residential premises on Fir Tree Lane to be 41 dB, +1dB above the quietest measured background level and unlikely to be discernible. If the barrier only provides 5dB attenuation, the

resulting noise levels will be 46 dB, 6dB above the lowest background noise measurement and considered to be of marginal significance.

As such, pending confirmation by a new noise survey, it is considered that the applicant has demonstrated that, by reducing the working hours of the site and terminating daily operations at 18:00 and at no time on Sundays or Bank Holidays, a particular area of complaint from local residents, relocating the screener machine eastward behind the acoustic barriers and not providing a crusher on site, the potential noise generation is capable of being mitigated to a level that is recognised as acceptable in current noise standards and guidance.

If it is found through the verification survey that the existing bunds are not sufficiently effective in mitigating potential noise disturbance, should Members be minded to approve the application the carrying out of appropriate alterations/additions to the bunds can be conditioned. In addition, in accordance with the above, it is recommended that a condition be imposed restricting operations and deliveries to and from the site to between 07:00 and 18:00 on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

Upon compliance with such conditions, in accordance with the comments and recommendations of Environmental Health, it is not considered that the operation is likely to cause any undue noise disturbance to local residents or associated vibration, in accordance with the requirements of policies EN1 and EN5 of the UDP.

Contamination

Policy EN12 of the UDP states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would:

- (i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- (ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The Environment Agency and the Council's Environmental Health have reviewed the submitted Desk Top Study and consider that it provides sufficient information to demonstrate that the site has not been subject to any significant previous contaminative use and would therefore not pose a health risk. It is noted that the site is not to be hard-surfaced and would remain permeable and the use is particularly insensitive to land contamination subject to Environmental Permitting

by the Environment Agency so, despite concerns raised by residents that water from the site could run into the lake of the Country Park, it is considered highly unlikely that any notable amount of water would run off the site. Notwithstanding this, no intrusive ground works are proposed and only inert waste would be handled (which would be controlled by the requisite permit from the Environment Agency), so any water which may gather within the site would be highly unlikely to carry pollutants.

Accordingly, it is not considered that the facility would be likely to result in posing any undue risk by contamination and does not contravene the requirements of policies EN12 and EN14 of the UDP.

Dust/Litter

Policy EN9 indicates that applications for dust generating activities should incorporate adequate mitigation measures when located close to residential properties and numerous concerns have been raised by residents over dust and litter emissions from the premises.

Section 7 of the Design and Access Statement provides a methodology for the control and monitoring of dust, which is to include a water bowser to be permanently located on site to provide a water supply for such measures and used to spray the surface of the site and waste stockpiles. The site supervisor is to make a visual inspection of the site at least twice daily and operating staff will continually monitor dust emissions when the facility is in operation, which will be logged accordingly. The specific measures to be undertaken include:

- providing a water bowser permanently on site; stockpiles will be sprayed with water regularly and a water hose would be fitted to the bowser and fixed water suppression would be provided on the screen to dampen the areas on and around the machinery which are most likely to emit dust to be sprayed.
- sheeting and/or spraying vehicles carrying potentially dusty loads off site with water and employing a vacuum tanker to clean the site surface, where necessary.
- providing wind boards to enclose wind-sensitive areas of conveyors and, where material is less than 3mm in diameter, the last metre of the final size discharge conveyor and the first metres of the free fall of the materials will be fitted with a hood whilst drop heights will be kept to a minimum.
- machine spares will be kept on site and, if there is a risk of excessive dust emission due to malfunction or breakdown of apparatus, the facility would be shut down and stockpiles treated accordingly, as detailed in Section 7 of the Design and Access Statement.
- wooden planks/boards will be provided at the base of the boundary fencing to prevent spillage off the site.

Having regard to the comments provided by Environmental Health, these measures are generally considered to be adequately robust in terms of dust mitigation, provided that they are managed comprehensively on site. As such, should Members be minded to approve the application, it is recommended that a condition be imposed requiring the implementation and maintenance of such measures for the lifetime of the development.

However, the applicant has also proposed that stockpiles would be limited to a maximum height of 8 metres, or 6 metres if the material is fine (i.e. less than 3mm in diameter) or topsoil and reduced further and treated with crusting agents during high winds. To this regard, as highlighted by neighbouring residents, it is recognised that the site is located within a windy location and is adjacent to an area of ecological sensitivity, namely Hetton Lyons Country Park. In addition, it is considered that the proposed means of controlling the height of the stockpiles would be particularly difficult to manage and a planning condition to this effect would not be practicably enforceable. Accordingly, should Members be minded to approve the application, it is recommended that a condition be imposed requiring all stockpiles within the site to be limited to no more than 6 metres in height at any time. These measures are considered by Environmental Health to be reasonably robust in terms of dust mitigation, provided that they are managed comprehensively on site, and would roughly match the height of the adjacent industrial unit at Plot 19A to the west, thereby further minimising exposure to winds.

Local residents have noted that the steel palisade fencing around the site and addition of plywood is inadequate to mitigate against any landslides or construction vehicles falling off the stockpiles and no landscaping is proposed. In respect of this, it is considered highly unlikely that vehicles would fall off the mounds within the site and the sides of the bunds facing onto the Country Park have been planted, so the materials are considered to be adequately secure and unlikely to spill off the site. In the event that there is spillage, the proposed wooden boarding along the base of the palisade fencing and provision of close-boarded timber fencing along the northern, eastern and southern boundaries would prohibit any spillage of materials outside the confines of the site.

It has also been noted by a neighbouring residents that there are regular waste spillages from uncovered Alltrac wagons on adjacent highways, in particular on the corner of Parkgate and Colliery Lane, which are not cleared by the operator. This could be addressed by the imposition of appropriately worded conditions requiring a wheelwash facility to be provided and for all wagons carrying materials to be securely covered. It is not considered necessary to pose any further conditions to this regard, given that dust, mud and litter control normally falls under the remit of the relevant Environment Agency permit and the safe retention of loads is a policing matter under the Road Traffic Act.

Upon the imposition of the conditions indicated above, it is not considered that the facility would result in any unreasonable generation of dust or litter, in accordance with the requirements of policies EN1, EN5 and M18 of the UDP.

Odour

As per the comments provided by Environmental Health, only inert materials will be processed on site, which typically have no significant odour, so significant malodorous emissions are unlikely to be produced. Should Members be minded to approve the application, it is recommended that conditions be imposed prohibiting any organic materials from being brought onto the site and any burning of materials.

Upon compliance with such conditions, it is considered unlikely that malodorous emissions are, or will be produced, by the operation, in accordance with policy EN1 and M18 of the UDP.

ECOLOGY

Policy CN18 of the UDP promotes the preservation and creation of habitat for protected species where possible whilst policy CN22 states that, 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'. The application site is also situated within a Wildlife Corridor, as allocated by policy CN23, and abuts a Site of Special Scientific Interest (SSSI) wherein policy CN20 is applicable, which states that development which will adversely affect a designated or proposed SSSI either directly or indirectly will not be permitted unless no alternative site is reasonably available and such harm is not outweighed by particular benefits.

As previously reported, numerous concerns have been raised by local residents that the waste recycling operation is having a detrimental effect on the wildlife, flora, fauna and natural water sources of Hetton Lyons Country Park.

In respect of water run off, it is noted that the north and east sides of the site which abut the Country Park are bordered by bunds of at least 4.4 metres in height, which not only mitigate noise, but also act as a barrier to any water which may gather within the site from running onto the Country Park. In addition, the site is not paved and therefore naturally draining, so it is unlikely that a significant amount of water would gather on site, and, as discussed previously, given that only inert materials would be processed on the site, it is highly unlikely that any water gathering on the site would become contaminated. In addition, as agreed by the Council's Natural Heritage Team, having regard to the above sections of this report relating to dust, litter and odour, it is considered that appropriate conditions can be imposed to ensure that litter, dust and odours are prevented from affecting the adjacent Local Wildlife Site / Hetton Lyons Country Park.

As such, upon compliance with these previously suggested conditions, it is not considered that the facility would pose any detrimental ecological impact on the ecological value of Hetton Lyons Country Park. The proposal therefore accords with the requirements of policies EN18, CN20, CN22 and CN23 of the UDP.

HIGHWAY ISSUES

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met whilst policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

Concerns have been made by neighbouring residents to this regard during the course of the current and previously refused application, namely that Alltrac and associated wagons skips are frequently parked/sited throughout the Industrial Estate, which hinders vehicle manoeuvrability, and their movement in the area poses a risk to public safety, the access in and out of the site is not appropriate and the proposed 360° excavator would travel between sites and may damage the road.

The applicant has indicated that there would be 40no. vehicle movements (20no. in and 20no. out) daily, however the site is situated within an industrial estate where such movements of HGVs are typical. Consequently, it is not considered that the operation of the site will unduly compromise highway or pedestrian safety. The applicant has pointed out that the site entrance is over 6 metres wide and the storage area to the left of the entrance has been offset to provide an additional area for turning, which is considered to be an acceptable arrangement.

In addition, the applicant has confirmed that the proposed excavator is not taken off site and cannot travel on roads. If it were required to be moved for any reason, a low-loader would have to be used to transport this machine.

As mentioned earlier in this report, a site plan has been submitted indicating a parking area within the site which can satisfactorily accommodate 7no. vehicles. It is stated on the application form that 8no. additional members of staff are employed by the use, for which the aforementioned provision is considered to be acceptable given that all members of staff are unlikely to be working at the same time and all travel independently by car to the site. Should Members be minded to approve the application, it is recommended that a condition be imposed requiring these car parking spaces to be clearly marked out on site and made available for parking at all times prior to the recommencement of any operations on site.

Accordingly, it is not considered that the retrospective proposal has, or will in the future, unduly compromise highway safety or the free passage of traffic, in accordance with the requirements of policies T14 and T22 of the UDP.

OTHER ISSUES

In respect of the third reason for refusal of the previous application, relating to deterring other businesses from setting up within Hetton Lyons Industrial Estate, it is considered that the applicant has undertaken reasonable steps in improving the appearance and functionality of the site, as explained above, to ensure that other business would not be deterred from setting up within the Estate.

Having regard to the remaining concerns raised by local residents over the proposal in respect of the potential of asbestos being brought onto the site and the lack of any provision for vehicle maintenance, the applicant has advised that materials will be inspected prior to being deposited on site whilst a recovery vehicle would be called to take the vehicle to a workshop for repair, or the vehicle would be repaired on site if only minor work is required, in the event of a breakdown. In addition, the materials which can be brought onto the site would be controlled by the permit which must be obtained from the Environment Agency.

In response to the point raised by a local resident that no weighbridge is to be provided, the agent acting on behalf of the applicant has confirmed that a weighbridge is provided at the Alltrac site at Unit 6, approximately 200m away, so no additional facility is required on the current application site.

One local resident noted that consultation on the application was carried out during the school holiday period, which may have prohibited many local residents from making representation. However, the timing of the consultation was

dictated by the date on which the application was submitted, the LPA carried out consultation in accordance with, and beyond, its statutory requirements and no complaints have been received in respect of being unable to make representation.

Concerns have also been aired over an alleged lack of enforcement action which has been taken by the Council, as Local Planning Authority, and the Environment Agency in respect of the host site and Unit 6. To this regard, it is noted that Councils have a duty to investigate complaints and, if a breach of planning control is identified, must consider whether it is expedient to take enforcement action based on the level of harm, if any, caused by the breach. Crucially, Councils are expected to seek to work towards amicable resolutions, which includes inviting applications for retrospective planning permission, whilst formal action is to be reserved as a last resort. Members are advised that the Council has considered each complaint on its merits and has acted appropriately in accordance with the aforementioned guidance and any future complaints will be actioned on their merits accordingly. It is noted that a number of complaints which have been received fall outside the remit of planning legislation and, in such cases, the complainant has been referred to the appropriate regulatory body, in particular the Environment Agency and police.

