

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

28 November 2012

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

Houghton, Hetton
& Washington

S2

SIG Combibloc, Blackthorn Way, Houghton le Spring

Number:	S2
Application Number:	12/02556/REM
Proposal:	Approval of reserved matters (in connection with outline planning approval 11/01612/OUT) for 158 dwellings (including 10% affordable homes) and associated landscaping and infrastructure. (Amended Plans Received 21 November 2012).
Location:	SIG Combibloc Limited, Blackthorn Way, Sedgelych Industrial Estate, Houghton-Le-Spring

As set out on the main report to Committee, the application under consideration seeks permission for matters reserved at the time of the original Outline planning application for the scheme.

Planning permission reference 11/01612/OUT, which was approved on 18 August 2012 after consideration by Members, established the acceptability of the principle of residential development on this application site for up to 182 dwellings and agreed the access point to the site from Sedgelych Road.

The principle of residential development within the extent of the red line of the planning application under consideration and the point of access to the development proposed is therefore established and can be given no further consideration. The main issues to consider in the determination of this application for reserved matters are therefore:

- Scale of the proposed development
- Layout of the proposed development
- Appearance of the houses proposed
- Landscaping of the application site

Policy B2 of the adopted Unitary Development Plan requires that:

The scale, massing, layout and setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes creating their own individual character, should relate harmoniously to adjoining areas.

Policy B2 is therefore relevant to the consideration of this application for Reserved Matters.

Scale of the Proposed Development

The detailed layout submitted in connection with this application shows that 158 two storey dwellings are proposed.

In terms of scale, this detailed layout provides a less intensive form of development than the maximum number of dwellings approved for the site at the Outline stage (182). In addition to this, the proposed two storey dwellings in this location are considered to be acceptable and appropriate given that the nearest neighbouring dwellings on Avenue Vivian (to the immediate south of the application site) are two storeys in height.

The proposed development is therefore considered to be fully in accordance with the Outline planning permission associated with the site in terms of the scale of development proposed and is therefore considered to be acceptable.

Layout of the Proposed Development

Constraints

The development site has several constraining features. Coal Authority records indicate the presence of 4 mine shafts within the boundary of the site. The layout proposed has therefore had to allow for appropriate stand off distances from these mine shafts to ensure that houses aren't located on top of or overly close to the shafts. The Coal Authority has been consulted regarding this application for reserved matters and has confirmed that they have no objection to the layout proposed. The mine shafts present on the development site will be capped and sealed by the developer prior to any development taking place in close proximity to them. In addition to the mine shafts on site, the proposed layout also takes account of an existing sub-station, gas main and sewer.

Layout

The development proposed is served from a single point of access from Sedgeleth Road, in accordance with the Outline planning permission for the site. From this access a spine road runs centrally through the development site terminating in a junction which provides further access to the northern and southern areas of the site. The proposed dwellings are arranged primarily east-west across the site with some smaller areas arranged along the north-south axis. Each dwelling proposed benefits from private parking in the form of a driveway or/and a garage and there are visitor parking spaces distributed evenly throughout the development.

The Council's Network Management Team has been consulted regarding the proposed layout and following receipt of an amended plan, received on 21 November 2012, raises no objections to the proposed layout.

All proposed dwellings have private rear gardens and the majority of the dwellings proposed also benefit from an area of garden to the front.

Public amenity spaces are located at four points throughout the proposed scheme with the largest area (0.259 acres) being positioned centrally within the development and three smaller areas dispersed along the southern edge of the site.

Earth bunds are currently positioned along the southern and eastern boundaries of the site adjacent to Avenue Vivian and Sedgelech Road. These bunds were positioned in this location when the SIG Combibloc factory operated on the site in order to protect near neighbouring residential properties from noise nuisance from the factory operations. These bunds will be removed to facilitate the development proposed (as was shown on the indicative layout submitted at the Outline stage) and a retaining wall positioned between the proposed dwellings and the rear boundaries of the properties located in Avenue Vivian.

