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**Reference No.:** 13/01617/FUL Full Application

**Proposal:** **Erection of 63no. dwellings with associated landscaping, public open space and infrastructure.**

**Location:** Land East of Gillas Lane Houghton-le-Spring

**Ward:** Copt Hill

**Applicant:** Persimmon Homes

**Date Valid:** 25 June 2013

**Target Date:** 24 September 2013

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### **PROPOSAL:**

The proposal is for the erection of 63 detached dwellings, associated public open space, infrastructure and landscaping. The site measures approximately 6 acres.

The planning application is accompanied with:

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Statement of Community Involvement
- Open Space Assessment
- Archaeological Assessment
- Desk Top Study
- Planning Statement
- Habitat/Species Survey

The application is a departure from the adopted Unitary Development Plan as such has been advertised accordingly by the way of Site and Press Notices and Neighbour notification letters.

### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Environment Agency  
Network Management  
Copt Hill - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Fire Prevention Officer  
Director of Children's Services

Force Planning and Police Architectural Liaison Officer  
Nexus  
NE Ambulance Service NHS Trust  
The Coal Authority  
Natural England

Final Date for Receipt of Representations: **11.12.2013**

## **REPRESENTATIONS:**

Neighbour consultation responses

57 letters of representation have been received to the proposed development. The main issues and concerns are listed below:

- Issues in respect of flooding and recent problems at The Grove Rainton Bridge and Diary Lane.
- Overloaded sewage
- The provision of additional housing will seriously breach the human rights of citizens to have a safe environment
- Removal of the settlement break
- Damage the natural environment
- Loss of amenity open space
- Increase of traffic on already congested roads
- Local Planning policy runs counter to the development of this kind.
- Does not comply with the Unitary Development Plan
- Negative impact on Wildlife Corridor
- Housing Shortage
- Encroachment
- Loss of Heritage
- Loss of privacy
- Noise from the use
- Overdevelopment
- Poor Access point
- Length of time residents will be subject to noise and disturbance if the development proceeds

The issues raised above will be addressed in the conclusion section of the report.

The matters listed below are not material considerations in the determination of this planning application.

- Devaluation of properties
- Damage to mental and physical health

County Archaeologist – No objections in principle to the development subject to appropriate conditions

Natural England - No objections in principle to the development subject to appropriate conditions

Environment Agency - No objections in principle to the development subject to appropriate conditions

Northumbrian Water - The applicant intends to dispose of surface water directly to the local watercourse (Rough Dene Burn) and that the foul water will enter the combined public sewer system in Hetton Road. NWL are aware of sewerage issues in the local area, however it has been found that the flows from the proposed development will not pass through any of these areas that have been highlighted to NWL. NWL therefore have no issues with the management of surface water or foul water arising from the proposed development.

Network Management - No objections in principle to the development subject to appropriate conditions

Environmental Health - No objections in principle to the development subject to appropriate conditions in respect of land contamination, and site set up.

## **POLICIES:**

- National Planning Policy Framework

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

L\_7\_Protection of recreational and amenity land

B\_2\_Scale, massing layout and setting of new developments

L\_5\_Ensuring the availability of Public Parks and amenity open space

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

CN\_6\_Retain / enhance important open breaks & wedges between / within settlements

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

CN\_23\_Measures to conserve/ improve wildlife corridors

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

CN\_18\_Promotion of nature conservation (general)

R\_3\_Infrastructure provision, etc. in association with developments

H\_21\_Open space requirements in new residential developments (over 40 bed spaces)

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

## **COMMENTS:**

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

- Principle of residential development;
- Urban Design;
- Highway Access and Car Parking;
- Ecology;
- Flood Risk;
- Risk to Controlled Waters;
- Ground Conditions;
- Archaeology;
- Play Space; and
- Scheme viability/Section 106 contributions.

### **Principal of Development**

The proposed development site is shown as an area of "Settlement Break" and Open Space on the Council's adopted Unitary Development Plan (UDP) proposals map.