SUMMARY

Given the improvements which have been carried out, in particular the reduction in the height of the stockpiles and the seeding and growth of natural vegetation on bunds surrounding the site, together with the works which are proposed, in particular the incorporation of boarding along the base and the provision of close-boarded timber fencing on 3no. sides of the palisade fencing as well as the provision of an area of semi-hard surfacing to facilitate car parking and vehicular access, it is considered that all 3no. reasons for the refusal of the previous application relating to this site have been satisfactorily addressed.

As such, for the reasons set out in this report, the principle of the change of use is considered to be acceptable and it is not considered that the retrospective proposal has, or will in the future, unduly compromise residential or visual amenity, the quality of the local environment in terms of noise/vibration, dust/litter or potential contamination, local ecology, highway safety or the free passage of traffic. Accordingly, the proposal accords with the criteria set out by policies B2, CN18, CN20, CN23, EC2, EC4, EN1, EN5, EN9, EN14, HA1, M18, T14 and T22 of the adopted UDP and it is recommended that Members approve the application accordingly, subject to the following conditions.

RECOMMENDATION: Approve

Conditions:

- 1 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans and supplementary information:

Drawing No. 2270/1243/02 Rev. A: Site Location Plan [as amended]
received 11.10.2011

Drawing No. 2270/1243/03 Rev. H: Site Layout Plan [as amended]
received 20.09.2012

The Design and Access Statement (excluding Section 7.2) dated
18.04.2011, received 19.04.2011

The Desk Top Study prepared by Oaktree Environmental Limited dated
27.05.2011, received 31.05.2011

The Environmental Noise Survey prepared by AB Acoustics, dated
23.08.2011, received 26.08.2011

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.

- 2 The use hereby approved shall not commence until the bunds / acoustic barriers capable of achieving a sound reduction of LA,RW 10 dB have been fully installed on site in accordance with Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received 20.09.2012 and the specification provided by the Environmental Noise Survey prepared by AB Acoustics. The bunds / acoustic barriers shall be retained as such for the lifetime of the use, unless alterations are required in respect of Condition 3, in order to protect the amenities of the area and to comply with policies B2, EN1 and EN5 of the adopted Unitary Development Plan.
- 3 Within one month of the date of the commencement of the use, a noise assessment shall be carried out in accordance with BS4142 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" to assess the noise levels at the 2 receptor locations at Colliery Lane and Fir Tree Lane to verify the effectiveness of the bunds / acoustic barriers and a noise survey report, to include any further mitigation measures, where necessary, and a programme for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures identified in the report shall then be fully implemented within one month of the Local Planning Authority issuing written approval of the noise survey report, which shall be retained for the lifetime of the development, in order to protect the amenities of the area and to comply with policies B2, EN1 and EN5 of the adopted Unitary Development Plan.
- 4 The use shall not commence until details of the surfacing material(s) to be used for the car parking area, as identified by Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received 20.09.2012, have been submitted to and approved, in writing, by the Local Planning Authority and the surfacing has been laid and parking spaces clearly marked out in accordance with the approved details. The parking area and clear delineation of parking spaces shall be maintained in accordance with the agreed details thereafter and made fully available for parking at all times and for no other purpose for the lifetime of the use , unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and in the interest of highway safety, in accordance with policies B2, EN1, EN5, T14 and T22 of the adopted Unitary Development Plan
- 5 The use shall not commence until the skip/container/plant storage area identified by Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received

20.09.2012 has been marked out, which shall be made available for such storage at all times and for no other purpose for the lifetime of the use, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area, in accordance with policies B2, EN1 and EN5 of the adopted Unitary Development Plan

- 6 The use shall not commence until the timber boarding and close-boarded timber fencing has been fully installed at the base of the boundary fencing in accordance with Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received 20.09.2012. This boundary treatment shall be maintained as such thereafter for the lifetime of the use, unless otherwise agreed in writing by the Local Planning Authority, to prevent the spillage of materials off the site and in the interests of the amenity of the area, in accordance with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 7 The materials recovery and waste transfer facilities shall not be operated other than in full accordance with the dust control and stockpile management measures identified by Section 7 of the Design and Access Statement (excluding Section 7.8) dated 17.07.2012, unless otherwise agreed in writing by the Local Planning Authority, in the interests of the amenity of the area and to accord with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 8 The use (including the loading and unloading of vehicles) shall not be operated other than between the hours of 07:00 and 18:00 on Mondays to Saturdays (excluding Bank/Public Holidays) and shall not be operated at any time on Sundays or Bank/Public Holidays, in order to protect the amenities of the nearby residents and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 9 No deliveries shall be taken at, or despatched from, the site outside the hours of 07:00 and 18:00 on Mondays to Saturdays (excluding Bank/Public Holidays) nor at any time on Sundays or Bank/Public Holidays, to ensure that nearby residents are not adversely affected by the development and in the interest of highway safety and to comply with policies B2, EN5 and T14 of the adopted Unitary Development Plan.
- 10 The use shall not operate unless a constant water source is made available on site, in order to protect the local environment and amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 11 No screening machine shall be positioned to the west of the purple dashed line of Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received 20.09.2012 at any time whilst in operation, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the adopted Unitary Development Plan.
- 12 No materials shall be stored on any land within the curtilage of the site to the south of the dashed line marked 'stockpile area limit' of Drawing No. 2270/1243/03 Rev. H: Site Layout Plan received 20.09.2012 at any time, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the adopted Unitary Development Plan.

- 13 All vehicles transporting materials to or from the site shall be securely sheeted whilst in transit, in order to minimise the risk of spillage of materials onto the highway, in the interests of the amenities of the area and highway safety and to accord with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 14 Notwithstanding the plans or associated details hereby approved, no crusher shall be installed on the site without first receiving prior written approval from the Local Planning Authority to ensure that the Local Planning Authority retains control over the development in the interests of amenity, in accordance with policies B2, EN1 and EC12 of the adopted Unitary Development Plan.
- 15 Notwithstanding the plans or associated details hereby approved, no stockpile within the curtilage of the site shall exceed six metres in height, measured from the surface of the access road immediately to the front (south) of the site, at any time, in order to protect the local environment and amenity of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 16 There shall be no burning of any materials on any part of the site, in order to protect the amenities of the surrounding area and, as such, comply with policies EN1 and M18 of the adopted Unitary Development Plan.

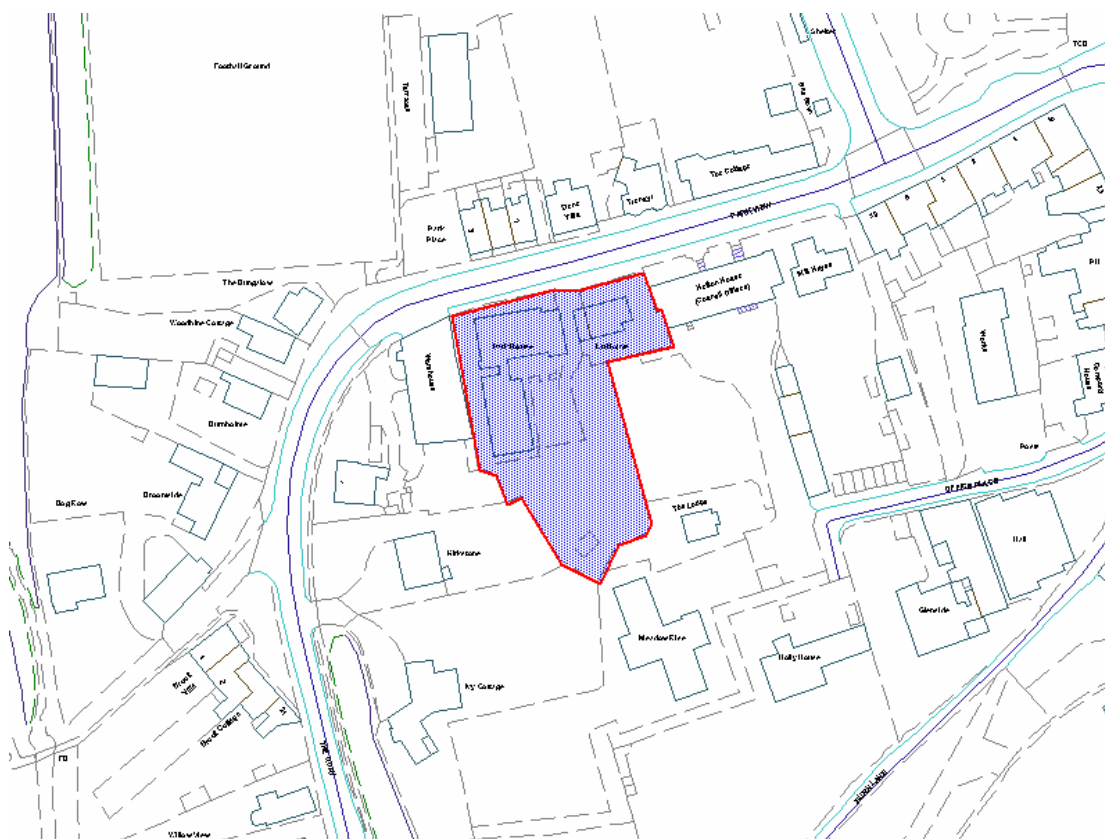
Reference No.: 12/00901/FUL Full Application

Proposal: **Erection of a detached two storey building in the rear garden of 14 Park View comprising a new accommodation block to provide eight additional bedrooms with ancillary accommodation comprising of lounges, kitchen, and dining facilities, quiet areas, bathrooms and offices. Works to various trees (T2, T6, T7, T8, T9, T10, T11, T13, T16, T17 and T22) and removal of two trees (T14 and T19) subject to Tree Preservation Order 59 in the rear garden of 14 Park View and planting of replacement trees for those proposed to be removed. Demolition of the existing attached garage to the side of Nu-Holme and alterations to the front and side boundaries of 14 Park View to facilitate a widened vehicular access from the C523 (Park View) to the rear of 14 Park View and erection of a new garage attached to the side (east) elevation of Nu-Holme.**

Location: 14 Park View And Nu Holme Hetton le Hole Houghton-Le-Spring DH5 9JH

Ward: Hetton
Applicant: Mr Malcolm Moore
Date Valid: 29 March 2012
Target Date: 24 May 2012

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

The site to which the application relates is a two storey detached property currently in use as a care home at 14 Park View, Hetton-le-Hole. The property benefits from a two storey extension to the rear and a spacious rear garden. Car parking is provided to the south of the original building adjacent to the existing two storey extension and is currently not laid out in a formal manner. Vehicular access to the car park is taken via a narrow access road to the east of the existing building. In addition, the application site also encompasses the adjacent detached dwelling to the east, Nu-Holme. A number of trees exist in the rear garden, many of which are afforded protection by Tree Preservation Order 59.

In the immediate vicinity of the site, a mix of uses are in evidence, reflecting the positioning of the site in close proximity to the centre of Hetton-le-Hole. To the east of Nu-Holme is a Grade II Listed Building in the form of the former Council Offices - Hetton House, whilst to the west of 14 Park View is a commercial building - a grain merchant. Opposite the application site on Park View are residential properties. To the west, the boundary of the rear garden of 14 Park View adjoins the curtilages of two detached dwellings on large plots, Kirkstone and Ivy Cottage, to the south is Meadow Rise, another care home and to the east of the garden is The Lodge, another detached dwelling and also the rear garden of Hetton House.

The property to which the application relates was originally a single residential dwelling, but planning consent was granted in 1987 (application 87/0594) for the change of use of the dwelling to a registered home for the elderly. Planning

consent was granted for the two storey extension to the rear of the care home in 1989 (application 89/1624). The care home now provides accommodation for adults with learning disabilities presently having 16 bedrooms.