Impact upon Residential Amenity

In terms of spacing between dwellings, each of those proposed broadly complies with the Council's adopted New Residential Development Supplementary Guidance Document (SPD) which requires a distance of 21 metres to be retained between the main facing windows of two storey properties. The SPD also set a distance of 14 metres to be retained between main elevations and blank gables or single storey elements. In some areas of the site the arrangement of new dwellings is such that reduced distances of between 12 and 14 metres are retained. However, it is considered that such a minimal reduction from the 14 metre standard is acceptable and very unlikely to result in any unacceptable outlook from any of the proposed dwellings.

In terms of separation distances between the proposed dwellings and those neighbouring on Avenue Vivian, where proposed dwellings directly face existing properties a minimum distance of 28.5 metres has been retained between directly facing rear elevations. Where existing dwellings face blank gable elevations a minimum of 15 metres has been retained. These distances are considered to be acceptable and adequate to protect the occupiers of both the existing and proposed dwellings from unacceptable levels of overlooking, which would be to the detriment of their residential amenity.

The occupier of 2 Avenue Vivian made representation in connection with the proposed layout of the scheme because they considered that their property would experience unacceptable levels of overlooking as a result of the positioning of a two storey dwelling to the rear of their house.

In response to this representation the applicant agreed to alter the proposed dwelling to be located on plot 01 of the development (to the rear of 2 Avenue Vivian). The proposed dwelling has been repositioned further to the east within plot 01 which provides an outlook towards the side elevation of 2 Avenue Vivian (which does not contain windows serving any main habitable room) rather than the rear. A single storey detached garage has also been included in place of the previously proposed integral garage. The replacement of the garage in this way has also increased the gap between plots 01 and 02 from 1 metre to 3 metres further lessening the impact upon 2 Avenue Vivian.

The substitution of the house type to be used on plot 1 of the development has also increased the separation distance between the existing house and that proposed on plot 01. It should be noted that the two houses will not directly face one another. The rear of 2 Avenue Vivian faces north west whilst the proposed dwelling on plot 01 will face directly south. A separation distance of 20 metres will be retained between the two storey elevation of 2 Avenue Vivian and the rear elevation of the proposed dwelling on plot 01. Given the difference in orientation between the two properties a

separation distance of 20 metres is considered adequate to protect the residential amenity of the occupiers of 2 Avenue Vivian from unacceptable levels of overlooking. An amended plan reflecting the above changes to plot 01 of the scheme was received on 21 November 2012 and has been publicised accordingly. The period for consultation in connection with this amended plan does not expire until Thursday 4 December 2012.

On the above basis it is considered that the relationship between the proposed dwellings and number 2 Avenue Vivian is unlikely to result in any unacceptable overlooking to the detriment of residential amenity.

Whilst it is acknowledged that the houses located in Avenue Vivian currently enjoy an open aspect to the rear, planning legislation cannot protect the views enjoyed by private individuals but instead is concerned with protecting the amenity of all parties. In summary, it is not considered that the proposed layout will result in any unacceptable levels of overlooking for any near neighbouring property. Similarly, given the distance to be retained between existing and proposed dwellings there is no risk of unacceptable impact upon outlook occurring. The positioning of the proposed dwellings to the north of Avenue Vivian also means that there is no risk of unacceptable levels of overshadowing occurring towards existing properties as a result of the proposed development.

In summary, the layout of the proposed development is considered to be acceptable and in accordance with the requirements of Policy B2 of the adopted Unitary Development Plan.

Appearance of the Proposed Houses

A mixture of 2, 3 and 4 bed house types are proposed in a mixture of terraced, semi-detached and detached properties. All of the houses proposed are two storeys in height.

The houses will be constructed of terracotta coloured bricks and grey roof tiles. Some house types feature areas of ivory coloured render though in the event that the application is approved a condition will be attached to the approval granted requiring a schedule and/or samples of the materials proposed for use in the construction of the dwellings to be submitted for the final approval of the Local Planning Authority. The houses proposed are considered to be traditional in appearance and in keeping with the character of the locality.

