

## **DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE**

### **AGENDA**

**Extraordinary Meeting to be held in Committee Room 6 on Tuesday, 28<sup>th</sup> March, 2017 at 4.00p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>	1
	Report of the Executive Director of Economy and Place (copy herewith)	

E. WAUGH,  
Head of Law & Governance.

Civic Centre,  
SUNDERLAND.

20<sup>th</sup> March, 2017

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

28th March 2016

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### **REPORT ON APPLICATIONS**

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#### **REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE**

##### **PURPOSE OF REPORT**

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### **LIST OF APPLICATIONS**

Applications for the following sites are included in this report.

1. 16/01161/FU4  
Former Broomhill Estate Houghton Road Hetton-le-Hole Houghton-le-Spring

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (019 561 8755) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) .

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

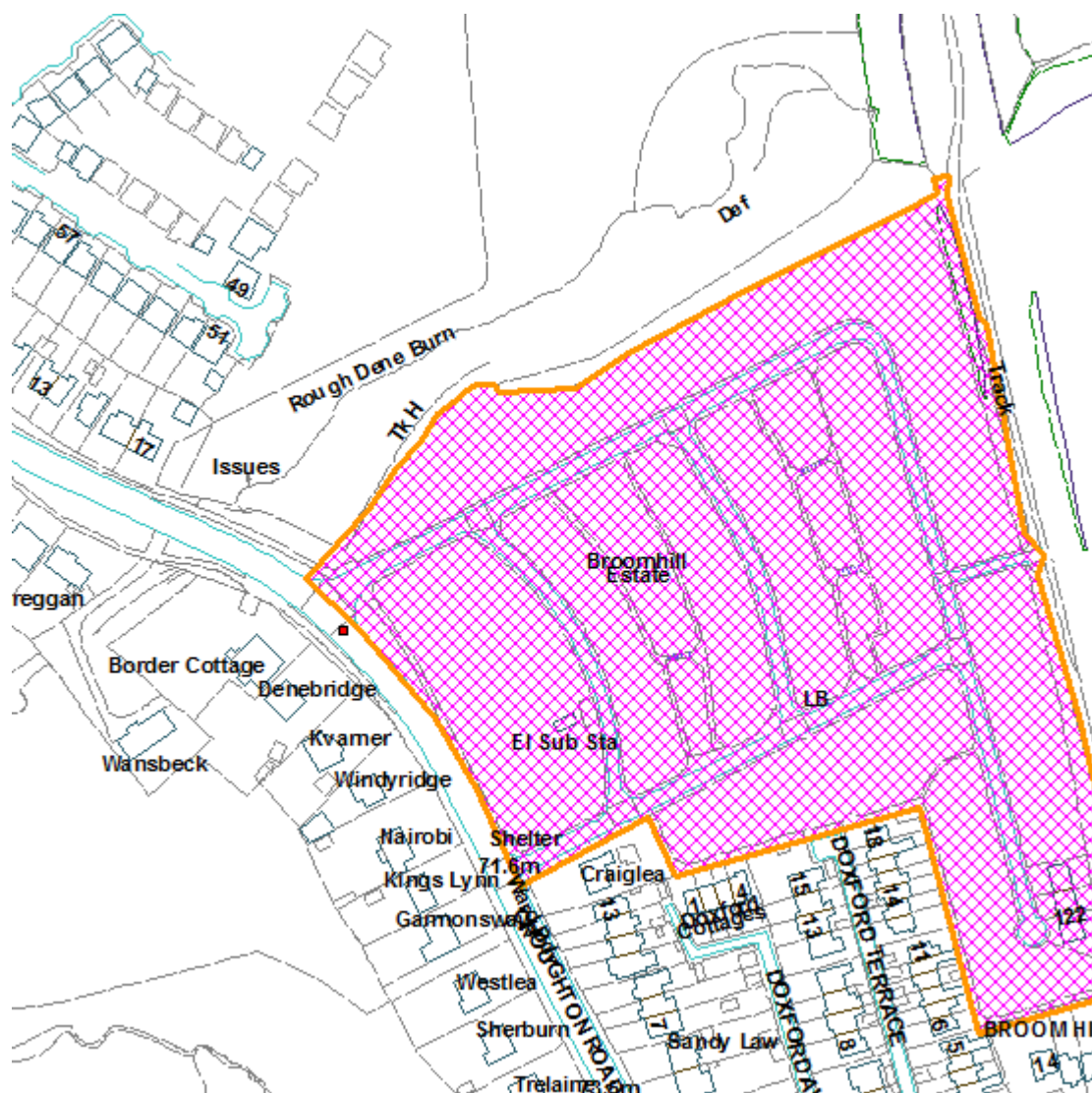
Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Ms. Irene Lucas CBE  
Chief Executive