Planning permission has twice been sought and refused for similar developments to that now proposed in the rear garden of 14 Park View. The first application, reference 08/01500/FUL was refused permission for reasons of:

- Insufficient separation between the proposed new building and existing properties,
- The fact that the proposed development comprised backland development,
- The loss of amenity space and protected trees within the curtilage of the property,
- Highway safety and
- The potential impact upon protected species.

This decision was not appealed and subsequently, a further application, reference 09/02422/FUL was made for development in the rear garden of the property. This application was also refused for reasons of:

- Insufficient separation between the proposed new building and existing properties,
- The fact that the proposed development comprised backland development,
- The loss of amenity space and protected trees within the curtilage of the property,
- Highway safety and
- The potential impact upon a site of archaeological importance.

This decision was appealed to the Planning Inspectorate, who dismissed the appeal, but the Inspector came to the conclusion that the following aspects of the proposal were acceptable:

- The separation distances from surrounding dwellings - Residential Amenity;
- The siting of the proposal in that it was not considered to represent backland development; and
- The level of amenity space retained within the site.

In dismissing the appeal, the Inspector found that the following aspects of the proposed development were unacceptable:

- The vehicular access to the site and impact on road safety;
- The potential impact upon archaeology; lack of archaeological inspection and report; and
- Removal of a large number of trees covered by Tree Preservation Order.

The conclusions of the Planning Inspector in finding that certain aspects of a scheme for development in the rear garden may be acceptable notwithstanding the Council previously having refused planning permission are considered to be material in determining this application, which is of a similar nature to the appeal proposal.

Planning permission is now sought for the erection of a detached two storey building in the rear garden of 14 Park View comprising a new accommodation block to provide eight additional bedrooms with ancillary accommodation comprising of lounges, kitchen, and dining facilities, quiet areas, bathrooms and offices. The accommodation within the building would be formed as two sections, with the entrance and main public and ancillary areas to the north of the site, adjacent to the car park with the bedroom wing to the rear of the site, adjacent to the southern boundary.

The new building is of an irregular footprint and is 29 metres long at its longest point and 20.5 metres wide at its widest point, although it is designed around an internal courtyard and amenity space area, which means that over the two storeys proposed, 484 square metres of new accommodation is created. The proposed building is offset from the side boundary shared with The Lodge by 3 metres at its closest point, would be within 1 metre of the rear boundary shared with Meadow Rise and 2 metres from the boundary with Kirkstone and Ivy Cottage to the west. The proposal would also see the reorganisation of the car park within the rear garden of 14 Park View so as to provide 11 parking spaces, one of which is specifically designed so as to meet the needs of disabled drivers. In order to accommodate the works within the rear garden, it is proposed to carry out groundworks to lower the land levels. This means that the proposed building is approximately 6.2 metres high at its highest point, but this is at a lower level than the present land level towards the rear of the property's garden. The building would be positioned so as to be approximately 1 metre higher than the datum level of the existing care home buildings and this has the effect that the proposed building would exceed the height of the boundary wall to the east of the garden by 2.3 metres and the lower wall to the west of the garden by approximately 5 metres.

Also incorporated in the application are works to various trees (T2, T6, T7, T8, T9, T10, T11, T13, T16, T17 and T22) and removal of two trees (T14 and T19) subject to Tree Preservation Order 59 in the rear garden of 14 Park View and planting of replacement trees for those proposed to be removed.

The trees proposed to be removed are a Leyland Cypress and an Ash tree. The works proposed to the other trees is generally by way of crown reduction, pruning and lifting to provide clearance to the building, with ivy recommended to be removed where applicable.

It is also proposed to demolish the existing attached garage to the side of Nu-Holme and make alterations to the front and side boundaries of 14 Park View to facilitate a widened vehicular access from the C523 (Park View) to the rear of 14 Park View and erect of a new garage attached to the side (east) elevation of Nu-Holme.

The removal of the existing garage at Nu-Holme and realignment of the boundary between the properties would allow the provision of a new entrance to 14 Park View 4.5 metres wide, with metal gates set back 10 metres from Park View.

The new garage at Nu-Holme would be 3.5 metres wide and 5.7 metres long, being erected with a flat roof to a height of 3 metres.

Due to the scale of the proposed development, which would see the creation of 484 square metres of new floor space, this application would normally have been

determined under the Council's Scheme of Delegation, but in this instance, it has been referred to the Sub-Committee for determination due to receipt of an objection from Hetton Town Council.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
County Archaeologist
Hetton Town Council
Street Scene (Environmental Service)
Northumbrian Water
Environment Agency

Final Date for Receipt of Representations: **16.05.2012**

REPRESENTATIONS:

Neighbours

One representation has been received following the neighbour consultation and wider application publicity process. The representation is in objection to the proposal and is from the occupier of The Lodge, Office Place, which is a detached dwelling situated to the east of the rear garden of 14 Park View. The objection raises the following concerns:

- Very little has changed since the previously refused applications, so the concerns raised in connection with the previous applications in respect of proximity of the proposed building to The Lodge, loss of privacy by way of overlooking of two rear bedrooms and increase of noise remain;
- The proposal is a major threat to existing wildlife e.g. bats, nesting birds, such as woodpeckers, woodpigeons, owls, hawks, hedgehogs and rabbits;
- The loss of landscaping, including some trees which support wildlife and have preservation orders on them;
- The proposal represents an overdevelopment of the site, which is historical, being in the medieval village of Hetton;
- The area around the proposed development has always been residential, its character has been residential, and to increase the size of the existing business at 14 Park View would have a detrimental effect upon residents adjacent to it;
- The proposal would greatly increase traffic using a dangerous entrance and exit onto an already congested road, with the drive itself being located near to the brow of a hill and a sharp bend. Visibility and highway safety is presently seriously compromised by many vehicles already parking in the Park View area as a consequence of football fans visiting the welfare football ground. Many buses regularly use Park View to access Hetton Bus Station. Wrights Grain Merchants is also nearby on the bend of Park

- View which regularly has transport wagons of a huge scale delivering animal feed and these are often parked for lengthy periods to the further detriment of highway safety. Due to the lack of parking space at the rear of 14 Park View, the staff also park to the front of the building on the brow of the hill, partly on the pavement, restricting pedestrians.
- The other property adjoining The Lodge, Meadow Rise is a social services residence, similar to 14 Park View. The impact of having a building specifically for people with social and mental problems next door cannot be underestimated, with residents creating noise including screaming in distressing fashion, repeating noises. In conjunction with this noise, there is a two to one staff to resident ratio, so eight cars arrive and leave the site over three shift changes, along with relatives of the residents visiting and other associated delivery and maintenance vehicles, which combined have caused detriment to the ability of occupiers of The Lodge using outside space and detrimentally generally to quality of life. Consideration should be given to adjacent residents and protection of their quality of life.
 - Should the building go ahead, staff numbers would increase as would noise and traffic. An increase in the business at 14 Park View would raise the level of noise further;
 - There are concerns over the residents at 14 Park View as one was recently found unaccompanied in Hetton. To increase the number of residents at a facility where they can walk out onto a potentially dangerous busy road could prove disastrous;
 - The proposed building appears uncharacteristic of the existing house architecturally. The living roof area is also of concern to the objector in respect of the need for maintenance and the potential need for workers to access the roof to maintain it, which would be detrimental to privacy of occupiers of The Lodge.
 - There is already limited light to the dining room and back bedroom of The Lodge and the proposed building would block out further light.

The majority of these issues are considered to be material considerations in the determination of this application, but it should be noted that the concern raised regarding the management of the care home and the potential for residents to leave the site unaccompanied is not a material consideration in the determination of the planning application. This is a management issue which falls outside of the Council's control.

Consultees

Hetton Town Council

Hetton Town Council have objected to the proposal, expressing grave concern, despite the extension of the access gates for traffic access/egress into Park View/The Quay which already has major existing traffic safety problems caused by inconsiderate parking and blind cornering at The Quay. Hetton Town Council also suggested that double yellow lines and extended parking controls should be examined in the area to assist matters.

Executive Director of City Services (Network Management)

The Executive Director of City Services (Network Management) has been consulted in respect of highway safety and car parking issues and has provided the following comments:

The plans make no reference to the NEDL column which would need to be relocated as part of the access works to 14 Park View.

With regard to the revised access arrangements to Nu Holme; it is apparent that the sole means of vehicle access will be via an existing informal access to the east of the property. A formal vehicle footway crossing would need to be provided at the applicant's expense and these works should be completed prior to the removal of the westernmost access.

Executive Director of City Services (Environmental Health)

The Executive Director of City Services (Environmental Health) has been consulted in connection with the application and has provided the following comments:

In view of the close proximity of the proposed development to nearby residential premises the application should make an application for prior consent in respect of work on construction sites under Section 61 of the Control of Pollution Act 1974 prior to the commencement of any works.

In any case, it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs on Mondays to Fridays and 07:30 hrs and 13:00 hrs on Saturdays. No works should be permitted on Sundays or Bank Holidays at any time without prior approval from City Services (Pollution Control).

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction (including demolition) sites, should be followed.

Regard should be had to the following to minimise noise emissions:

- The condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- Siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- Substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- Substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing.

Vibration from demolition and construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected.

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be

applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes should be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off. Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down prior to and during the demolition.

Stockpiles of waste materials arising from the or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site.

Detailed consideration must be given to British Standard 6187:2000, Code of Practice for Demolition and British Standard 5228-1 and 5228-2.

Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer has been consulted in connection with the application and has provided the following comments:

14 Park View (Park House) is a former miner's institute, later the Standard Theatre. The site lies at the historic core of what was Hetton medieval village. Hetton dates back to least 1183 AD. Front Street and Park View were the principal medieval streets. Medieval and post medieval archaeological remains may survive. Archaeological evaluation trial trenching is required to ascertain if buried archaeological remains exist on the site. Where archaeological deposits are found in the preliminary trenches, and where those deposits are at threat from the proposed development, further archaeological excavation will be required in order to fully record those remains before development commences.

The Archaeology Officer can provide a specification for the archaeological work when required and has requested the imposition of conditions to any planning permission granted as follows:

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

Environment Agency

The Environment Agency was consulted in connection with the proposal and has raised no objections. Information was provided in the response received from the Environment Agency regarding surface water disposal and foul sewage disposal, but these are points of information for the applicant only.

Northumbrian Water

Northumbrian Water was consulted in respect of the proposal and offered no comments in response.

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_5_Designation of new conservation areas
B_10_Development affecting the setting of listed buildings
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
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
CN_23_Measures to conserve/ improve wildlife corridors
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_17_Nursing and rest homes to respect amenity / established local character
H_22_Residential development within the curtilage of an existing house
HA_16_Appraisal of potential conservation areas
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to be considered in determining this application are:-

- 1) Principle of the Development.
- 2) Layout, siting and design of the building.
- 3) Highway Issues.
- 4) Ecology and Wildlife Implications.
- 5) Impact on Protected Trees
- 6) Archaeology.

- 1) Principle of the Development.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In addition to the above, policy H17 of the UDP indicates that the provision of nursing homes and other residential accommodation for people in need of care by the construction of buildings and conversion of large units in their own grounds will normally be approved, provided they are not detrimental to general amenity and the established character of the locality.

In this regard, it is considered that so far as it relates to a new building to augment the function of the existing care home, the proposal accords with the provisions of UDP policy EN10 and subject to satisfactory levels of amenity being maintained within the surrounding area, the proposal could accord with policy H17. The impact of the proposal upon the amenities of adjacent properties and the wider area is considered in detail below.

In respect of the concerns raised by the objector regarding the principle of the use and its compatibility with the area, it should be noted that the proposal, although it is detached from the existing building is to provide new accommodation for an existing care home, which operates with the benefit of planning permission. Whilst the eight new bedrooms proposed are detached from the existing buildings and would be closer to The Lodge than the existing buildings, window openings in closest proximity to the shared boundary are serving secondary windows by way of a store and a stairwell. The secondary nature of these windows is such that The Lodge would not be overlooked by habitable rooms and as such, potential for noise emanating from the elevation of the building facing The Lodge is limited. It is not considered that noise and disturbance would result from the additional eight bedrooms in a manner sufficient that it could be quantified and support a possible refusal of planning permission, particularly given that the existing care facility benefits from planning permission.