The proposed development is a departure from the adopted Unitary Development Plan and has been advertised accordingly.

### **National Planning Policy**

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

- The NPPF sets out a presumption in favour of sustainable development. This means that authorities when determining planning applications should:
- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably

outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The impacts of the proposed development are considered under the various headings in this Considerations section of the report

Further, part 6 of the NPPF is concerned with "Delivering a Wide Choice of High Quality Homes" which is relevant to the consideration of this application. Paragraphs 47 and 49 of the NPPF are particularly relevant to the consideration of this application.

Paragraph 47 states that:

To boost significantly the supply of housing, local planning authorities should:

- o Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- o Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- o Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- o For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
  - Set out their own approach to housing density to reflect local circumstances.

Paragraph 49 of the NPPF states that:

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), under the NPPF the planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly

demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently, in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

### **Local Planning Policy**

The proposed development site is allocated as Settlement Break in the Council's adopted Unitary Development Plan (UDP) and is therefore subject to Policy CN6 which states that:

"Important open breaks and wedges between settlements will be retained and enhanced".

The application is therefore contrary to Policy CN6. However, for the reasons stated above, the application needs to be considered against the more up to date development management tests set out in the NPPF.

Furthermore, the application site is considered suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2013(SHLAA) (site 339) as a 'deliverable' housing development site which is available, suitable and viable for residential development.

The site is also shown in the City Council's draft Settlement Break Review (2013) document as potentially developable and likely to result in a moderate overall adverse impact, some of which could be feasibly mitigated.

### **Open Space**

The key policies relating to development on open space and play facilities can be found in Paragraph 74 of the NPPF, which reads:

Existing open space, sports and recreational buildings and land including playing fields shouldn't be built upon unless:

- An assessment has been undertaken which clearly shows the open space, buildings or land are surplus to requirement;
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location or

- The development is for alternative sports and recreational provision, which needs clearly outweigh the loss
- The application is accompanied by an Open Space Assessment.

### **Policy L6 and Policy L7**

Policy L6 states “ the city council will seek to develop a hierarchy of playspace provision for children on the basis of

- (i) a minimum of four district play areas;
- (ii) satellite play areas to be provided within 1 km of every child in the city; and
- (iii) local doorstep play areas provided, where practicable, within pocket parks and on other sites within housing areas throughout the city (see policy L5) in doing so the council will seek to achieve a standard for children's playspace of 0.6-0.8 ha. per thousand population, reasonably distributed throughout the city. in areas where it is impossible to approach this standard, consideration will be given to the more flexible use of space provided for educational or other purposes (see policies L1(iv) and CF8).”

Policy L7 states “ land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6 or
- (ii) the development is for educational purposes; and,
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. Similarly, access to existing or proposed open space will be protected from alternative development.”

### **Policy HA12**

Improvements in the level of provision and quality of amenity open space will be made in the locations shown below:-

- (1) Flint Mill; (2) Langdale St, Low Moorsley; (3) Herrington Burn Linear Park; (4) Gilpin Wood; (5) Eppleton Reclamation Scheme; (6) Bunker Hill; (7) Murton Lane; (8) East of Windermere Crescent; (9) Biddick Woods; (10) Rough Dene Burn

### **Sunderland City Council's LDF**

The Planning and Compulsory Purchase Act 2004 requires that Sunderland City Council prepare a Local Development Framework. At present the Council are preparing the development plan documents that will make up the LDF. The Core Strategy Document is currently at the Preferred Options stage and therefore only has limited weight in the decision making process.

## Sunderland City Council's Greenspace Audit 2012

This document analyses the existing open space designations within the key Area Regeneration Frameworks (ARF's). This is then further broken down to sub areas called City Villages and each area is then assessed in both Quantity and Quality of all forms of open space.

A summary of key the findings in the Audit are as follows:

- Houghton has an *above average* quantity of amenity open space;
- The quality of this open space is *below average* in comparison to the rest of the City;
- The access to formal parks in the area is considered to be *above average* and the quality of these parks is *good*.