1.	Houghton
<b>Reference No.:</b>	16/01161/FU4 Full Application (Reg 4)
<b>Proposal:</b>	<b>Demolition of the existing buildings on site, stopping up of highway and construction of 128 residential dwellings with associated infrastructure and landscaping. (Amended Drawing and Additional Information).</b>
<b>Location:</b>	Former Broomhill Estate Houghton Road Hetton-le-Hole Houghton-le-Spring
<b>Ward:</b>	Copt Hill
<b>Applicant:</b>	Mrs Jane Turnbull
<b>Date Valid:</b>	4 August 2016
<b>Target Date:</b>	3 November 2016

## Location Plan



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## PROPOSAL:

This brownfield development site comprises an area of approximately 4.10 hectares and was previously occupied by the former Broomhill housing estate.

The site, which falls from east to west, is located to the east of Houghton Road in Hetton-le-Hole. To the south of the site lies existing housing in Doxford Terrace, Doxford Cottages, The Bungalows and Elmfield. To the north of the site is Rough Dene Burn whilst to the east is the Stephenson Trail and an adjacent housing site.

Members may recall that at the Hetton, Houghton & Washington (HHW) Development Control Meeting of the 4 September 2013 a residential re-development of the site was approved under reference 12/03140/FUL.

The approved description is as follows:-

Construction of 148 dwellings with associated garages, roads and infrastructure.  
Development to include creation of public open space and also the stopping up of existing highways. (Amended description - Reduction by 9 Units, addition of 5 bungalows and removal of 21/2 storey house types).

The above approved development was subject to a Section 106 Agreement, awarding a total financial contribution of £79,414, with the Ward Councillors at the time requesting that 50% of this sum should be directed towards education; 25% towards ecological enhancements and 25% towards off-site play facilities. The £79,414 figure contrasted with the Children's Services request of £249,675.09, whilst the Local Planning Authority's (LPA) Ecologist requested £144,800, and as the development proposal consisted of 148 dwellings (i.e. £701 per two-bed dwelling) the optimum obligation of £103,748 was required for off-site play.

However, the reason for Members accepting the lower figure followed the applicant's (Hellens) submission of a financial viability assessment, which demonstrated that the profit associated with the development was limited and as such, the development could only afford limited contributions. The submitted assessment was scrutinised by the City Council's (Property Services) Chartered Surveyors and was found to be a sound reflection of the financial viability of the site.

Members may also wish to note another recent approval comprising 102 dwelling houses on the site immediately to the west on the opposite side of the Stephenson Trail, please see ref: 14/00090/FUL. This application was approved by Members at the 14 January 2015 HHW Committee meeting and construction works have since commenced. The 14/00090/FUL permission followed an earlier 80 dwelling house approval (ref: 12/03142/FUL) that was approved at the same time of the above 12/03140/FUL permission. These two 2013 permissions first intertwined the two sites to one another as the western site has its sole access from Houghton Road through this eastern site and is a feature that has been carried forward in the various planning permissions, including the development proposal now before Members.

The planning application has been supported by the following:-

- Broomhill Drainage Strategy and updated Water Quality Note
- Arboricultural Assessment
- Travel Plan
- Planning Statement
- Ground Investigation Report
- Transport Assessment

- Design and Access Statement
- Flood Risk Assessment
- Ecological Impact Assessment and a September update
- Affordable Housing Statement

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## **CONSULTEES:**

Tyne And Wear Archaeology Officer  
 English Heritage  
 Copt Hill - Ward Councillor Consultation  
 Director of Children's Services  
 Flood And Coastal Group Engineer  
 Environmental Health  
 Network Management  
 Northumbrian Water  
 Southern Area Command - Police  
 Natural England  
 Hetton Town Council

Final Date for Receipt of Representations: 17.10.2016

## **REPRESENTATIONS**

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order, 2010, that is, by:

- Site Notice
- Press Notice
- Neighbour Notification Letters

Following this extensive consultation exercise two letters of representation have been received. The comments were as follows:-

An objection was received from a resident in Elmfield whose house abuts the southern boundary of the site. The objection raised the following concerns:-

The proposed two-storey properties will lead to overlooking, loss of light, encroachment and blocking of light, privacy impacts and increase in noise levels.

Given the applicant is Gentoo the objector expressed concerns that a percentage of the properties would be rentals and asserted that the seven units near to their property would appear to be for rental. The objector then expanded their point by expressing concerns regarding "...the high traffic of differing neighbours" and asserted that there are "...lots of rental tenant issues

which have been detrimental to the neighbourhood". The objector requested that the only way forward should be to have bungalows, similar to the earlier development at the site.