2) Layout, siting and design of the building.

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states 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.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

With regard to the siting of the proposed accommodation block in relation to surrounding buildings, due regard has been given not only to the requirements of UDP policy B2 as detailed above but also section 10C of the Sunderland City Council Residential Design Guide Supplementary Planning Document (SPD).

Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential development. In this regard a minimum distance of 21 metres is recommended to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14m for main facing windows facing side or end elevations (with only secondary windows or no windows).

Following an assessment of the proposal on site, it became evident that any development in the proposed location would not achieve the recommended separation distances in relation to surrounding properties, particularly, the residential dwelling at The Lodge to the east of the application site and the Meadow Rise care home to the south of the site. Kirkstone and Ivy Grange to the west are offset by approximately 24 metres and 37 metres respectively due to their existing large rear gardens.

With reference to The Lodge, at its nearest point, the proposed new building would only be offset from the side elevation of the existing dwelling, which incorporates windows at ground and first floor levels by 10 metres. With regard to the relationship with the adjacent care home to the south of the site, Meadow Rise, the separation distance between the buildings is as little as 5 metres at its closest point. Given the secondary nature of the windows proposed in the elevations of the new building which face these properties, a separation of 14 metres would normally be recommended.

Having assessed the proposal, it is noted that the spacing guidelines are not met by the proposal, it should also be noted that the proposal involves altering the ground level within the application site which limits the amount of the development which will be visible over the high boundary walls which surround the garden. In respect of windows facing these properties, those at ground floor level would be screened from view by the existing boundary walls, whilst at first floor level, windows facing towards the curtilage of The Lodge are limited to one serving a stairwell and one serving a store room. In respect of windows which face towards Meadow Rise, at first floor level, the only direct facing windows are by way of a quiet area and a corridor.

In this regard, given the relative screening of the ground floor windows and the secondary nature of the majority of the windows proposed in the first floor, combined with the angle at which the proposed building is situated compared to Meadow Rise to the south, it is not considered that a refusal of planning permission based on the siting of the building in close proximity to The Lodge and Meadow Rise could be sustained. This assessment is also informed by the decision of the Planning Inspectorate in dismissing the appeal against the refusal of the previous planning application for a similar development on this site. In dismissing the appeal, the Inspector did not consider that the proposed development would have so severe an impact on the privacy or outlook of neighbouring residents so as to justify the refusal of planning permission. Thus, it is not considered reasonable to rigorously enforce the normal SPD spacing recommendations on this proposal, nor would such a refusal of planning permission likely be sustained at appeal. It should also be noted that in respect of The Lodge that the building now proposed is further offset from the shared boundary than that for which permission was previously refused. Given that this proposal similar to the previous scheme incorporates only secondary windows to these elevations and is proposed to be positioned further from the boundary shared with The Lodge than the previously refused scheme and the fact that the

positioning in respect of Meadow Rise is only slightly altered, the Inspector's findings are considered to be an important material consideration in the determination of this application.

Thus, the proposed groundworks, coupled with the limited number of windows proposed in the east and south elevations and the findings of the Inspector in respect of the previous planning application for the site, it is not considered that the siting of the building would impact detrimentally upon the residential or privacy amenities of neighbouring occupiers so as to warrant a refusal of planning permission. The comments of the objector have been carefully considered, but nothing raised therein is considered likely to support a recommendation for refusal.

In respect of the concern raised by the occupier of The Lodge, the architect has advised that the final design of the proposed green roof specification has not yet been completed as it is a specialist item, but the initial design was based upon the use of an extensive type of green roof installation. The architect has further clarified that this type of roof system required minimal post installation maintenance, and dependent on the planting schedule chosen and from the advice and information received, it is anticipated that access to the roofs would be required once or twice a year to check drainage outlets, maintain the planting etc. The roofs would have a man safe fall protection system for maintenance access and access would be via secured ladders. During and immediately after installation (a number of weeks) there may be a requirement for additional watering of the roofs, dependent on the prevailing weather at the time, so access may be once a week for this period, although this would only be necessary in the event of a period of weeks with no rainfall. The architect has advised that the complete roof design and maintenance would be handled by a specialist company who would be able to supply any detailed information should Members be minded to approve the application subject to a condition with regard to the specification of the landscaping and green roof installation. This is considered sufficient so as to ensure that the Council can ensure no detriment to the amenities of adjacent occupiers during times of maintenance of the roof.

Furthermore, policy H22 relates to new residential development within back gardens, which will only be considered to be acceptable if it is not detrimental to the general amenity and established character of the locality, whilst tandem development, where the proposed new use and the existing use share the same means of access will normally be refused consent. The aim of the Supplementary Planning Guidance Topic 6, is to expand upon UDP policy H22 and impose strict controls over applications for new residential development in rear gardens. It is noted in paragraph 6.1 (b) that the existence of large gardens does not necessarily point to scope for development as the size and appearance of gardens and other open land can be of great importance to the character of a neighbourhood. Section 11 of the Household Alterations and Extensions SPD details that the City Council will continue to impose the guidance detailed in the previous SPG document in relation to backland Development, when the SPD becomes fully adopted.

In considering the previous appeal, the Inspector concluded that as the proposal is for the enlargement of the existing care home rather than a separate dwelling, he did not consider that the problems of privacy and disturbance usually associated with tandem development would arise. Therefore, the proposal is not considered to conflict with UDP policy H22 or the relevant SPG or SPD guidance.

The Inspector also concluded that development in the rear garden on the scale proposed is not inappropriate.

In addition to the above, topic 5.2 of the Development Control Guidelines SPG which acts as an expansion of UDP policy H17 as detailed above details the requirements for the provision of external amenity space at care homes. It is dictated therein that 10 square metres of external amenity space will be required for each bed space at the care home. As the proposals indicated there will be 24 residents at the extended care home, a total of 240 square metres of external amenity space would be required. Including the area within the courtyard and beneath the canopies of the retained trees to the western boundary of the site, this figure is achieved in the proposed development, meaning that the extended care home would benefit from an adequate provision of external amenity space. In determining the appeal against the refusal of the previous application, the Inspector concluded that the area beneath the canopies of the trees on the site is acceptable as usable amenity space for residents.

It should also be noted that the application site lies within the extent of the proposed Hetton Conservation Area as designated by UDP policies B5 and HA16. These policies aim to preserve and enhance the amenities of the proposed conservation area and as such, the proposal should be considered in this regard.

Whilst it is noted that the proposed development lies within the area designated as a proposed conservation area, in considering the previous appeal, the Inspector concluded that the proposed conservation area has been detailed in the UDP since 1998 and the appraisal has not yet been completed and it is not a designated conservation area. The Inspector concluded that as the appeal site is not within a conservation area, it should not be treated as if it were.

Additionally, policy B10 of the UDP seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In this regard, the site lies in close proximity to Grade II Listed Hetton House within the heart of the former Medieval village of Hetton-le-Hole, which centres around Park View. Hetton House is the most significant building in the area dating from the early/mid 18th Century and exhibiting many period features. For this reason, any development affecting the setting of Hetton House must be carefully considered.

In this regard, the proposed addition of the new garage to Nu-Holme is not considered to raise any significant concerns as it represents an extension to an existing modern property which does not sit entirely comfortably in its relationship with the adjacent listed building. Nevertheless, the proposed garage extension is characteristic of Nu-Holme and notwithstanding its proximity to the listed building, it is not considered to cause unacceptable detriment so as to warrant a refusal of planning permission.

There were some concerns over the principle of developing the garden of 14 Park View, but as set out above, these are not considered to be such that a refusal of planning permission could be sustained based on impact upon the character of the area and although the eastern boundary of the site adjoins land associated with Hetton House, given the relative screening of the proposed building from this viewpoint due to the proposed alterations to the ground levels

within the rear garden of the application site and the high boundary walls around the garden, it is not considered that the proposal would impact upon the setting of Hetton House so as to warrant a refusal of planning permission. This assessment is further supported by the retention of a number of trees along the eastern boundary of the garden of 14 Park View which provide a further buffer between the proposed building and the adjacent land.

Consideration has also been given to the fact that Hetton House is currently a Council owned building and is currently considered to be 'at risk' as the Council has no future use for it. A development brief has been issued for the site which includes the potential for development in the bottom half of the garden. Consideration has been given to ensuring that any future development in this garden is not sterilised as a result of development within the garden of 14 Park View, but given that only two small secondary windows are proposed in the application building facing in this direction and the fact that no planning applications have yet been submitted for any development of this land, it is not considered that the planning application could be refused for this reason. The relationship between the proposed development and the nearby listed building, Hetton House and its gardens is therefore considered to be acceptable.

For the reasons set out above, the layout, siting and design of the building are considered to be appropriate with due regard to planning policy and specifically in relation to the conclusions of the Planning Inspector in considering the appeal following the Council's decision to refuse a previous planning application on the site.

3) Highway Issues.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In response to consultation, the Council's Executive Director of City Services (Network Management) has not objected to the proposal, but have advised that the plans make no reference to the NEDL column to the front of the site which would need to be relocated as part of the access works to 14 Park View. In addition, with regard to the revised access arrangements to Nu-Holme, it is apparent that the sole means of vehicle access would be via an existing informal access to the east of the property. A formal vehicle footway crossing would need to be provided at the applicant's expense and these works should be completed prior to the removal of the westernmost access.

With regard to the parking provision provided, this is considered to be reasonable for the scale of development proposed. To expand further; historic parking guidelines within the City of Sunderland Design Guide went into detail regarding a minimum number of spaces, ratio per resident staff, ratio per non resident staff, ratio per bedrooms and then set an absolute minimum number of spaces, however this typically equated to one space per three bedrooms.

The existing care home has provision for six to seven vehicles for what is a 16 bed care home, equating to a ratio of one space per 2.7 bedrooms. Whilst the

development makes provision for 11 spaces (12 if the potential for a space to the immediate frontage of the building is included) for what would be 24 bedrooms, equating to a ratio of one space per 2.2 bedrooms. This compares favourably to the historic City of Sunderland guidelines and a marginal improvement on the existing situation. The widening of the access would also make parking to the rear of the property more accessible and desirable for staff and visitors.

In addition; the historic guidelines were, in terms of care homes, often found to be excessive. More recently parking ratios in the region of one space per five to six bedrooms have been considered acceptable, it is therefore concluded that the parking provision appears to be acceptable and that a stronger view would be unsustainable in an appeal situation.

The comments of Hetton Town Council in respect of potential yellow lines to the front of the site, given that the development would see the realignment of the access to the host property and the provision of additional car parking to the rear of 14 Park View, it is not considered reasonable to require this as part of this planning application.

Given the widening of the access to the site and the realignment of the car park within the rear garden area of 14 Park View so as to provide 11 car parking spaces, one of which is designed so as to be accessible for disabled drivers, it is considered that the proposal is acceptable with due regard to UDP policies T14 and T22 and it is not considered that its would create conditions prejudicial to highway safety.

4) Ecology and Wildlife Implications.

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

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

Furthermore, policy CN23 identifies a number of wildlife corridors as illustrated on the proposals map, wherein measures will be taken to conserve and improve the environment through use of suitable designs to overcome any potential user conflicts, whilst development which would adversely affect the continuity of corridors will normally be refused. Where on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

When initially received, the application was supported by a bat and barn owl report carried out by an Ecological Consultant in Summer 2011. In the time

between this report being prepared and the consideration of the planning application, a report was made to Durham Bat Group on 4 June 2012 of a significant bat roost within the dwelling at Nu-Holme where observations indicated a maternity roost of approximately 175 bats to be present. As the proposal involves the demolition of the garage at Nu-Holme to make way for the proposed access improvements to 14 Park View, it was not considered that the application could be determined until updated survey work had been carried out to fully assess the impact of the proposed development upon protected species, including bats in the reported roost at Nu-Holme.

