

Development Control
(Hetton, Houghton and Washington)
Sub-Committee

SUPPLEMENT

Number:	S2
Application Number:	10/00279/FUL
Proposal:	Amendment to existing planning permission 07/01517/FUL to replace 17 dwellings with 16 dwellings.
Location:	Land at Lambton Lane Houghton Le Spring

Further to the main report, further consideration has now been given to the principle of development, design, sustainability, residential amenity and highways matters and are reported below:-

The Principle of Development.

The proposal has been assessed on the basis that consent has already been granted for 17 dwellings on this portion of the overall site and that this application has only occurred as a result of the applicant seeking funding to help complete the remainder of the development. It is understood that the changes that have occurred are due to the remainder of the site having to now be constructed to a higher standard of construction than the portion of the site already approved, which has resulted in thicker walls and slightly larger building footprints and the consequential loss of one dwelling in order to accommodate these changes. This is because in order to secure the available funding, the tenure of the dwellings has altered from private housing for sale to general needs affordable housing, which will be handed over to a registered social landlord. Social housing such as this has to be constructed to achieve code level three of the Code for Sustainable Homes, as opposed to the previously approved scheme, which was designed to only comply with the Building Regulations.

The resultant change in the layout of this portion of the overall site has effectively resulted in the loss of one no. dwelling, changing a small terrace of 3 no dwellings to the north of the application site into one pair of semi detached dwellings. Additionally, the dwellings located to the south of the site (plots 32-37 on the previously approved plans) have been altered from 2 pairs of semi detached dwellings and 2 no. detached dwellings to 2 small blocks of 3 no dwellings.

In land use terms, Policies EN10, B2 and H4 of the Unitary Development Plan (UDP) apply. Policy EN10 requires new developments to be consistent with the prevailing land use of the area, which in this instance is residential. Policy B2 of the UDP requires that the scale massing layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas, which the proposal is considered to achieve and Policy H4 requires the density of housing development to reflect that of the locality.

In considering this revised proposal on the application site, the principle of the use of the site for housing in land use terms is acceptable and has already been agreed as consequence of approving the previously agreed scheme, 07/01517/FUL. Whilst this revised proposal does result in a slight change in density from 56 dwellings per hectare to 55, the proposal is considered to be consistent with that which has already been approved and as such, taking the above factors into account, is considered to accord with policies B2, EN10, and H4 of the UDP.

Design and Layout.

One of the aspects of Policy B2 of the UDP is that it requires the scale massing layout of new developments to respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas. As per the previous submission, the applicant has submitted a design and access statement which is considered acceptable. Whilst there are a number of subtle changes to the overall development, as described above, in general terms, the road layout and building lines set out in the previously approved scheme remain unchanged and as such, the design and layout of this revised portion of the overall development site is still considered as being acceptable and in accordance with Policy B2 of the UDP, subject to similar conditions being imposed as those that were imposed previously, relating to finished ground levels and landscaping, should Members be minded to approve the application.

Impact on Residential Amenity.

Another of the aspects of Policy B2 of the UDP is that it requires new developments to respect the best qualities of nearby properties, in order to achieve a harmonious relationship with neighbouring properties and the wider adjoining areas.

It is noted that the spacing standards between dwellings are as per the previous approved scheme. Whilst there are pinch points which fall below the Councils recommended spacing standards of 14 metres between main facing windows and gable elevations and 21 metres between main facing windows (13 metres between the gable of plot 24 and the rear of plot 25 and 13 metres between the main facing windows of plots 11 and 25), the scheme does not introduce lesser standards than

those which were approved previously. Nor does the revised layout result in any worsening of the inter-relationship of the new build dwellings on the site and those existing dwellings situated around the periphery of the site to the south. As such, it is considered that a level of residential amenity consistent to that which was approved previously has been achieved and as such, the proposal accords with Policy B2 of the UDP.

Sustainability.