The second representation expressed concerns that the development will increase traffic flow in the area and expressed concern that the existing bus stop on Houghton Road would be removed. The bus stop is adjacent to the site's existing access road, and that this exit is made difficult due to the height of the boundary fencing of an existing property (Craiglea).

The letter also asserts that the junction with Houghton Road suffers from flooding during inclement weather putting the whole area under water and forcing vehicles to splash water onto footpaths and existing walls. Drains have been cleaned and are freely flowing but cannot cope with the capacity of water flowing downhill from the site and downhill from the centre of Hetton. The objector considers that the continual developments increase this flow, some of which is redirected down the driveway of their own property.

Issues regarding residential amenity, affordable housing provision, highway engineering and flood risk issues are considered in detail in the subsequent considerations section of this report.

### Natural England

Initially Natural England considered the planning submission to contain insufficient information to enable an assessment of the potential for the development to cause damage or disturb the interest features of Hetton Bogs Site of Scientific Interest (SSSI). The primary concerns related to potential changes in water quality entering Hetton Bogs from changes to surface water runoff feeding into water courses that then enter Hetton Bogs.

Responding to Natural England's request for further information, the applicant produced a water quality note that highlighted how the proposed drainage scheme would improve water quality, thereby reducing impacts on the SSSI. Following the receipt of this information Natural England have subsequently confirmed that this has resolved the issues highlighted in their initial correspondence, subject to the identified mitigation measures being appropriately secured e.g. via planning condition(s).

### Hetton Town Council

Hetton Town Council expressed concern about what appeared to be a play area in the southern portion of the site adjacent to existing properties. However, in response, it should be noted that there are no plans or details relating to on-site children's play.

The Councillors also enquired about whether the development included buy to rent/ part ownership and how many affordable properties would be on-site. It can be confirmed that there will be 12 Affordable Rent and 1 Discount Market Value properties on site.

Lastly the Councillors highlighted that there are more than 30 well established trees on site and whether these were to be lost to development. This matter will be discussed in the subsequent arboriculture consideration section of this report.

### Lead Local Flood Authority (LLFA)

The LLFA considered the Flood Risk Assessment and Drainage Strategy submitted in support of the application. The LLFA confirmed their satisfaction with the general principles of the proposed drainage strategy; however additional information was required before the LLFA could fully support the development proposal. Similar to the above Natural England section, the applicant

submitted an updated drainage strategy and following this the LLFA has since confirmed that they are satisfied with the development proposal's flood risk and drainage strategy. This will be discussed in further detail in the considerations section of this report.

### Northumbrian Water

In making their response Northumbrian Water assessed the impact of the proposed development on their assets and assessed the capacity within the network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development against the context outlined above Northumbrian Water have no issues to raise subject to any development being carried out is constructed in accordance with the submitted Drainage Strategy i.e. foul flows from the proposed development will discharge to manhole 8730, whilst a restricted surface water discharge of 198.25l/sec shall connect to manhole 8701.

### County Archaeologist

An archaeological desk based assessment was produced for the site in April 2012. The assessment concluded that there are no known archaeological features within the site but the Seven Sisters Barrow at Copt Hill, which is protected as a Scheduled Ancient Monument, lies some 500m to the north-west.

The site lies between the medieval villages of Hetton-le-Hole and Houghton-le-Spring, and it is probable that the site was used at that time for agriculture. The east boundary of the site is the Hetton Company Railway (now a public footpath).

The County Archaeologist noted that the site will have been disturbed by the construction of the former bungalows.

The submitted assessment recommended archaeological work on the site to the east of the Hetton Railway, as this had never been developed and thus had a greater potential for the survival of archaeological remains. This was carried out in June 2016. The only archaeological feature found was a single plough furrow (medieval or post medieval).

In concluding her comments the County Archaeologist confirmed that no archaeological work is required for this application.

## **POLICIES:**

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

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

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

CN\_18\_Promotion of nature conservation (general)

CN\_22\_Developments affecting protected wildlife species and habitats

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

T\_1\_Promote the development of a varied, balanced, integrated & sustainable transport system

T\_2\_Promote the role of public transport, improving quality, attractiveness and range



## COMMENTS:

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

1. Principle of residential development;
2. Residential Amenity and Urban Design;
3. Highway Access and Car Parking;
4. Ecology and Arboriculture;
5. Flood Risk and Drainage;
6. Environmental considerations;
7. Affordable Housing
8. Scheme viability/ Section 106 contributions.

### 1. Principle of Residential Development

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application must be 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, grant 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
  - (b) Any specific policies in the NPPF indicate that development should be restricted.

In general terms, the proposed development is considered to constitute sustainable development within the urban area, and will regenerate this brownfield site in an area of the City which has long been earmarked for regeneration, as highlighted by the Hetton Downs area Action Plan.