An updated bat and barn owl survey carried out in Summer 2012 was received by the Council on 3 September 2012. This report identified that on the first evening site survey, two Pipistrelle 45KHz bats were identified commuting from the south-west over the site and one was later seen foraging in the garden of 14 Park View. On the 2011 survey, Pipistrelle 55KHz and Whiskered/Brandts bats were also seen foraging or commuting over the garden of 14 Park View. At the time of the latest survey, one Pipistrelle 45KHz bat was seen briefly in the garden of 14 Park View, however 48 bats were seen to emerge from Nu-Holme and flew to the east. No bats were recorded by the Ecological Consultant as emerging from buildings or trees specifically affected by this development. The conclusion of the report is that the affected buildings and trees have minimal potential as a roost site for bats, although the garden of 14 Park View does provide foraging potential.

Having reviewed the contents of the report, in order to ensure that the development does not adversely impact upon protected species, it is recommended that prior to the commencement of any works on site, a timetable of works should be submitted to the Local Planning Authority for approval. The Delivery of Information and Method Statement section of the report should be conditioned as a working practice during development. If bats are discovered during the programme of works, operations must cease and the bat(s) should be secured/made safe and the ecologist or Natural England must be contacted for further advice and information. If works do not take place before August 2013, additional survey work will be required and submitted to the Local Planning Authority for approval in line with recognised Bat Survey Guidelines. A lighting plan for the site should be submitted for approval by the Local Planning Authority.

Subject to the imposition of conditions requiring the above, it is therefore considered that the site can be developed in a manner so as not to be detrimental to the ecological and biodiversity interests of the area. As such, the proposal is considered to accord satisfactorily with UDP policies CN18, CN22 and CN23 as set out above.

5) Impact on Protected Trees

There are 33 trees within the application site of which, 17 are protected by Tree Preservation Order (TPO) 59, which was confirmed in March 1990. As such UDP policy CN17 is applicable to the proposed development. This policy seeks the retention of trees which make a valuable contribution to the character of an area.

In this regard, the application is accompanied by an arboricultural assessment which identifies the need to remove two trees subject to TPO59, as well as

carrying out works to 11 others so as to facilitate development. All of the trees subject to TPO59 except the two identified for removal are identified for retention following the proposed development and those which are identified as to be removed are to be replaced.

The two trees identified for removal are a Leyland cypress which is identified by the applicant's arboriculturalist as being of moderate quality, but standing in conflict with the siting of the proposed car parking area and an Ash, which is identified as being of low quality and should be removed as part of the site management due to poor and declining condition. Having assessed the proposal on site, neither of the trees which are identified for removal are considered to provide amenity significant enough to warrant a refusal of planning permission in their own right, particularly given that the proposal has been redesigned so as to allow the retention of the majority of trees within the property's garden and would incorporate replacement planting for the two trees to be removed meaning that there would be no net reduction in the number of protected trees in the rear garden of 14 Park View. The works proposed to the other trees is by way of crown lifting, pruning and reduction in order to facilitate development and also in the interests of on site arboricultural management. The tree survey and attached schedule provides recommendations for the protection of the trees whilst development is ongoing and subject to adherence to this and the planning of new trees to replace those lost during development, the proposal is considered to accord satisfactorily with UDP policy CN17.

Although the Inspector identified loss of trees as a reason for dismissing the previous appeal, that scheme would have seen the loss of 24 trees, whereas the current proposal would only see the loss of two trees subject to TPO59, both of which would be replaced elsewhere in the garden. Following due consideration, the loss of two trees which would be replaced and the works proposed to 11 other trees covered by TPO59 to allow their retention whilst facilitating the proposed development in the interests of good arboricultural management on the site is considered to be acceptable and would not provide reason to refuse planning permission.

6) Archaeology.

Policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by UDP policies B13 and B14.

The application is accompanied by an archaeological desk based assessment as the site lies within the historic core of Hetton Medieval Village, which dates back to at least 1183 AD, with Park View and Front Street being the principal medieval streets. The property is a former Miners' Institute and Theatre. For this reason, the County Archaeologist has been consulted in connection with the proposal and has advised that Medieval and post Medieval remains may survive. As such, archaeological excavation and trial trenching is required to ascertain if buried archaeological remains exist on site. Where archaeological deposits are found in the preliminary trenches, and where those deposits are at threat from the proposed development, further archaeological excavation will be required in

order to fully record those remains before development commences. The County Archaeologist has advised that she can prepare a specification for the archaeological work when required. As such, three conditions should be imposed on any planning permission granted for the proposed development including one requiring the archaeological excavation and recording, one requiring a report to be submitted detailing the findings of the excavation and the third requiring a report to be prepared detailing the results of the archaeological fieldwork in a format suitable for publication in a journal.

Subject to the imposition of these conditions, the County Archaeologist has not objected to the proposal, which is therefore considered to accord with UDP policies B11, B13 and B14 as detailed. The proposal is therefore not considered likely to impact upon the archaeological interest of the site so as to warrant a refusal of planning permission.

Conclusion

The principle of the erection of a new detached building in the rear garden of 14 Park View to act as an extension to the care home is considered to be acceptable with due regard to UDP policies EN10 and H17.

The layout, siting and design of the proposed development is considered to be acceptable in respect of the impact upon the character of the area, the amenities of nearby residents and the relationship with the proposed conservation area and the adjacent listed building, Hetton House with due regard to paragraphs 17, 56 and 64 of the NPPF and policies B2, B5, B10, H22 and HA16 of the UDP.

The proposal is considered to be acceptable in terms of its relationship with the surrounding highway network and the provision of on site car parking in accordance with UDP policies T14 and T22 of the UDP.

The implications of the proposed development for biodiversity and ecology are considered to be acceptable with due regard to UDP policies CN18, CN22 and CN23.

The proposed works and removal and replacement of trees subject to TPO59 is not considered likely to unacceptably adversely affect their character or the amenity of the area, in accordance with UDP policy CN17.

The proposal is not considered likely to cause unacceptable detriment to the area of potential archaeological importance, in accordance with UDP policies B11, B13 and B14.

RECOMMENDATION: Approve

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Site and Location Plans as Existing - Drawing Number 904 PL 001, received 29 March 2012;

The Site Elevations as Existing - Sheet 1 of 2 - Drawing Number 904 PL 002, received 29 March 2012;

The Site Elevations as Existing - Sheet 2 of 2 - Drawing Number 904 PL 003, received 29 March 2012;

The Assessed Site Drainage as Existing - Drawing Number 904 PL004, received 29 March 2012;

The Ground Floor Plan as Proposed - Drawing Number 904 PL010, received 29 March 2012;

The First Floor Plan as Proposed - Drawing Number 904 PL011, received 29 March 2012;

The Roof Plan as Proposed - Drawing Number 904 PL012, received 29 March 2012;

The Landscape Plan as Proposed - Drawing Number 904 PL013, received 29 March 2012;

The Site Elevations as Proposed - Sheet 1 of 2 - Drawing Number 904 PL014, received 29 March 2012;

The Site Elevations as Proposed - Sheet 2 of 2 - Drawing Number 904 PL015, received 29 March 2012;

The Building Elevations as Proposed - Sheet 1 of 2 - Drawing Number 904 PL016, received 29 March 2012;

The Building Elevations as Proposed - Sheet 2 of 2 - Drawing Number 904 PL017, received 29 March 2012;

The Site Drainage Plan as Proposed - Drawing Number 904 PL018, received 29 March 2012 and

The Location Plan, received 29 March 2012.

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 samples of the materials and finishes to be used for the external surfaces of the dwellings hereby approved, including walls, roofs, doors and windows have 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 The new building hereby approved within the rear garden of 14 Park View shall only be occupied in association with the existing care home (14 Park View) and shall not at any time be occupied as a separate unit of accommodation operating independently from the existing care home, in order to protect the residential amenity of neighbouring properties, to achieve a satisfactory form of development on site and in the interests of

highway safety to comply with the requirements of policies B2 and T14 of the adopted Unitary Development Plan.

- 5 Prior to the commencement of development, precise details of the proposed vehicular access to be provided to Nu-Holme shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall include the provision of a new footway crossing to serve the existing easternmost access and these works shall be completed prior to the removal of the access to the existing driveway and garage at Nu-Holme (pursuant to condition 6 of this approval). Thereafter the access shall be maintained on site at all times unless the Local Planning Authority first agrees to any variation in writing, in order to ensure the continued provision of adequate in-curtilage car parking for Nu-Holme in the interests of highway safety and to accord with policies T14 and T22 of the Unitary Development Plan.
- 6 The construction of the building hereby approved, within the rear garden of 14 Park View, shall not commence before the existing garage at Nu-Holme has been demolished and the boundary between the two properties (14 Park View and Nu-Holme) has been re-aligned and the approved driveway and entrance to 14 Park View have been completed (including modifications required to the front boundary wall of 14 Park View) in accordance with the details shown on drawing number 904 PL010 and to the written satisfaction of the Local Planning Authority (following site inspection). The new access shall then be retained as approved for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in the interest of highway safety and to accord with policy T14 of the Unitary Development Plan.
- 7 The area indicated for the parking and manoeuvring of vehicles (the area marked as Existing Block Paved Parking Area Re-laid on Drawing Number 904 PL010) shall be laid out and completed in accordance with the approved plans before the building hereby approved in the rear garden of 14 Park View brought into use. This area shall then be available for the parking of vehicles associated with the care home at 14 Park View as extended at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policies T14 and T22 of the Unitary Development Plan.
- 8 No construction works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 18.00 Monday to Friday and 07.30 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 9 Throughout the construction period, no deliveries of materials or equipment required in connection with the development shall be made to the site except between the hours of 07.00 and 18.00 Monday to Friday and 07.30 and 13.00 on Saturdays and no such deliveries shall be made to the site on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN10 and T14 of the Unitary Development Plan.

11 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 as 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 policies B11, B13 and B14 of the Unitary Development Plan.

12 The new building in the rear garden of 14 Park View shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 11 has been submitted to and approved in writing by the Local Planning Authority as 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 policies B11, B13 and B14 of the Unitary Development Plan.

13 The new building in the rear garden of 14 Park View 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 has been submitted to and approved in writing by the Local Planning Authority as the site is located within an area identified in the Unitary Development Plan 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 141 of the National Planning Policy Framework.

14 Prior to the commencement of development, demolition or the removal of any trees, a precise written proposed timetable of works shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall not proceed other than in accordance

with the agreed details unless the Local Planning Authority first agrees to any variation in writing in order to ensure that the proposal does not cause detriment to any species afforded statutory protection by law and to accord with policies CN18 and CN22 of the Unitary Development Plan.