It should be noted that the applicant has confirmed that the 15 affordable houses to be constructed as part of the development will be constructed from the same materials as those to be constructed and sold on the open market, thus ensuring that there is no visual distinction between the market housing and the affordable units. The appearance of the proposed development is therefore considered to be acceptable.

Landscaping of the Application Site

The application is accompanied by a full landscaping scheme and planting plan. In general the landscaping scheme proposed is considered to be acceptable. The detailed planting plan remains under consideration though it is anticipated that these

considerations will be concluded in advance of the statutory target date for determining the application on 6 December 2012.

Representations

A total of four representations have been received in connection with this application for reserved matters.

Representation 1

This representation was received from the occupier of 2 Avenue Vivian on the following grounds:

- Increased traffic, particularly on Sedgeleth Road; and
- Encroachment and overlooking toward 2 Avenue Vivian.

In terms of increased traffic, the Council's Network Management section has been consulted regarding the proposed development and has raised no objection to the proposal. It is accepted that the additional 158 dwellings will generate additional trips to and from the site. However, it is not considered that the additional traffic will be such that it will result in conditions prejudicial to highway safety. Furthermore it is not considered necessary to provide traffic calming measures in this location. In addition, it must be remembered that this application cannot consider the principle of residential development as this has already been established through the granting of previous planning approval and an appeal decision.

Discussions have taken place with the applicant regarding the production of a Travel Plan for the site and it has been agreed that, in the event that an approval of reserved matters is forthcoming, a condition will be attached to any approval granted requiring the applicant to submit the Travel Plan for the written approval of the Local Planning Authority prior to any occupation of the dwellings on the site. This will ensure that all options for travel, other than by private car are considered and encouraged from the site.

Consideration of the potential for encroachment and overlooking towards number 2 Avenue Vivian are set out above under the heading "Layout of Proposed Development".

Representation 2

This representation was received from the occupiers of number 40 Avenue Vivian on grounds of:

- Privacy and Security:

The objector states that they do not want to see a house or cul-de-sac backing directly onto their rear garden because they consider that they will lose both security and privacy that the current earth bund located to the rear of their property provides. As previously stated in this report, planning legislation cannot protect the views afforded to private individuals unless there will be some unacceptable harm to their residential amenity.

In this instance the land to the immediate rear of 40 Avenue Vivian is proposed to be developed as a shared private driveway for plots 17, 18 and 19 of the proposed development. There is therefore no dwelling proposed directly opposite the rear of number 40 Avenue Vivian. The nearest proposed house to number 40 Avenue Vivian is plot 17. The house on this plot (house type Kempsford) is arranged with its frontage facing east and it therefore at a 90 degree angle to number 40, presenting a blank gable wall to the rear of the existing property. On this basis it is not considered that the occupiers of number 40 Avenue Vivian will experience any unacceptable levels of overlooking or poor outlook as a result of the layout proposed and whilst it may be the occupiers preference to retain an open aspect to the rear of their property, planning legislation cannot facilitate or require such a preference to be met by the developer of the site.

In terms of security, the proposed layout will increase natural surveillance in the area of the development site to the rear of 40 Avenue Vivian. It is therefore not considered that the proposed development will result in an additional risk to the security of any property in Avenue Vivian.

- Protection of Wildlife

The objector has concern for the impact of the proposed development upon existing wildlife living in and around the development site. The objector states that bats, newts and hedgehogs are present and use the earth bund to the rear of Avenue Vivian as habitat.