In terms of local planning policy the proposed development site is shown on the City Council's Unitary Development Plan (UDP) proposals map as "white land" and is therefore not subject to any particular land use allocation. It is however subject to Policy EN10 of the UDP which states that:

"All proposals for new development will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood."

Moreover, the proposed development site was previously occupied by housing development and it also has benefit of a recent planning approval for 148 dwellings in 2013, ref. 12/03140/FUL, whilst the application site is identified in Sunderland City Council's Strategic Housing Land Availability Assessment (SHLAA) (site 112) as both deliverable and developable for housing purposes and therefore comprises part of the City's five year housing land supply.

It is therefore considered that residential development is firmly established and the development proposal is considered acceptable in principle.

## 2. Residential Amenity and Urban Design

Unitary Development Plan (UDP) policy B2 requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity. Paragraph 17 of the NPPF, in part, states that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed development comprises 128 residential dwellings situated around the previous road layout of the former Broomhill Estate. As such, the layout of development will be similar to that which previously existed on site. Careful consideration has been given to the layout of the development relative to the surrounding existing residential properties, particularly the existing properties to the south of the site.

When considering residential amenity the space around dwellings is important in ensuring satisfactory living conditions for existing and proposed residents. Outlook is also an important amenity to be enjoyed and as such, at least one elevation should have rooms that permit pleasant to middle to long distance views. Consequently, especially in so far as it relates to existing residents, Council spacing standards require a minimum of 21m from any point of facing windows, including increasing the distance where there are ground level differences; and where main facing windows face side or end elevations, 14m is required from any point of a main window.

Observations were made by Officers in respect of ground level differences and the proposed spacing between the existing and proposed properties, particularly in respect of the relationship of the development with Numbers 13 and 18 Doxford Terrace; as well as the proposed relationship between No. 7, 8 & 9 Doxford Terrace and Plot 113.

Regarding Number 13 and its nearest plot i.e. Plot 122, the finished floor level of the proposed unit has been reduced from 88.50 to 87.50 (i.e. a lowering of 1m from previously proposed), whilst the spacing has also been increased to 16m, thereby satisfactorily accounting for the gradient differences that exists. Regarding Number 18 and Plot 107 the spacing distance has been increased to over 15.2m and the finished floor level has been reduced from 86.500 to 85.780. Again, these amendments ensure the development proposal is in accordance with the Council's spacing standards.

Regarding the relationship between Plots 113 - 119 and Numbers 14 - 17 Elmfield the amended plan confirms that there will be a minimum of 23.7m (i.e. between Plot 115 to Number 14) and a maximum of 28.5m (i.e. between Plot 119 to Number 17). This exceeds the minimum 21m as required by the Council's spacing standards. Furthermore, the application site is at a slightly lower level relative to Number 14 - 17 Elmfield, thereby mitigating further the impact on existing residents. Consequently, in so far as it relates to the residential amenity concerns raised by the objector it is not considered that there are reasonable grounds on which to insist that the applicant

amends their development proposal. It should also be noted that the objector's, as well as the surrounding properties, are also two-storey in scale and massing.

Elsewhere the development proposal achieves appropriate spacing for the surrounding residents and as the development proposal is being built around the existing road layout, the internal spacing relationships are such that the proposed residential amenity of the properties are also considered acceptable; each unit has the benefit of a reasonable level of private outdoor amenity space (garden areas) to the front and rear, as well as access to private car parking.

Moreover, a reasonably sized area of landscaped open space is proposed along the frontage of the development to Houghton Road, enhancing its main public frontage, whilst another area of open space is proposed to the side of Plot 98 and to the rear of Number 1 - 4 Doxford Cottages and Craiglea. The landscaped green spine is also retained (i.e. within the context of the earlier approvals) along the western boundary of the site to the Stephenson Trail and the now commenced residential development to the west.

In terms of the proposed layout, concerns were identified to the applicant regarding the previously proposed Plot 98 and the impact this could have on the existing rear pedestrian access to Number 4 Doxford Cottages. This was of particular concern given the fact that this access presently provides a direct route from Number 4 to Houghton Road and the Stephenson Trail, which is all the more important given the fact that the property is at the end of a long, right-angled cul-de-sac. In response, the applicant has submitted amended drawings retaining the existing adopted footpath to the rear of Numbers 1-4 Doxford Cottages and readjusted the proposed boundary fence-line of Plot 98 so that the rear access to No. 4 Doxford Cottages remains as it is at present.

Observations were also made to the applicant in respect of Plots 112 - 113 and the layout of their hardstanded areas along with the potential for dazzling effects on the existing residents from vehicles accessing the respective in-curtilage parking spaces. Responding to these observations the applicant has amended the arrangement of the vehicular access to Plot 113 so that it is now directly aligned to its front elevation, whilst the introduction of shrub planting and the now proposed retention of the existing footpath to the rear of the adjacent properties also assist in providing a buffer, as does their existing 1.8m high rear boundaries.