- 15 No development shall commence on site until complete copies of Section 2 Delivery Information/Method Statement of the Bat and Barn Owl Report dated Summer 2012, received 3 September 2012, have been made available to the developer and to the contractors working on site. Thereafter a copy of the aforementioned document shall be available at all times on site for reference by the developer and contractors working on site. Furthermore the development hereby approved shall be carried out in complete accordance with the contents of the report unless otherwise first agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 16 If bats are discovered during the programme of works, all on site operations shall cease immediately, the bat(s) shall be secured/made safe and the bat(s) shall be reported to the Local Planning Authority for further advice and information. On site operations shall not recommence until the Local Planning Authority is satisfied and has advised in writing that there is no further risk to bats as a result of the development, in the interests of nature conservation and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 17 Notwithstanding the contents of the Bat and Barn Owl Report, dated Summer 2012, should the construction works required for the building hereby approved in the rear garden of 14 Park View not commence prior to August 2013, an additional updated Bat Survey shall be submitted to and approved in writing prior to the commencement of development, in the interests of nature conservation and to comply with the requirements of policies CN18 and CN22 of the Unitary Development Plan.
- 18 Prior to the commencement of the erection of the new building in the rear garden of 14 Park View, details of all existing and any proposed lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved, development shall not proceed other than in complete accordance with the agreed details unless any variation is first otherwise approved in writing, in the interests of nature conservation and to comply with the requirements of policies CN18 and CN22 of the Unitary Development Plan.
- 19 No works other than those detailed in Appendix 1 of the Revised Arboricultural Implication Assessment of Trees at 14 Park View, Hetton-le-Hole prepared by All About Trees, received by the Local Planning Authority on 29 March 2012 shall be carried out to trees within the rear garden of 14 Park View which are afforded protection by Tree Preservation Order 59 without the express prior written consent of the Council as Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 20 Before the trees protected by Tree Preservation Order 59 (T14 and T19) are felled to facilitate the development hereby approved, details of the

location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

- 21 Before any development commences within the rear garden of 14 Park View, the Tree Protection Measures specified within Section 5 (Pages 11-20) of the Revised Arboricultural Implication Assessment of Trees At 14 Park View Hetton-le-Hole prepared by All About Trees and as shown on the accompanying Drawing Number TPP-B, received by the Local Planning Authority on 29 March 2012 shall be put in place and shall remain in place throughout the construction period unless first otherwise agreed in writing with the Local Planning Authority in order to prevent detriment to trees afforded protection by Tree Preservation Order 59 and to accord with policy CN17 of the Unitary Development Plan. For the avoidance of doubt the demolition works, boundary realignment and completion of the approved driveway subject to condition 6 of this approval are not subject to the requirements of this condition (because they are located outside of the rear garden of 14 Park View).
- 22 No tree shown to be retained on Drawing TPP-B, received 29 March 2012 shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 23 If any tree identified as to be retained on Drawing TPP-B, received 29 March 2012 is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 24 If within a period of 5 years from the date of the planting of any new tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 25 All planting, seeding or turfing comprised in the approved details of landscaping (shown on drawing 904 PL-13, received 29 March 2012) 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 policies B2 of the Unitary Development Plan.

- 26 Prior to the commencement of development, precise written details of the design and specification of the proposed living roof shall be submitted to the Local Planning Authority together with a timetable for its installation, establishment and future maintenance. Once approved, development shall not proceed other than in complete accordance with the agreed details in the interests of residential amenity and to accord with policy B2 of the Unitary Development Plan.

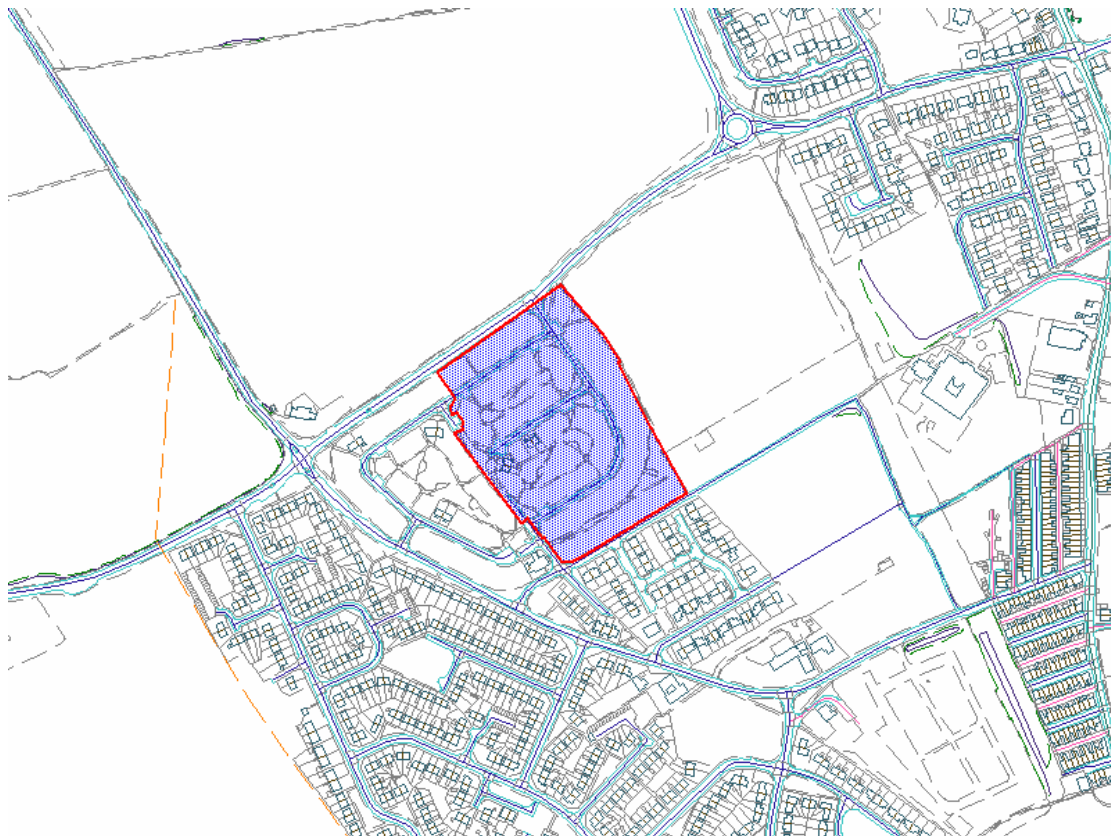
Reference No.: 12/01318/FUL Full Application

Proposal: **Redevelopment of former housing site to provide 58no. new dwellings with associated garages, parking, access roads and landscaping, including removal and stopping up of existing highways and change of use to residential and landscaped area, together with the demolition of 2no. existing vacant properties.**

Location: Site Of 1-14 Beechwood Terrace Houghton-Le-Spring

Ward: Houghton
Applicant: Gentoo Homes
Date Valid: 22 June 2012
Target Date: 21 September 2012

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

The application is for the erection of 58 houses on land bounded by Coaley Lane, Hawthorn Street and Blind Lane which was formerly occupied by part of the Holmlands residential estate. The development forms the initial part of Phase 2

of the redevelopment of the Holmlands estate (Phase 1 "The Potteries" was completed recently under consent no. 06/02026/LEG).

The scheme comprises 18 no. semi-detached and 40 no. detached properties with 2 (8 units), 3 (15 units) and 4 bedrooms (35 units). The floorspace provided varies from 60.2 sq m in a 2 bed semi-detached to 128.8 sq m in the 4 bed detached house. There are 12 house types proposed, 6 being semi-detached and six detached. Vehicular access to the site is proposed from Coaley Lane, with a spine road running west to east along the site contours and a series of small culs -de-sac running off that road. Pedestrian access is also proposed from Hawthorn Street with links also to the remainder of the site to the south and to the footpath which runs along the northern edge of the site. The scheme also includes the stopping up of the former estate roads on the northern half of the Holmlands Phase 2 site and the demolition of a pair of, now vacant, semi-detached houses, with the roads being grubbed up and the area levelled and seeded.

The site of approximately 2.2ha lies to the south west of Newbottle on the north western edge of Houghton le Spring. All the former houses on the site have been cleared, although the roads and general infrastructure remain in evidence. To the south east are residential properties, to the south west lies the remainder of the Phase 2 site with a small number of occupied and vacant residential properties remaining from the original estate, while to the north east and north west is agricultural land and allotments. Houghton le Spring town centre lies approximately 1.5 miles to the south east.

The application site is the highest part of the Phase 2 site which slopes down to the west, with the lowest point being at the junction of Coaley Lane and Blind Lane.. The application site also slopes down towards Hawthorn Street on the south east edge. Coaley Lane and Blind Lane provide connections to the A_82 which links Houghton le Spring and Washington and provides links to the wider area and strategic road network. Hawthorn Street is partially one way and provides a pedestrian link to Newbottle Primary School which lies to the north east.

The application is accompanied by the following documents:

- Design and Access Statement;
- Affordable Housing Statement;
- Extended Phase 1 Habitat Survey;
- Arboricultural Impact Assessment;
- Landscape Masterplan;
- Flood Risk Assessment; and
- Phase 2 Ground Investigation Survey Report.
- Statement of Community Consultation

The application has been re-advertised in order to make express reference to the stopping up and change of use of the highways associated with the former housing development on the site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Childrens Services
City Services - Network Management
Northumbrian Water
Street Scene (Environmental Service)
Nexus
Environment Agency
Northumbrian Water
City Services - Network Management
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **19.10.2012**

REPRESENTATIONS:

Neighbours

To date no representations have been received.

Consultees

Executive Director of City Services: Network Management - has commented that the proposed road layout does not comply with current guidance, in that there would only be one point of access to the development with no prospective vehicular links to the remainder of the Phase 2 site from the housing development. It is considered that well planned traffic calming measures would be a more appropriate means of preventing the site being used as a rat run to avoid the Blind Lane/Coaley Lane junction. It is advised that the applicant be requested to amend the scheme. as regards visitor parking it is considered that this should be provided at a ratio of 1:3 not the 1:7 as submitted. Consequently, additional visitor parking is requested within the scheme or a widening of the carriageway to 6.7m so that parking could be accommodated on the carriageway. In addition, it is advised that the development should secure the widening of existing footways and footpaths abutting the site to a nominal width of 2.0m. It was requested that the development description be revised to include reference to the stopping up and change of use of the highways across the site in order not to delay the stopping up process. Finally it is recommended that a condition be imposed on any consent issued requiring the submission and agreement of a Green Travel Plan for the development; that provision be made for the charging of electric vehicles; that cycle storage be provided/facilitated; and that the applicant discuss with Nexus the scope for improvement to public transport facilities in the vicinity of the site.

Executive Director of City Services: Environmental Services - has stated that there are no objections to the proposal. However, a request is made for the

imposition of conditions in respect of the control of dust generation on the site, the hours of working (recommended as 07.00 - 19.00hrs Mon to Fri; 07.30 - 14.00hrs Sat and no working on Sundays or Bank Holidays) and minimising of noise and vibration from the construction works.

Northumbrian Water Limited - has indicated that while it does not object to the proposal nevertheless has commented that the development drains to Sedgelych sewerage treatment works, which is currently operating at capacity and unable to accept additional flows until completion of improvement works (due for completion in 2015). However, it considers that if the surface water from the site could be drained to a watercourse this would free capacity such that it would be possible to accept the foul sewage flows from the development. Consequently, it proposes the imposition of a condition in respect of the details of the surface water drainage for the site in accord with the hierarchy of preference contained in revised part H of the Building Regulations 2000.

The Environment Agency - initially commented that it had no objections to the proposed means of surface water drainage (to a public sewer at an attenuated rate) and foul water drainage to a foul sewer, provided that there is sufficient capacity to accommodate the additional flows. However following the receipt of the NWL comments and the submission of additional details from the applicant of a surface water drainage scheme which drains to a new sewer which will discharge into Moors Burn at a rate of 55 litres per second (a reduction on the current 30 year discharge rate (693 l/sec)), it has requested a condition in respect of the submission and approval of a detailed scheme for surface water management prior to the development starting.

The Lead Policy Officer for Planning - has commented that the principle of the development and the proposed housing mix is considered to be acceptable. He has indicated that while normally affordable housing would be required on the site the applicant has provided sufficient justification for diverting that provision to the nearby Racecourse Estate. Reference is made to the requirements of NPPF paragraphs 73 and 74 and the Sunderland Draft Greenspace Audit. The Audit indicates that:

- Amenity greenspace access in Burnside is below average;
- The quality and value of amenity greenspace is low;
- There is very limited access to natural greenspace, including woodland;
- Park access is very low; and
- Better cycling links are required.