In order to address these concerns relating to wildlife and wildlife habitat the Council's Natural Heritage Team was consulted regarding this application. The Natural Heritage Team have advised that it is unlikely that Bats use the earth mound as habitat but that they may use the area for foraging activities and that it is unlikely that newts use the earth mound as habitat because the nearest wetland habitat is some considerable distance away. On this basis the key species of concern are hedgehog and nesting birds. In order to ensure that there is no detrimental impact upon any species protected by law as a result of the development, in the event of an approval of reserved matters being forthcoming, conditions will be attached to any approval granted preventing the clearance of vegetation during the bird breeding season (March to August inclusive) and the applicant will be required to produce an ecological assessment and method statement to negate any direct impact upon protected species. The method statement will be expected to contain the following elements:

- A checking survey by a suitably qualified ecologist of possible hibernacula, for example dense ground vegetation and leaf litter, will be carried out prior to any site clearance works during the period September to March inclusive; this to ensure no direct impact on hedgehog and other species that may be present.
- Where trenches/holes are constructed as part of the works, wherever possible these will be opened and closed within one working day. Where this is not possible, one face will be angled at 45 degrees to allow any animals which may fall in a safe route out, or timber planks which are large enough and at a suitable angle for a person to walk up will be placed in each hole to allow animals a safe way out.

- Any trenches or holes left overnight will be thoroughly checked prior to the start of works the following morning, to ensure no wild animals are present. Should any protected species be recorded, an ecologist will be contacted immediately for advice on how to proceed.
- Any sightings of protected species within the site during the construction period should be noted in the site diary and reported to the project ecologist immediately. Evidence indicating the presence of protected species, such as great crested newt, may require works to cease until an appropriate licence has been obtained from Natural England.
- If works on site do not commence within 12 months of the approval, further ecological surveys may be required to ensure the situation on site has not changed and compliance with contemporaneous policies and legislation relating to wildlife.

On the above basis it is considered that the imposition of a suitably worded condition requiring the above to be carried out and submitted for the written approval of the Local Planning Authority will be sufficient to protect any wildlife or habitat present on the site from harm.

- Noise Pollution During Construction Works

The objector states that they are concerned that the level of noise and disturbance experienced by them during the construction phase of the development will be unacceptable and seek advice regarding compensation that might be available to them for such disturbance.

As with any construction project there is bound to be some level of noise generated during works. It would be unreasonable to expect construction works to take place silently. However, in the event of an approval of reserved matters, a condition will be attached to the approval restricting the days and hours that deliveries can be made to the site and also restricting the days and hours that working on site can take place. This type of condition is common in connection with planning permissions for development on sites near to existing residential properties and is aimed at protecting the residential amenity of the occupiers of such properties.

Regarding compensation: this query should be redirected to the developer of the site.

Representation 3

This representation was received from the occupier of 32 Avenue Vivian who believes that there is a public footpath to the immediate north of Avenue Vivian within the application site.

The Council's Network Management Team have confirmed that there is no recorded rights of way to the immediate north of Avenue Vivian, neither have there been any official claims of a right of way in this location. Furthermore, the developer has confirmed that the boundary of the former SIG Combibloc factory extended right up to the rear boundaries of the houses located in Avenue Vivian but that historically an inner fence line was installed around the factory to give the site a tidier appearance. Based upon the above it is clear that there is no public footpath located to the immediate north of Avenue Vivian.

The objector has been advised to contact the City Council's Rights of Way Officer if they wish to officially claim a right of way in this location.

Representation 4

This representation was submitted to the Council in the form of a request to speak at this Committee meeting.

The representation has been received from the occupier of 36 Avenue Vivian and is on the basis that the earth mound to the rear of Avenue Vivian is a habitat for wildlife including hedgehogs, crested newts, voles, field mice and birds.

The concerns raised by this objector are in line with those raised in representation 2 and are addressed above accordingly.

Summary

The proposed scale, layout, appearance and landscaping of the development site are considered to be acceptable and in accordance with the policies contained within the Council's adopted Unitary Development Plan.

It is considered that all of the planning issues raised by the representations in connection with this application have been addressed through the receipt of the amended plan of 21 November or else can be resolved by conditions attached to any approval of reserved matters issued.

However, the publicity in connection with this application does not expire until 4 December 2012. Accordingly Members are requested to delegate the final decision in connection with this application to the Deputy Chief Executive who is minded to approve the application subject to any necessary conditions. In the event that any additional representations are received which raise issues not already addressed in this report, the application will be referred back to Members at the next available Committee meeting for final determination.

RECOMMENDATION: Delegate to the Deputy Chief Executive