In conclusion, the proposed development is considered to be acceptable in respect of design and amenity considerations, in accordance with UDP policy B2 and Paragraph 17 of the NPPF.

### 3. Highway Access and Car Parking

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The proposed development is accessed via two existing junctions from Houghton Road. Internally the vehicular highways throughout the development run in south west to north east and north west to south east alignments.

The application has been accompanied by a Transport Assessment (TA), which highlights that as with the larger and relatively recent 148 unit planning permission (ref. 12/03140/FUL) the scheme now being proposed comprises detached, semi-detached and terraced houses served by the existing internal road network. The TA also notes the fact that the site is within reasonable walking and cycling distance to a good range of local facilities and public transport connections and as such, is considered to be a sustainable in terms of its transport credentials.

The TA also asserted noted that although traffic flows on the A182 Houghton Road have marginally increased since the previous permission given that the development now being proposed is less intense than previously there is, in effect, a reduction in the predicted trips and as a consequence, and as was determined previously, there are no capacity issues on the surrounding road network.

The City Council's Network Management Team has been consulted regarding the proposed development and on the initial assessment of the proposal sought clarification on proposed road widths, carriageway construction, private driveways, visitor parking and whether the main access into the site has been future proofed in terms of accommodating traffic signals in the future, should they be required. Following the submission of amended plans Network Management have now confirmed that the updated information has satisfied their previous observations and that they are satisfied that the proposed site layout can accommodate traffic signal installation if required by future development phases within the Hetton Downs Estate.

It can also be confirmed that the existing bus stop and shelter on Houghton Road will be retained in its current location. Furthermore, along with the each property benefitting from an in-curtilage parking space, Network Management are satisfied with the increase to 37 visitor parking spaces (previously only 31 were proposed). In conclusion therefore, the Network Management Team are satisfied that the development proposal is satisfactory in terms of the highway engineering considerations.

The development will need to be built to an adoptable standard and as such, the developer will be required to enter into Section 38 Agreement under the Highways Act (1980), as a consequence, should Members be minded to approve this can be highlighted via an informative on the decision notice. The Section 38 Agreement will also agree and confirm the details of traffic calming measures within the highway. Similarly, the proposed development will also require alterations to the existing highway and as such, will also require Section 278 Agreement, again under the Highways Act (1980). This again will be highlighted via an informative, should Members be minded to approve the development.

Lastly, the proposed development will affect areas of highway (carriageway, footways and footpaths), which will need to be stopped up under Section 247 of the Town and Country Planning Act. Consequently, the application has been advertised accordingly, hence the reference to stopping up in the application description.

Returning to the consideration of the development proposal and from a planning perspective it is considered that the amended scheme is acceptable in respect of highway access, car parking and road safety and in accordance with policy T14 of the adopted UDP.

#### 4. Ecology and Arboriculture

##### - Ecology

Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 111 of the NPPF also encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. UDP policy CN17 requires the retention of trees in all new development where possible whilst policy CN22 states that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

The proposed development site also 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 Impact Assessment (EIA), which ecologically assesses the site and explains how biodiversity will be introduced into the proposals for the site. The EIA also considers the site within the context of the nearby sensitive sites, these being:

- Rough Dene Local Wildlife Site; and
- Hetton Bogs Site of Special Scientific Interest, Local Nature Reserve and Local Wildlife Site.

The EIA confirms that habitat across the site is largely semi-improved grassland, interspersed by the previous estate's road and path network. It notes the mature trees scattered throughout the site and the remnant buildings from the previous estate. The EIA also confirms that the site's north and eastern boundaries are defined by an existing wooden fence, trees and a defunct hedgerow; and it also notes that a small area of scrub exists in the in the north east of the site. The EIA also considered the likelihood of the following species being present, including Bats/ Great Crested Newt, Birds, Badger, Otter/ Water Vole/ White-Clawed Crayfish/ Reptiles/ Red Squirrel/ Invertebrates. Out of all the species assessed for their likely presence it was only bats that was considered to merit additional survey work.

The habitats on the site itself were considered to be of low value to bats, although it was noted that there were good quality habitats in the surrounding area, such as the woodland and wetlands to the south west and scrub and woodland to the north east. These surrounding habitats were considered to be of moderate suitability for foraging bats. Overall it was considered that there is a low to moderate risk of bats roosting within buildings 1 and 2 (i.e. the existing bungalows), although no bats were recorded in the emergence surveys on site, with building 3 (the remaining bungalow within the development proposal) being well sealed and as such, no potential features were identified. Consequently, as a precaution, Appendix 5 of the EIA details a method statement for when construction works approach potential risk areas (e.g. roof tiles, bargeboards and soffits).