### Impact of the Development on the open space provision

The application site is currently designated in the Unitary Development Plan as 'New and Upgraded Open Space/Leisure Use', with the aim of improving the level of provision and quality of open space in this area (see Policy HA12).

Despite this designation, the development site is not readily accessible to the public and is under **private ownership**. As such the site cannot be considered to have fulfilled its allocation as a 'New and Upgraded Open Space/Leisure Use' or to have contributed toward the provision of open space in the local area during the plan period.

However the proposed development would increase the area of accessible public open space (POS) in the local area, through the provision of a large area of POS to the north east of the development complete with footpath links to existing routes/networks. Furthermore the provision of an amenity edge/green corridor along the south eastern boundary of the site will further enhance the level of accessible open space. This edge also offers the opportunity to create an area which supports the local ecology linked to Rough Dene Burn.

Furthermore the purpose behind designating the site as a 'Site for Amenity Open Space' in the UDP was to protect Rough Dene Burn, reinforce the separation of settlements policy and create a publically accessible area of open space. All three of these aims would be achieved through the implementation of a sensitively designed and well managed open space strategy, supported and facilitated by the proposed residential development. The proposals would also accord with the relevant open space policies of the NPPF. In light of the fact that the site is not publically accessible and therefore doesn't represent a contribution toward open space provision in the local area, the development would ensure a 'better provision in terms of quantity and quality', in accordance with Paragraph 74 of the Framework.

### Quantitative

The Council's Greenspace Audit 2012 states that the quantity of amenity open space in the Houghton area is above average. In light of the fact that the site hasn't come forward as 'New and Upgraded Open Space/Leisure Use' as designated in the UDP, the proposals outlined



above demonstrate that the increase in usable POS would further enhance the provision of open space in the local area. As explained previously this site isn't currently accessible and as such doesn't represent what can be classed as public open space. A low density scheme with a high quality public realm would improve the amount of usable open space in the Houghton 'City Village' area.

### **Qualitative**

Despite the relatively high provision of open space in the Houghton 'City Village', the quality of this provision is deemed to be below average by the 2012 Greenspace Audit. The proposed improvements to the POS provision in this area would contribute towards improving the quality (as well as quantity) of open space in the sub-area. The introduction of a well managed area of POS to the north east of the site, in addition to a green ecological corridor along the south eastern edge will improve the quality of what is currently poor, inaccessible open space. The area of open space within the site is considered to be well designed to enhance the overall scheme.

### **Conclusion on Open Space**

Through an assessment of relevant national and local policy, in addition to a quantitative and qualitative assessment of the existing and proposed open space provision within the site, the applicant has demonstrated that the quantity and quality of open space will be improved as a result of these proposals and as such the proposal is considered acceptable in terms of the Local Planning Authorities open space requirements and as such is considered to comply with policy L7 of the Unitary Development Plan.

### **Principle of Development – Summary**

Although the application is contrary to site specific policy CN6 in the development plan, the application needs to be considered in light of the presumption of sustainable development and the impact tests set out in paragraph 14 of the NPPF.

The application site has been identified as being suitable for release for housing in the SHLAA and to assist in the delivery of quality housing to meet the city's housing requirements.

The proposed residential development is therefore considered to be acceptable in principle subject to the assessment of the other impacts of the development which are considered below.

### **Urban Design**

The proposed development comprises 63 executive detached dwellings of traditional design. All dwellings proposed are two storeys in height. All of the dwellings proposed include private outdoor amenity space (private garden areas) and private car parking in the form of integral and detached garages and driveways.

Appropriate spacing, to protect the privacy of occupiers, is retained between dwellings in general accordance with the Council's adopted standards of 21 metres between main facing elevations and 14 metres between main elevations

and blank gable walls.

The proposed development is therefore considered to be acceptable in terms of urban design and as such complies with policy B2 of the Unitary Development Plan.