UDP Policies R1 and R4 help guide the agenda on encouraging sustainable forms of development, both in terms of methods of construction and with respect to how a development functions, once it is complete. The applicant has advised that the proposed scheme is to be designed and registered under the Code for Sustainable Homes to achieve at least a Code Level 3 standard, which is considered to be acceptable and meets the requirements of the Housing Corporation. In order to ensure that the development achieves Code Level 3, a condition to this effect could be attached to any consent granted, should members be minded to approve the application. To conclude on sustainability matters, for the reasons set out above, the proposals are considered to achieve the requirements of the UDP Policies R1 and R4 and Policy 39 of the RSS.

Highways, Access and Car Parking

Policies T14 and T22 of the UDP cover matters relating to ensuring that developments are easily accessible and have adequate levels of parking. Whilst the submitted road layout appears to be in general accordance with that which was previously approved, the Council's Highways Engineers have commented on the following aspects.

Footpath Link.

The proposed site layout shows a footpath link adjacent to plot 21, which links into an existing footpath which runs along the south – east boundary of the site. Whilst this link was included on the previously approved scheme, further consideration has been given to the safety of the users of this route, particularly in light of the poor level of natural surveillance offered. It is now considered appropriate that the link into this footpath is removed and the previously approved 900mm fence is replaced with a 1800mm fence, to tie in with the rest of the site boundary.

Access to parking spaces.

The revised site layout has had a number of minor changes which have raised concerns from the transportation section. Notably, the access path from between plot 22 to its allocated parking space has been removed, along with the 4 no garage blocks from this portion of previously approved scheme. These changes have resulted in properties being remote from the parking spaces which they have been allocated, in particular plot no's 32 and 36.

Following discussions with officers the applicant has submitted revised plans which take the above comments into account to the satisfaction of the council's highway engineers.

It is recommended that similar conditions relating to road layout and parking as imposed on the previously approved scheme are attached to any consent issued, in order to ensure the development complies with policies T14 and T22 of the UDP, should Members be minded to approve the application.

Play Space Provision

Policy H21 of the UDP sets out the requirements for open space provision within new housing developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. As the scheme does not provide any on-site facilities, the applicant agreed with the previous submission to make a financial contribution for off-site play provision (£36,960). This was dealt with by way of an agreement under section 106 of the Town and Country Planning Act 1990. Due to the relatively small scale alterations between this new scheme and the one previously approved, the developer has confirmed that they do not wish to seek any alteration to the sum which they have paid and only wish to attach a short Deed to the original Section 106 for this new application, which will confirm that the parties agree to apply the contribution paid pursuant to the previous Section 106 Agreement to the new development. In order to ensure that the application is determined within the statutory 13 week time period, the proposed deed will be required to be completed by the last date of determination for the planning application, which is 28 April 2010. The Director of Cultural and Community Services has confirmed that the monies would contribute towards the facilities sited at either Dubmire School or Kier Hardie Play Area.

CONCLUSION

Taking the above into consideration, the proposal is considered to present a relatively minor alteration to the previously approved application for the redevelopment of this brownfield site. In the context of the development site as a whole, the development will introduce a varied range of housing stock into the area, which will now include an element of affordable / social housing. Provided the section 106 agreement in lieu of on site children's play facilities is completed prior to the last date for determination, it is recommended that the application be delegated for approval subject to the conditions as set out below:-

RECOMMENDATION: Delegate to the Deputy Chief Executive to:-

- 1) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 28 April 2010 or such other date as is agreed by the Deputy Chief Executive.
- 2) Refuse permission should the legal agreement not be completed by 28 April 2010 or such other date as is agreed by the Deputy Chief Executive.

The legal agreement to secure the following:-

Off site play provision at either Dubmire School or Kier Hardie Play Area Sunderland.

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, 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:-

Plan no's to be inserted here

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 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. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be 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.
5. Before the development hereby approved is commenced detailed plans shall be submitted to and agreed in writing by the Local Planning Authority which shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property, to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
6. 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 pedestrian and vehicle areas and 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 policy B2 of the UDP.