Regarding the noted bat boxes within the Lombardy poplar it was considered that this had the potential to be used by roosting bats. An aerial tree survey of the bat boxes was undertaken by an experienced and licenced ecologist, using an endoscope, to establish whether these boxes is or was used as a bat roost. It was found that both boxes were unoccupied and that they showed no signs of use. It was also found that the majority of the trees are well sealed and as such, are not suitable for bats to use as a roosting location. The only exception being a large ash tree located outside of the site boundary.

The EIA also noted Japanese Rose, Japanese Knotweed and Himalayan Cotoneaster and advised that these will need to be removed in accordance with the method statement provided in Appendix 4 of that report.

The EIA also explains that the development proposal has the opportunity to provide ecological benefit via the enhancement of the bat commuting routes along the boundaries to the site; and by also increasing nesting bird habitats and by also increasing the value of the Rough Dene burn via the infiltration basin (i.e. the SuDS that forms part of the development's surface water strategy).

The LPA's Ecologist has considered the up to date EIA and has advised that the development can proceed subject delivery of the ecological mitigation and enhancement measures detailed in section 'G. Recommendations' of the report, and addressing the following points prior to works commencing on site:-

- The use of native (locally indigenous) species in the landscape scheme wherever possible is welcomed, however this should be extended to other areas; for example the Native Shrub Mix species are not all native;
- Boxes and roost units; provide details of their location, particularly with respect to height, cover, aspect and proximity to lighting;
- Delays in the commencement of the development, especially demolition operations and vegetation clearance, may require further ecological checking surveys;
- Details of how the ecological mitigation and enhancement features will establish and be managed long-term.

Furthermore, and to reiterate what has already been reported in the consultation section of this report, Natural England has confirmed that they are satisfied that there is not likely to be an adverse effect on the SSSI as a result of the proposal and as such, the presence of the SSSI does not represent a constraint to the determination of this application.

#### - Arboriculture

The application has been supported by an Arboricultural Impact Assessment (AIA) that has identified 52 individual trees and 1 group on the site. With the exception of 3 trees the proposal requires the removal of all remaining trees on site. In arboricultural terms the majority of the trees are considered to be of low value, although it is noted that some trees are of moderate quality and will also be lost to the development.

Consequently, the AIA advises that new planting should be incorporated within the proposed landscaping scheme and that any planting should make maximum use of native species. The AIA notes that whilst any new planting will go some way to mitigate for the predicted development impacts in the long term, the scope of the proposals is such that new planting will be limited given the area of suitable space available i.e. in view of the layout of the new housing development and the proposed SuDS to the front of the site.

Nevertheless, it is considered that subject to the imposition of a condition requiring the agreement of a scheme of landscaping, as well as the above referenced ecology condition and Arboricultural Method Statement condition for the retained trees on site, the proposal is on balance acceptable. The negative impact arising from the loss of the trees are contrasted against the significant benefits being brought about by the development proposal, in that it is delivering a site that forms part of the City's five year housing land supply and not least that it includes affordable housing, the majority of which will be affordable rent properties

In conclusion, it is noted that development of this brownfield site will result in the loss of the majority of the trees on the site. However, the practical implications of developing a graded site are noted, whilst the majority of the trees have limited conservation or cultural significance. Furthermore, it is considered that greater weight should be given to the housing Paragraphs (47 & 49) of the NPPF, with its in favour presumption of sustainable development for housing, and as the development proposal will assist in the regeneration of the wider Hetton Downs area.

The planning submission has also detailed an appropriate understanding of the ecological implications of the development and subject to the conditions suggested above the application is considered to be acceptable and in accordance with UDP policies CN17, CN18 and CN22 and Paragraphs 109, 111 and 118 of the NPPF.

## 5. Flood Risk and Drainage

UDP policy EN12 stipulates 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 not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

A Flood Risk Assessment (FRA) was submitted as part of the planning application. The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The FRA has confirmed that the development site lies within Flood Zone 1, which has the lowest probability of flooding and as such residential development is considered acceptable.

Given that the site was previously occupied by residential development both foul and surface water drainage already exists as part of the local sewerage network, the majority of which is to be abandoned as part of the new development proposal. Two main through sewers serving catchments further afield will remain live and be diverted into the new road arrangement. The current surface water collectively drains, via the existing network into an existing manhole that discharges at an unrestricted rate to Rough Dene Burn.

Surface Water flows from the site to be discharged to the Rough Dene Burn watercourse will generally be collected and conveyed on site with discharge into a primary infiltration basin, and a secondary offline attenuation tank will be utilised in the most severe storms. The infiltration basin will also provide a level of water quality treatment/ filtration, as will permeable paving provided at driveways and the Downstream Defender.