### **Highway Access and Car Parking**

Policy T14 of the Council's adopted UDP is relevant to the consideration of the highway arrangements for this application.

Policy T14 requires that:

Proposals for new development should:

1. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
2. Not cause traffic congestion or highways safety problems on existing roads.
3. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
4. Make provision for the loading and unloading of commercial vehicles (for commercial development);
5. Indicate how parking requirements will be accommodated.

### **Highway Access**

Access to the site is to be taken via the existing junction from Lingfield the existing housing state which adjoins the application site. The access point has been carefully considered and as such is satisfactory to comply with policy T14 of the adopted Unitary Development Plan.

### **Car Parking**

Private car parking is provided for each property via a variety of means, these being private driveways, integral and detached garages. Visitor car parking is distributed evenly throughout the development, the proposed car parking requires is considered to be compliant with policy T22 of the Unitary Development Plan.

### **Sustainable Transport**

NEXUS has been consulted regarding this planning application and considers the site to be well served by public transport.

The application is accompanied by a Travel Plan; the travel plan has been carefully considered and as such complies with policy T14 of the Unitary Development Plan. It is recommended that if members are minded to grant

planning permission that a condition be imposed to ensure the Travel Plan is fully implemented.

## **Ecology**

The proposed development site lies within a Wildlife Corridor and is therefore subject to the requirements of Policy CN23 of the adopted UDP which states that:

Within the wildlife corridors indicated on the proposals map:

1. Measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts;
2. Development which would adversely affect the continuity of corridors will normally be refused;
3. Where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

It should be noted that the presence of a wildlife corridor does not preclude a site from development. There are many instances across the city where wildlife corridors and built development co-exist on the same site.

This application is accompanied by an ecological assessment of the proposed development site and biodiversity enhancement proposals for the site. The site is considered to be of low ecological value.

The proposal to develop a holistic ecological management approach for the site and adjacent land and wildlife corridor is appropriate and very welcome. A schedule of sustainable habitat improvement and long-term management is crucial to addressing the impact of development and resultant increases in public pressure on local biodiversity and greenspace. If members are minded to recommend approval of this planning application; the production and implementation of such an integrated biodiversity mitigation and enhancement strategy should form a condition of approval and works starting on site.

The cumulative impact of developments across the Houghton-Hetton area remains a major concern that needs to be addressed. There is however an opportunity to integrate the landscape and biodiversity of various phases of built development with local and regional initiatives for species such as water vole and barn owl, and for landscape scale habitat improvements. To enable positive net biodiversity gain and counter the negative impacts of increased public pressure on neighbouring high quality greenspace, a developer contribution to the enhancement and protection of key features is appropriate.

A contribution for ecological enhancement measures is requested, through a Section 106 Agreement (S106), to ensure compliance with National Planning Policy Framework (for example para. 109 and para. 118), the Natural Environment and Rural Communities Act 2006 (S40) and Unitary Development Plan policies CN18 and R3.

The requested sum of £47,800 is commensurate with the level of development

and proposals of this nature. In summary the contribution would deliver the following:

<b>Item</b>	<b>Cost (£)</b>
Access network upgrades	15,300
Grassland restoration	10,800
Riparian habitat management	8,200
Woodland management	13,500
<b>Total</b>	<b>47,800</b>

### **Conclusion of Ecological Issues**

The proposed development is considered acceptable in terms of ecological issues and the inclusion of a financial contribution in respect of ecological enhancement measures.

Should members be minded to grant planning permission relevant conditions should be imposed to ensure the required enhancements are fully implemented in order to achieve a satisfactory form of development and to comply with policy CN23 of the Unitary Development Plan.

### **Flood Risk**

Policy EN12 is relevant to the consideration of this application in terms of flood risk. Policy EN12 of the adopted UDP states that:

In assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

- o 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
- o 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.

The site is located within Flood Risk Zone 1. The application is supported by a detailed flood risk assessment.

Both the Environment Agency and Northumbrian Water have been consulted regarding this application.