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 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 policy B2 of the UDP.
8. The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the UDP
9. Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site shall be submitted to and approved in writing by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.
10. 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 in writing 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 approved UDP.
11. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
12. Prior to being discharged into any watercourse, surface water sewer or soakway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, before the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the approved UDP.
13. Before the development commences details of the proposed location of the sales/ site office and construction compound shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with

policy B2 of the UDP.

14. Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to a minimum standard of Code Level 3, in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan and Policies SPDF1 and SPDF2.
15. Surface water drainage from the site to be discharged into the culverted watercourse shall not exceed a maximum rate of 125.8 litres/second as agreed with the Environment Agency to ensure that there is no increase in flood risk and to comply with policies EN11 and EN12 of the UDP.
16. The developer shall display an up to date copy of the approved plan in a position outside of the sales office for the duration of the development in accordance with details of an appropriate display board to be agreed with the local planning authority, in order to ensure that interested parties are aware of all detailed proposals for the development.

Number: S3

Application Number: 10/00447/FUL

Proposal: Change of use from old garage/barn to residential dwelling to include single storey extension to front, increase in height of building to provide second storey and various alterations to all elevations (amended description, 26/02/2010).

Location: Garage/Barn/Store To Rear Of 1-3 Doxford Avenue Hetton le Hole
Houghton-Le-Spring

As a result of the proposed alterations and extensions, the converted garage/barn will fail to relate satisfactorily to the character and appearance of surrounding buildings and will therefore appear as highly incongruous within the existing streetscene, to the detriment of the visual amenity of the area and contrary to the requirements of policy B2 of the City Council's adopted Unitary Development Plan (1998).

The proposed extensions and alterations to the garage/barn to facilitate its conversion to a dwelling will have a detrimental impact on the residential amenity of surrounding dwellings by virtue of a loss

of outlook from the rear windows of 1 and 2 Doxford Avenue, being overbearing in relation to the enjoyment of the rear gardens of 1 and 2 Doxford Avenue and creation of overshadowing and overlooking of the rear gardens of 1 and 2 Doxford Avenue and 9 and 10 Elmfield, contrary to the requirements of policy B2 of the City Council's adopted Unitary Development Plan (1998).

The conversion of the garage/barn will fail to provide potential occupants with a satisfactory level of amenity, due to poor standards of outlook and internal light, contrary to the requirements of Section 2.7 of Supplementary Planning Guidance (SPG) to the City Council's adopted Unitary Development Plan (1998). As stated in the main report, the proposed development raises significant concerns in relation to visual amenity and the residential amenity of surrounding dwellings. Additionally, due to the highly constrained nature of the development site, the use of the building as a dwellinghouse would afford future occupiers an unsatisfactory level of residential amenity, with poor outlook and levels of internal natural light.

However, at the time of writing the main report, the period of receipt of public representations had not yet expired, whilst consultation responses were awaited from Hetton Town Council and Northumbrian Water.

NEIGHBOUR OBJECTIONS

The period for the receipt of representations expired on 23rd March 2010. Three further letters of objection from residents in the vicinity of the development site have been received in response to consultation, from the occupiers of 5 and 10 Elmfield and 3 Doxford Avenue. A total of eight letters of objection have now been received in respect of the application. The issues raised by the three most recently received objections are as follows:

- the development will lead to a loss of privacy to nos. 3-8 Elmfield;
- there is no land for access to the south and east of the subject building
- for construction and maintenance;
- the extension to the building is too high;
- proposal will lead to overlooking of rear gardens of 1-3 Doxford Avenue;
- disruption and blocking of access during construction phase;

HETTON TOWN COUNCIL

Members of Hetton Town Council have formally commented on the proposed development. They have observed that the proposal appears to compromise the use of the passage between the subject building and the rear gardens of 1-3 Doxford Avenue. Concern is also raised regarding traffic access from the bend in Doxford Terrace.