The drainage system will be designed to ensure that no overland flooding occurs for all events up to and including the 100 year storm (plus 40 per cent climate change). The proposed drainage from the development has been set equivalent to greenfield runoff rates. In addition to the site drainage, there are existing sewers crossing the development, which will remain live and be diverted where necessary without affecting the existing flows and will be kept separate from the development.

In terms of the proposed drainage Northumbrian Water have confirmed their acceptance of the development subject to the condition requiring the development to be carried out in accordance with the Drainage Strategy i.e. that the foul flows from the proposed development will discharge to

manhole 8730, whilst a restricted surface water discharge of 198.25l/sec will connect to manhole 8701.

On assessing the above surface water drainage strategy the Lead Local Flood Authority required additional detail on the source controls (e.g. permeable paving, rainwater harvesting etc.), whilst further microdrainage modelling was also requested in order to verify the calculations that supported the Drainage Strategy. Clarification was also requested in terms of maintenance of their drainage strategy, outwith of the highway drainage, given that this will form part of the highway adoption process. The additional information was submitted, along with the confirmation that the maintenance of the system will sit with a Private Management Company.

Following the submission of the updated drainage strategy the Council, as the Lead Local Flood Authority, is now satisfied that from a flood risk perspective and subject to the development being carried out in accordance with the Drainage Strategy the development proposal is acceptable.

- Improvement to Water Quality

As discussed above Natural England initially considered the planning submission to contain insufficient information to enable an assessment of the potential for the development to cause damage or disturb the interest features of Hetton Bogs Site of Scientific Interest (SSSI). The primary concerns related to potential changes in water quality entering Hetton Bogs from changes to surface water runoff feeding into water courses that then enter Hetton Bogs.

In response, the applicant produced a water quality note that highlighted how the proposed drainage scheme would improve water quality, thereby reducing impacts on the SSSI. The existing storm water discharge from the site is direct to Rough Dene Burn via a direct outfall connection. In the existing scenario, rainfall enters the drainage system via traditional gullies and is conveyed via traditional sewers direct to the outfall of the burn. No water improvement or treatment is undertaken.

However, as the proposed development incorporates a SuDS Basin, which is located to the front of the development site and also has the benefit of providing a green landscaped feature onto Houghton Road, rainfall will now pass through this SuDS detention basin prior to discharging into the burn. In normal storm conditions the water will enter the basin through an inlet and flow towards the outlet before discharging to the burn, with the basin remaining largely dry. Only in extreme conditions will the basin back up and be used for detention purposes.

The detention basin does offer water quality benefits in its specification which is in accordance with national guidance. The SuDS basin has been designed to attenuate stormwater volumes but the natural form of a basin has been chosen for its water quality benefits, rather than providing 100% underground attenuation. The detention basin will be vegetated and this enables the removal of sediment and buoyant materials and also reduces levels of pollutants with the basin offering even further benefits as detention time increases.

The proposed situation will therefore will offer water quality improvement and benefits by removing and reducing levels of potential pollutants in three separate treatment levels:

1. Downstream Defender - first level of treatment to remove debris and potential pollutants;
2. Basin flow - second level of treatment as water flows through the vegetated swale/base of the basin;
3. In extreme, prolonged storms, the attenuated water will be subject to further treatment levels as it is held within the vegetated basin.



Furthermore these benefits are notwithstanding the protection afforded to new specification gullies and channels which will include removable sediment buckets.

It is therefore considered that the planning application submission has satisfactorily demonstrated the acceptability of the development proposal in respect of flood risk considerations and subject to NWL's request that the development proposal be built in accordance with the submitted FRA the proposed development is considered to be acceptable and in accordance policy EN12 of the UDP.

## 6. Environmental considerations

Paragraph 109 of the NPPF and UDP policy EN14 requires development proposals to not be put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

A Ground Investigation Report has been submitted in support of the application that has determined that the site in its present state represents a low risk to human health and the surrounding environment. It advises that in order for the development to proceed on a more assured basis that percussion boreholes are undertaken to confirm the deeper soil deposits and provide more confidence on the preferred foundation solution. Similar to the 2013 permission, where Public Health colleagues confirmed they had no objection to development at the site subject to relevant conditions being imposed, it is considered therefore that the standard land contamination conditions are attached, should Members be minded to approve the development.

In view of the close proximity of the proposed development to residential properties it is common practice that the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Public Protection & Regulatory Services. Should Members be minded to approve, this advice can be highlighted by way of an informative on the decision notice.

In any case it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive; and 07:30 and 14:00 hrs Saturdays. No works to be permitted to take place on Sundays and Bank Holidays, unless prior agreed and only in exceptional circumstances. Again, should Members be minded to approve the application, these hours of working can be incorporated as condition.