With this in mind he considers that:

- the amount of greenspace in the area would appear to be reduced from the original council house layout;
- greenspace provision is piecemeal and small in the Phase 2 proposals;
- no supporting improvements are proposed to neighbouring greenspaces; and
- there is limited details of cycling access within the site and links to other routes.

As a result of the above he recommends that :

- In line with the NPPF replacement open space should be of an equivalent or better quantity and quality in a suitable location;
- A large single area in the centre of the masterplan would be of more use and easier to manage;
- The pedestrian link through the site could act as a green boulevard incorporating a 3m wide walking/cycling route with links to sites to the east and west;
- The design should consider providing tree planting;
- The applicant should seek advice on local playspace provision when considering the wider greenspace needs of the area.

Education - No response received to date.

POLICIES:

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

T_8_ The needs of pedestrians will be given a high priority throughout the city.

T_14_ Accessibility of new developments, need to avoid congestion and safety problems arising

T_9_ Specific provision will be made for cyclists on existing/new roads and off road

H_16_ Negotiation for affordable housing in major developments

H_21_ Open space requirements in new residential developments (over 40 bed spaces)

EN_14_ Development on unstable or contaminated land or land at risk from landfill/mine gas

EN_12_ Conflicts between new development and flood risk / water resources

B_2_ Scale, massing layout and setting of new developments

COMMENTS:

In determining the application the following issues need to be addressed:

- The principle of the development
- The design of the proposal
- The ecological impacts
- The Impact on flood risk and drainage
- The impact on trees and landscape
- The highway implications of the development
- Affordable Housing Provision
- Land Contamination Considerations
- Children's play and open space provision
- Community Involvement

The Principle of the Development

The site is not allocated for any specific purpose in the adopted Unitary Development Plan (UDP) and hence is subject to policy EN10, which requires that new development in such locations should take account of the predominant land use in the area and maintain/enhance the best qualities of the area. The previous use of the site was residential and there are residential properties to the east of the site (The Potteries) and on the south side of Blind Lane. The site was previously occupied by residential properties prior to their clearance in 2007 and the site is considered to be "brownfield".

In view of the above it is considered that the principle of the residential use of the site is acceptable, subject to compliance with design and environmental criteria of the UDP and associated documents. Further, it is considered that the proposed development accords with advice in the National Planning policy framework (NPPF) in that it is sustainable and uses previously developed land

The Design of the Proposal

Policy B2 of the adopted UDP requires that new development reflects the best qualities of the area and does not have significant adverse impacts on the amenities of nearby occupiers.

The scheme proposed seeks to create a unique sense of place with a design led approach to the public realm that contributes positively to the locality and responds creatively to the CABI Building for Life Standards, scoring highly against the 20 "Better Place to Live" questions. The aim is to create a cohesive design, building on the existing character of the area providing a positive and contemporary redevelopment of the area while meeting the needs of residents. The following key objectives of good urban design are incorporated:

- The creation of high quality spaces and routes which integrate with the local neighbourhood;
- The provision of new housing which makes an imaginative and positive contribution to the area;
- Use of "Secured by Design" principles to encourage safe public spaces;
- The provision of clear public routes and a distinction between public and private places; and
- Provision of landscaping which supports wildlife, flora and a positive amenity for residents.

The sloping site levels provide an opportunity to exploit the natural views to the west by use of the natural topography by use of a central landscape focus which could be strengthened and extended through future phases of development to the west/south west.

The route of the main spine road has been designed to run parallel with the site contours to enable the streetscape to run at a reasonably level plateau, working with the existing topography. The route has significant frontage at the central core of the site and incorporates feature house types. The properties to the west of the route will benefit, at least initially, from views to the west over open countryside. From the spine road branch routes have been designed to accommodate the rising site levels and lift the development up to a series of

further level clusters of housing, with small embankments incorporated into the rear boundaries of plots to address the changes in level and minimising the impact of the topography.

A central green space is proposed from the highest point of the site running west along the downward slope, exploiting the open views in that direction. The aim is that this will create a clear route through the site incorporating front gardens until reaching a pedestrianised area at the western boundary - with the potential for extension into future phases of development and onto the junction of Coaley Lane and Blind Lane.

The existing housing near to the site is generally 2 storey, some with extensions into the roof space, and a small number of bungalows on The Potteries to the south east. The house styles on the site reflect this, being predominantly 2 store, with one house type (SO1) utilising the roofspace. The scale and massing thereby aims to tie in with the surrounding area, with the height of eaves and ridges reflecting the character of the area.

The following minimum distances have been allowed within the development and at its interface with existing properties:

- 21m between principal rooms which face each other
- 15m between principal rooms and gable elevations.

Such spacing accords with the requirements set out in the council's Residential Design Guide Supplementary Planning Document (SPD).

The house styles proposed seek to provide visual interest and represent a contemporary craft based vernacular with an interchangeable palette of materials including brick, stone and render. The key features proposed are:

- feature windows to gable elevations at the site entrance;
- timber pergola (on 8 house types) and Juliet balcony (on 3 house types) details to soften the front elevations;
- stone dressings to front elevations to create character;
- interchangeable palette of buff and red brick and grey and red roof tiles to create identifiable character areas/clusters; and _ feature house type B3A with render detaining and alternative roof pitch to give variation to the spine road

Comments on the need to simplify the detailed design of the house types has been passed to the applicant with an indication that such matters can be dealt with through an appropriately worded condition.

It is considered that the overall design of the scheme is considered to be satisfactory and that with the imposition of a condition to deal with the details of fenestration the scheme will accord with policy B2 of the adopted UDP.

The Ecological Impacts

The relevant policies in the adopted UDP in respect of this issue are CN16 and CN18. the former seeks to retain and enhance tree belts and field hedgerows to emphasise the breaks between settlements and soften the visual edge of the

urban area. Policy CN18 meanwhile promotes the interests of nature conservation through, inter alia, the making of provision for the preservation and creation of habitats in new development proposals. The NPPF places a duty on planning authorities to make material consideration of the effect of a development on legally protected species when considering planning applications. It also seeks to ensure that biodiversity is conserved and enhanced in the promotion of sustainable development.

The extended Phase 1 Habitat survey submitted with the application covers the whole of the Phase 2 site between Coaley Lane and Blind Lane. This indicates that botanically the site supports only widespread plant species and common assemblages of little intrinsic nature conservation value. It does comment that the trees are of a higher value although many show signs of damage, however, most of these lie outside the area of which the 58 houses are proposed. There are no designated nature conservation sites within 2km of the development site and no evidence of invasive plant species within it.

Grassland habitats at the site consist of regularly mown amenity grassland with areas of scattered scrub and unmanaged hedge to the eastern boundary. These areas are not considered to be likely to support common reptile species such as common lizard and slow worm. Likewise the site has no potential to support amphibians, including the European protected great crested newt; there are no ponds/lakes within 500m of the site.

There are no records of Badger within 4km of the site and no signs of the species was found within or near the site. In view of the high levels of disturbance on and near to the site it is considered unlikely that the species will be present.

Otter and water vole are not recorded within the 10km grid square surrounding the site.

While evidence of nesting birds was found in the properties remaining on the site to the south and there was the potential for bat roosts there, there were no such signs on the immediate development site. The remainder of the site provides minimal habitat for a variety of common nesting birds which could be found in the trees and hedgerow which border the site but there is no potential for ground nesting bird species. It recommends that ground works including tree felling and scrub clearance be carried out outside the main bird breeding season (March - August). If this is not possible it is recommended that an ecologist should survey the site immediately prior to the works and if nests are found that these be protected with a buffer zone until the breeding period is complete.

It is considered that with the imposition of an appropriately worded condition in respect of checking surveys the proposal is considered to be acceptable in ecological terms and accords with the requirements of policies CN16 and CN18.

The Impact on Flood Risk and Drainage

Adopted UDP policy EN12 seeks to ensure that development proposals do not increase the risk of flooding either within the site or elsewhere. The National Planning Policy Framework (NPPF) and the associated Technical Guidance (2012) indicates that the aim is to divert development away from areas of high flood risk (from all sources -river, sea, rising groundwaters, overwhelmed sewers

etc) or with critical drainage problems and wherever possible steer development to land within Flood Zone 1 via sequential testing and exception testing for more vulnerable developments. Major developments are required to be supported by site specific flood risk assessments

As indicated above although the site is within Flood Risk Zone 1 (least likely to flood), because the site is in excess of 1 ha a Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that:

- the development will slightly increase the intensity of surface water run-off but the incorporation of a controlled restricted discharge and on-site attenuation will improve the current existing discharge rate from the site in all storm conditions and therefore will reduce the risk of flooding.;
- there is no potential flooding situation for the development from rivers or the sea;
- there is no risk of flooding within the development site on the basis of evidence from the environment Agency flood Map based on observed trends;
- there are no records available to indicate that the site has ever suffered flooding of any kind; and
- while accepting that flooding can occur from sources such as rising ground water levels, burst water mains, highway drainage, public sewers and the like it is considered that the redevelopment of the site does not require an "Exceptions test".

Consequently, it concludes that it is not necessary to set minimum finished floor levels for the houses on the site.

As indicated above Northumberland Water has indicated that the Sedgelych Sewage Works are currently running at capacity, this includes the current surface water flows from the site. It considers that the Works cannot accept further flows until improvement works have been carried out which it anticipates will be complete in 2015. However, it considers that the foul sewage from the site could be accepted if surface water flows were diverted elsewhere. The applicant has held discussions with the Environment Agency as a consequence of this and has proposed a scheme which would involve:

- The surface water being drained into a new sewer which would then discharge in to Moors Burn with a maximum discharge rate of 55 litres per second which is a reduction on the current 30 year storm event rate of 693 l/s.
- Up to the 30 year storm event the existing drainage is directed through the sewage works and into the Herrington Burn just upstream of the confluence with Moors Burn where there is an existing food risk to open land south west of the sewage works anyway.
- The new proposal reduces discharge to the Herrington Burn as it will now go to the Moors Burn but reach the same location anyway, thereby not increasing the risk of flood.
- The stretch of Moors Burn where the discharge is to be located can convey the proposed flows.

The Environment Agency considers that this scheme would be acceptable if submitted as part of the formal planning application subject to a condition to agree the details of the surface water management scheme. Northumbrian Water

Ltd has confirmed that it also considers the revised surface water drainage scheme to be satisfactory.

It is considered that the agreement of the surface water management scheme would enable the foul water flows from the development to be accommodated at the Sedgeleth Sewage works and thereby enable the development to proceed in compliance with the requirements of policy EN12 of the adopted UDP.

The Impact on Trees and the Landscape

The relevant policy in the adopted UDP in respect of this issue is CN16, which seeks to retain and enhance tree belts and field hedgerows to emphasise the breaks between settlements and soften the visual edge of the urban area.

The applicant has submitted an Arboricultural Impact Assessment (AIA) with the application. It should be noted that the tree numbers used in this assessment differ from those in the Habitat Assessment above. The AIA indicates that four trees, in the north west part of the site, will need to be removed to facilitate the development of the site (nos 30-33 and 39), while a further three are recommended for removal as a result of the extent of wounding sustained. As mitigation for those removals it is recommended that new planting should be carried out as part of the redevelopment. It also recommends that protective barriers be erected around those trees which are to be retained and that three trees, on the north east edge of the site, require no-dig tree friendly methods of construction/excavation to be undertaken close to them (tree nos. 34, 35 and 38).

It recommends the tree works be carried out in the period from the end of August to the end of February to avoid the bird nesting season. As regards to the trees which are to be retained, it recommends that they be protected in line with British standard 5837-2012 (Trees in Relation to Design, Demolition and Construction), with barriers erected before site works commence and left in place until construction activities have been completed,

It is considered that with the imposition of a condition to ensure that the recommendations of the AIA are implemented the scheme is acceptable and complies with the requirements of policy CN16.