NORTHUMBRIAN WATER

To date, no consultation response has been received from Northumbrian Water. Details of any comments received prior to the Sub-Committee will be reported at the meeting.

With regard the highway safety concerns raised in the comments from Hetton Town Council, it should be noted that, as stated in the main report, the applicant has indicated that the passageway between the garage/barn and the rear gardens of 1 and 3 Doxford Avenue is within his ownership, whilst it is not an adopted right of way. As such, any dispute regarding the use or maintenance of this passageway is a civil matter to be addressed by concerned parties. Furthermore, the Executive Director of City Services (Transportation section) has not opposed the vehicular access to the curtilage development site, which is a longstanding access point to the existing garage/barn. As such, its continued use in association with a single residential dwelling is considered to be acceptable in this instance.

The proposal is therefore not considered to raise any significant concerns in relation to highway and pedestrian safety, in accordance with the requirements of policy T14 of the City Council's adopted Unitary Development Plan (1998).

CONCLUSION

The proposed development raises significant concerns in relation to the impact of the extensions and alterations to the subject building on the visual amenity of the locality. The extended and altered garage/barn does not reflect the character and appearance of dwellings within the vicinity of the development site, and as such, the building will appear as incongruous within the existing streetscene and unsympathetic in relation to its surroundings.

Additionally, the extensions and alterations to the subject building to facilitate its conversion into a dwellinghouse will have a detrimental impact on the amenity of surrounding residents. The proposed increase in the height of the garage/barn will have a harmful impact on the outlook from the first floor rear windows of 1 and 2 Doxford Avenue and result in a dominant and overbearing form of development in relation to the enjoyment of the rear gardens of these dwellings. The extension to the building will also lead to overshadowing of the rear gardens of 1 and 2 Doxford Avenue in the morning and the rear gardens of 9 and 10 Elmfield later in the afternoon. the proposed balcony is also likely to result in some overlooking of the adjacent residential gardens.

Furthermore, due to the constrained nature of the development site, it is considered that the converted building could not provide satisfactory levels of outlook and internal light for potential occupiers. As such, any occupiers of the proposed dwelling will be afforded a low standard of residential amenity, contrary to the requirements of Section 2.7 of Supplementary Planning Guidance (SPG) to the UDP.

With regard to the above, the impact of the proposal on visual and residential amenity is not considered to be acceptable and neither will the dwelling provide a satisfactory standard of amenity for potential occupiers. As such, the development fails to comply with the requirements of policy B2 of the City Council's adopted Unitary Development Plan (1998) and Section 2.7 of SPG. The proposed development is therefore considered to be unacceptable.

RECOMMENDATION: Refuse, for the following reasons:

1) As a result of the proposed alterations and extensions, the converted garage/barn will fail to relate satisfactorily to the character and appearance of surrounding buildings and will therefore appear as highly incongruous within the existing streetscene, to the detriment of the visual amenity of the area and contrary to the requirements of policy B2 of the City Council's adopted Unitary Development Plan (1998).

2) The proposed extensions and alterations to the garage/barn to facilitate its conversion to a dwelling will have a detrimental impact on the residential amenity of surrounding dwellings by virtue of a loss of outlook from the rear windows of 1 and 2 Doxford Avenue, being overbearing in relation to the enjoyment of the rear gardens of 1 and 2 Doxford Avenue and creation of overshadowing and overlooking of the rear gardens of 1 and 2 Doxford Avenue and 9 and 10 Elmfield, contrary to the requirements of policy B2 of the City Council's adopted Unitary Development Plan (1998).

3) The conversion of the garage/barn will fail to provide potential occupants with a satisfactory level of amenity, due to poor standards of outlook and internal light, contrary to the requirements of Section 2.7 of Supplementary Planning Guidance (SPG) to the City Council's adopted Unitary Development Plan (1998).