The Environment Agency has confirmed no objection to the proposed development but has requested that if Members are minded to approve this application a conditions to the following effect should be attached to any approval granted:

**Condition** – The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment written by 3 E consulting Ref 12749 Version 3 and the following mitigation measures detailed in the FRA:-

1 – If surface water is to be discharged to Rough Dene Burn then runoff should be restricted to 5 litres per second as stated in section 7.01

2- Ensure finished floor levels in the south east area of the development are set above the existing ground levels. In accordance with the recommendations in section 5.10

Reason : To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the future occupants.

**Condition** – The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

The 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 be subsequently be agreed, in writing, by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **Risk to Controlled Waters**

The Environment Agency has confirmed that the controlled waters at this site are of low environmental sensitivity.

Surface water run off should be discharged either to Rough Dene Burn via a new outfall or to the existing NWL sewer crossing the site. Run off should be restricted to the existing Greenfield run off rate or 12 l/sec if connecting to the existing sewer.

Storm water should be managed in order that the sewer can accommodate the 1:30 year event without flooding and the 1:100 year event plus climate change should be retained on site without detriment to the proposed units.

The proposed development will not exacerbate flood risk either on the site or downstream of it and the proposed development is not at risk of flooding.

It is considered that on the above basis the proposed development is acceptable in terms of flood risk and is in accordance with the requirements of Policy EN12 of the adopted UDP.

## **Ground Conditions**

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- Unstable or potentially unstable;
- Contaminated or potentially at risk from migrating contamination;
- Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations 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 preventative, 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.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

The Environment Agency and the City Council's Pollution Control Team have been consulted regarding the proposed development.

The Environment Agency has no objection to the proposed development.

The City Council's Pollution Control team has confirmed that it has no objection to the proposed development subject to the inclusion of planning conditions on any approval granted requiring submission of further geotechnical assessments, proposed remediation measures, verification report and also a condition to deal with any contamination that is uncovered unexpectedly during the construction phase of the development.

The proposed development is therefore considered to be acceptable in terms of ground conditions and in accordance with the requirements of Policy EN14 of the adopted UDP.

## **Archaeology**

This application is accompanied by an archaeological assessment and the Tyne and Wear Archaeology officer has been consulted regarding the proposed development.

## **Impact assessment**

The archaeological evaluation focused on the main body of the site, west of the modern fence and hedge line. Development of the southern and central parts of this area is unlikely to impact on any archaeological deposits. To the north, ditch [F5] crosses the northern corner of the study area. This feature is comparatively shallow. It is possible this feature may be impacted upon by the proposed development.

The County Archaeologist has requested that further excavation is required to uncover more of the ditch, take soils samples and determine its date. The ditch is not sufficient importance to merit preservation in-situ. Therefore it is recommended that if members are minded to grant planning permission, suitable conditions should be imposed to covering the following:-

- Archaeological trial trenching;
- Archaeological excavation and recording;
- Production of a post excavation report; and
- Publication of archaeological fieldwork.

The proposed development is considered acceptable in terms of archaeology and as such complies with policy B11 of the Unitary Development Plan.

### **Play Space**

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible

However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers,

The developer has therefore agreed to provide a financial contribution, of (63 x £701 ) £44,163 as a Section 106 contribution. Further information in this regard is set out in this report under the heading "Section 106 Contributions".

The proposed off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

### **Section 106 Contributions**

The applicant has provided a financial viability assessment in connection with the application for the proposal which demonstrates the contribution to offsite affordable housing.

The submitted assessment is currently being scrutinised by the City Council's (Property Services) Chartered Surveyor. The final figure is currently being negotiated in respect of the affordable housing offsite provision. The current figure proposed is £370,005.

On the basis of the financial viability assessment submitted, a sum of £386,561 for offsite affordable housing, £47,800 for environmental enhancements £44,163 and for off site play provision is available within the scheme and is required by the Council via a Section 106 agreement in order to achieve a satisfactory form of development and to comply with relevant Unitary Development Plan policies.