The Highway Implications of the Development

Policy T14 of the adopted UDP requires that new development does not result in any significant adverse impact on highway safety. Further policies T8 and T9 require that adequate provision for pedestrians and cyclists is made to ensure links with the existing networks of footpaths and cycleways. Finally policy T22 requires that adequate provision is made for the vehicle parking requirements of the development.

As noted above the Executive Director of City Services has concerns about the lack of any proposed vehicle linkages to the wider site and has requested that the applicant revise the scheme accordingly. This request has been passed to the applicant who has responded as follows to the points raised.

- 1) It is maintained that the location and nature of the site is such that through vehicular movement is not desirable, as it would be likely to result in its use as a rat run to avoid the junction of Blind Land and Coaley Lane.
- 2) The visitor car parking has been increased by 9 spaces to produce a ratio of 1:3.5 which together with the multiple in-curtilage parking spaces on many properties will meet the requirement.
- 3) The existing path to the north east boundary has been widened to 2.0m as requested.
- 4) The eight dwellings without garages each have a sufficiently large garden for the residents to erect a shed should they so desire.
- 5) The applicant does not wish to provide electric vehicle charging facilities as part of the development.

The Executive Director of City Services has indicated that the comments made in respect of points 2-5 are accepted, but that his view is that a through route with appropriate traffic calming would be the better highway engineering solution. The two intransigent views created an impasse. In order to move the scheme forward therefore the view has been taken that as the scheme would be acceptable were it brought forward in isolation then there is no sustainable reason for refusing the application on such highway grounds.

The revised scheme is considered to be acceptable in highway terms and accords with policies T8, T9, T14 and T22.

Affordable Housing Provision

Following the completion of the city's Strategic Housing Market Assessment the council has sought to achieve 10% of units on new residential developments on affordable tenures (social rented, equity sharing etc in line with the requirements of policy H16 in order to ensure that local needs are met.

In this instance the applicant has indicated that the affordable housing requirement of this site has been offset by provision of affordable homes on other sites nearby. Gentoo has an affordable homes funding programme, agreed with the Homes and Communities Agency (HCA) for the period 2011 - 2015. This requires that the company provide 488 new houses on six renewal sites of which 290 are to be allocated as affordable rent. The programme has committed Gentoo to the development of 2 phases of all for sale schemes at Holmlands and at Doxford Park, It is argued that this approach will help to improve the housing stock within the area providing new accommodation to meet local needs and affordable housing where there is genuine need, As the overall percentage of affordable homes (59.4%) is well in excess of the 10% normally requested on schemes of more than 10 houses, The applicant is of the view that the affordable housing requirement on the Holmlands site should be offset against the Racecourse Phase 4 scheme, which is less than 2 miles away. The applicant has also advised that it is likely that affordable housing will be provided in future phases of the Holmlands development in agreement with the city council.

Having considered the submitted information the Lead Policy Officer for Planning is of the view that the proposed deferment of the affordable housing provision to the Racecourse estate is satisfactory and that in this way the scheme complies with the requirements of policy H16 of the adopted UDP.

Contaminated Land Considerations

The requirement for sites which have been developed previously to have thorough site investigation of the ground conditions and potential contamination, together with measures for its safe remediation put in place is set out in policy EN14 of the adopted UDP, in order to ensure the safe development of land.

The Phase 2 Ground Investigation undertaken by Patrick Parsons Ltd indicates that there are few and minor issues as regards the condition of the land. The investigation including the sinking of bore holes and trial pits across the site indicated that the site is overlaid by made ground of up to 1.3m thick but generally less than 1.0 m thick comprising demolition materials from the former housing development. The underlying soils are medium strength clay and loose to medium dense sand overlying high strength glacial clay. Sand deposits at shallow depth are present within the western third of the site. No significant groundwater ingress was observed during the investigation although some seepage was encountered. Monitoring indicated that groundwater levels are variable between the sand deposits in the south west and the clay within the remainder of the site. It considers that traditional shallow spread foundations will be suitable within the eastern two thirds of the site with deeper foundations where the made ground is deeper or soft spots are encountered. Piling/stone columns are considered to be more appropriate in the areas with sandy deposits. It considers that site excavation can be carried out using conventional earthworks plant with conventional pumping from sumps being sufficient with anticipated groundwater ingress. Temporary support of excavations is likely to be required in any saturated sandy areas in the west of the site.

No gross contamination was identified during the investigation. Elevated metals and PAH's were found within buried burned materials located beneath landscaped mounds mainly in the west of the site. Normal site scraping during preparatory work should be sufficient to remove this material which could potentially be re-used beneath landscaping or hardstand areas within the final layout. Two areas with minor elevations of PAH's were noted within the deeper Made Ground again associated with the demolition materials. It is considered that removal of these soils or provision of additional cover soils 600mm thick in gardens areas will be appropriate to break the pathway to future end users.

No invasive plant species such as Japanese Knotweed were identified during the fieldworks.

No significant levels of hazardous ground gases were encountered, with the site falling within the Green classification (CIRIA C665), thereby resulting in no requirement for special precautions in the design of the dwellings for such gases.

It is considered that the findings of the Phase 2 Ground Investigation report are satisfactory and that a condition should be imposed on any consent requiring that its recommendations in respect of remediation and precautions be implemented in full. With such conditioning it is considered that the scheme will accord with the requirements of policy EN14 of the adopted UDP

Children's Play and Open Space Provision

Policy H21 of the adopted UDP requires that new residential development makes appropriate provision of open space and provision for children's play. If provision is not to be made on site then it may be appropriate to make a financial contribution under s106 of the 1990 Town and Country Planning Act, towards provision nearby off-site.

In this instance it is not considered to be appropriate to provide children's play equipment on site, rather the applicant, following discussions with the council's Sport, Leisure and Community Development section, has opted to make a financial contribution of £40,658 towards the upgrade of facilities at Newbottle Play Area, which lies just to the north east of the site. The city council's solicitors are currently drawing up the appropriate agreement under s106 of the 1990 Town and Country Planning Act.

On the signing of that agreement it is considered that the requirement of UDP policy H21 as regards children's play will be met.

The Sunderland Draft Greenspace Audit 2012 indicates that amenity greenspace in the vicinity is below average and the quality and value of that which does exist is low and that access is poor to both parks and natural greenspace. In addition it indicates that better cycle links are required. The Lead Policy Officer for Planning has indicated that the scheme should be revised to take account of the audits findings and help improve the open space provision in the area and compensate for the losses resulting from the redevelopment of the Holmlands estate to date, in order to comply with advice in NPPF paras 73 & 74 .

While the need to compensate for the past losses in open space provision in the area is acknowledged, it is considered that this could be more appropriately considered in the larger later phases of the Holmlands Phase 2 redevelopment. The applicant has responded that the scheme includes some small peripheral areas of amenity open space and the beginning of the central "green route" which is proposed to run through the later phases to the south west corner of the site. It is also envisaged that a large central green space connecting to the "green route" would form part of the later phases. The "green route" would also provide links to the Newbottle School and play area to the north east and incorporate pedestrian and cycle routes, thereby meeting the concerns expressed by the Policy Officer.

It is considered that the proposed scheme is acceptable in terms of the provision made for children's play and open space and thereby accords with the requirements of adopted UDP policy H21.

Community Involvement

The submitted statement of community involvement indicates that the local community has been involved in the formulation of the Area Renewal Strategy for the Houghton and Hetton area. In addition the views of local residents have helped inform the preparation of the detailed design of each Phase. This involvement took the form of newsletters and door to door interviews. The applicant has also indicated that consultation will continue with the local community throughout this and future phases of the development.

It is considered that the consultation undertaken is sufficient to allow a significant input by local residents and the success of this may be seen in the absence of any neighbour objections to the proposals.

Conclusions

As indicated above there are no major outstanding concerns with the design and layout of the scheme or its implications in respect of ecology, landscape, highways, flood risk and drainage, contaminated land, open space and children's play. Consequently it is considered that the proposal is satisfactory and the proposal is recommended for approval subject to the satisfactory conclusion of an agreement under section 106 of the Town and Country Planning Act 1990 and subject to the conditions set out below.

RECOMMENDATION: Approve

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawings

5556/99-001 Landscape Masterplan 1:500, Rec'd 18.05.2012;
3250.PL.100 Site Location Plan, 1:1250, Rec'd 18.05.2012;
3250.PL.101 Existing Site Plan, 1:500, Rec'd 18.05.2012;
3250.PL.102 Rev F Proposed Site Plan, 1:500, Rec'd 13.09.2012;
3250.PL.201 House Type A,, 1:100, Rec'd 18.05.2012;
3250.PL.202 House Type H02, 1:100, Rec'd 18.05.2012;
3250.PL.203 House Type H, 1:100, Rec'd 18.05.2012;
3250.PL.204 House Type F, 1:100, Rec'd 18.05.2012;
3250.PL.205 House type J, 1:100, Rec'd 18.05.2012;
3250.PL.206 House Type S02A, 1:100, Rec'd 18.05.2012;
3250.PL.207 House Type S01A, 1:100, Rec'd 18.05.2012;
3250.PL.208 House type S03A, 1:100, Rec'd 18.05.2012;
3250.PL.209 House Type B1, 1:100, Rec'd 18.05.2012;
3250.PL.210 Houses Type B3, 1:100, Rec'd 18.05.2012;
3250.PL.211 House Type B3A, 1:100, Rec'd 18.05.2012;
3250.PL.212 House Type E, 1:100, Rec'd 18.05.2012;
3250.PL.301 Street Sections, 1:200, Rec'd 18.05.2012;

Reports and Specifications:

Design and Access Statement May 2012;

Extended Phase 1 Habitat Survey (Ecosurv Ltd) May 2012;

Arboricultural Impact Assessment (All About Trees) 4 May 2012;
Additional Drainage Information (Patrick Parsons Ltd) letter dated 16th August 2012;
Statement of Community Consultation rec'd 18.05.2012;
Phase 2 Ground Investigation Report (Patrick Parsons Ltd) 2012 rec'd 18.05.2012;
Flood Risk Assessment Rec'd 18.05.2012; and
Affordable Housing Statement Rec'd 18.05.2012.

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

- 3 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and T14 of the adopted Unitary Development Plan .
- 4 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 5 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 adopted Unitary Development Plan.
- 6 Notwithstanding the submitted plans, before the development hereby approved is commenced, the details of the fenestration of the proposed houses shall be submitted to and approved in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 7 The development hereby permitted shall not commence until details of a scheme of surface water management has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
 - details of the outfall design; and

- details of on-going management and maintenance arrangements.

The agreed scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority, in order to prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site and to comply with policy B24 of the adopted Unitary Development Plan.

- 8 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policies B2 and CN16 of the adopted Unitary Development Plan.
- 10 For the avoidance of doubt the works to trees and their protection during the construction process shall be carried out in accordance with the recommendations of the submitted Arboricultural Impact Assessment (All About Trees 4th May 2012) in the interests of visual amenity and to comply with policy CN16 of the adopted Unitary Development Plan.
- 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 policies B2 and CN16 of the adopted Unitary Development Plan.
- 12 For the avoidance of doubt the recommendations in respect of the checking and protection of habitats on the site set out in the submitted Extended Phase 1 habitat Survey (Ecosurv May 2012) shall be implemented in full in order to ensure that adequate protection is provided for the flora and fauna on the site and to comply with policy CN18 of the adopted Unitary Development Plan.
- 13 The remediation measures set out in the Phase 2 Ground Investigation Report (Patrick Parsons 2012) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local

Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification / validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 adopted Unitary Development Plan.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken which must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

Where remediation is necessary a remediation scheme must be prepared so as 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme should be submitted for approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the

approval in writing of the Local Planning Authority in accordance with condition number * (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary Development Plan

- 15 The sales office shall be located as indicated on drawing no.____ received 18.09.2012 unless first otherwise agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.