- Provision of Educational Places – The Education officer has confirmed there is no educational requirement in this instance.

## Summary

The principle of housing development is considered to be acceptable, similarly the proposed development is considered to be acceptable in terms of urban design, highway access and car parking, flood risk, ground conditions, ecology, archaeology. Affordable housing offsite provision and play space.

**Recommendation: Delegate to the Deputy Chief Executive for approval subject to the satisfactory completion of the section 106 agreement and draft conditions as set out below;-**

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:
  - Amended Drawing Calvert CV-WD05 Feature Elevations Plots 16,32, and 34 received 08.10.2013
  - Amended Hogarth HD-WD05 Feature Elevations Plots 40 and 43 received 08.10.2013
  - Drawing Number Hayden HD-WD01 Plans and Elevations Rev C received 24.06.2013
  - Drawing Number Hogarth HD-WD01 Plans and Elevations Rev G received 24.06.2013
  - Drawing Number Keating HD-WD01 Plans and Elevations Rev G received 24.06.2013
  - Drawing Number Lewis LW-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Potter PT-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Turner TU-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Calvert PT-WD01 Plans and Elevations Rev E received 24.06.2013
  - Amended Auto Tracking Plan ENG-ATR-01 received 08.10.2013
  - Amended Potter PTWD05 Feature Elevations Plots 22 and 62 received 08.10.2013



- Amended Hayden HD-WD05 Feature Elevations Plots 26 and 38 received 08.10.2013
- Proposed Site Layout Revision C received 19.02.2014
- Drawing Number 2004-A-GAR-001 Single Garage Construction received 24.06.2013
- Drawing Number 2004-A-GAR-002 Double Garage Construction received 24.06.2013

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 above damp course shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
4. The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
5. No development shall take place 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. measures to control the emission of dust and dirt during construction
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - vii. wheel washing facilities

In the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.

6. Notwithstanding the approved plans, prior to first occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; noting species; plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details, in the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.
7. 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 planting 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 nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.
8. Details of all walls, fences, or other means of boundary enclosure associated with the development hereby approved shall be constructed in accordance with Site Layout ref. 263/A/GA/001 rev. C unless otherwise agreed in writing with the Local Planning Authority. 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 Unitary Development Plan.
9. Before occupation of the first dwelling a scheme of traffic calming shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in strict accordance with the approved details and the agreed traffic calming measures fully implemented in accordance with a phasing plan to be first agreed in writing with the Local Planning Authority.

In the interest of highway safety and to comply with the requirements of PolicyT14 of the adopted Unitary Development Plan.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. 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 condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to 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 Unitary Development Plan.

11. Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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, 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.' To ensure that risks from land contamination to 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 Unitary Development Plan.

- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme 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. To ensure that the risks from land contaminated 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.
13. Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) 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 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. 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 Unitary Development Plan.

14. Unexpected Contamination 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 in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of 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 13 (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. 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 Unitary Development Plan.
15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment written by 3 E consulting Ref 12749 Version 3 and the following mitigation measures detailed in the FRA:-

1 - If surface water is to be discharged to Rough Dene Burn then runoff should be restricted to 5 litres per second as stated in section 7.01

2 - Ensure finished floor levels in the south east area of the development are set above the existing ground levels. In accordance with the recommendations in section 5.10

Reason : To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the future occupants.

16. The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The 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 be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

17. No grounds or development shall commence until a programme of archaeological mitigation excavation has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason- The site is located within an area identified as being 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 the saved Unitary Development Plan Policies B11 and B13.

18. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 17 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved Unitary Development Plan Policies B11 and B13.

19. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: 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 NPPF and paragraph 135 of the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide March 2010.

20. The biodiversity enhancement and mitigation measures set out in the E3 Ecology report (May 2013) shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

21. No development shall commence until a written survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

## **Appendix 1 – Amended Flood Risk Assessment**

## Appendix 2 – Ecology Report