## 7. Affordable Housing

An objection was received highlighting concerns that a percentage of the properties would be rentals and asserted that the seven units near to their property would appear to be for rental. The objector expanded their point by expressing the concern that there would be a "¿high traffic of differing neighbours" and asserted that there are "¿lots of rental tenant issues which have been detrimental to the neighbourhood".

In response, it is noted that the former Broomhill Estate was a former Council housing estate and was taken over by the social housing provider, Sunderland Housing Group, now Gentoo, in 2001. It is clear therefore that the Broomhill Estate has a long history of social housing and that the present scheme, with its 13 affordable housing units aligns to a certain extent with the long history of the site.

Furthermore, the applicant, Gentoo, has subsequently responded by commenting that in their experience dispersing affordable units throughout an area creates problems in terms of logistics and the day to day management of the affordable properties. It is common practice to group affordable properties together, and Gentoo cited Glebe and Downhill as examples where this approach has proven to be a successful way of managing their affordable housing stock.

It is also noted that, as required by the Homes and Communities Agency, Gentoo are required to publish their Tenancy Policy, wherein it states that as part of the Suspension Policy applicants can have their application suspended. To decide whether an application will be suspended Gentoo will consider behaviour and/ or breaches of previous tenancies. Furthermore, Gentoo's new build homes will be let on an assured tenancy, which means that they will be fixed for a lifetime in order to offer security and stability. These tenancies will be subject to a 12 month probationary 'starter' period. It is considered that as a responsible social housing provider the applicant, Gentoo, is experienced in social housing provision and in light of the new build nature of the development attention is drawn to the assured tenancy arrangements.

More pertinently, in terms of considering the development proposal, there are considered to be no relevant local or national planning policy at this time that enables the LPA to require the applicant to disperse their affordable units throughout the development site.

## 8. Section 106 and Viability

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:-

- (a) they are necessary to make the development acceptable in planning terms;
- (b) they are directly related to the proposed development;
- (c) they are fairly and reasonably related in scale and kind to the development proposal.

Paragraph 173 also states that in pursuing sustainable development careful attention will be required toward viability and costs in decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner/ developer and enable the development to be deliverable.

More specifically, paragraph 205 requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent the stalling of proposed development.

### i) Education

Colleagues in Children's Services advised that using an average of 0.24 primary children per unit the development proposal could conceivably bring 31 primary aged children to the area. Colleagues have outlined the following financial sum per type of unit:-

- o 2 bed dwelling - £750.17;
- o 3 bed dwelling - £3205.83;
- o 4+ bed dwelling - £3887.28.

Applying these costs to the development proposal this gives a total education contribution requirement of £335,570.72.

## ii) Ecology

The LPA's Ecology colleague advised that in combination with other residential developments approved or impending in the area, the proposal could have effects on species, habitats and sites of conservation importance, through for example disturbance and domestic animals (cats and dogs). To counter these impacts of increased public pressure a developer contribution to the enhancement and protection of key features was recommended. The sum requested is £94,700.

## iii) Open Space/ equipped children's play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more UDP policy H21 requires the provision of formal equipped children's play space. In-lieu of on-site provision a financial contribution for off-site play would need to be considered, at a current rate of £701 for each two bed unit i.e. a total contribution figure of £89,728.

## - Viability Assessment

A Viability Assessment accompanies those planning applications where gaps occur between what a LPA requests in financial obligations and what the applicant considers the development is capable of supporting financially. The significance of viability has increased during the economic downturn as the delivery of new development has been stalled or threatened.

Following the planning obligation requests the applicant provided a financial viability assessment to assert that the profit associated with the development is limited and that it can only afford to provide limited contributions in terms of Section 106 requirements. The submitted assessment has been scrutinised by the City Council's (Property Services) Chartered Surveyors and has been found to be a reasonable reflection of the financial viability of the site. On the basis of the financial viability assessment submitted it has been concluded by both parties that a sum of £94,414 is available within the scheme.

When considering this aspect of development attention should be drawn back again to the earlier approval (ref. 12/03140/FUL) at the site, as discussed in further detail in the introduction section of this report. This approved development of 148 dwellings contains an additional 20 dwellings than is being applied for in the current submission and yet, it was determined and approved on the basis of only providing £79,141, which is £15,000 less than is on offer now.

Furthermore, the Section 106 Agreement that supported this planning permission apportioned 50% of the money towards education; 25% towards ecological enhancements and 25% towards off-site play facilities. Consequently the approved development provided no affordable housing, which is in stark contrast to the 13 that is on offer now, and not only that 12 out of the 12 will be for affordable rent, which the Council's Sunderland House Market Assessment highlights there is a shortfall of within the City.

It is considered that the submitted financial viability assessment has satisfactorily demonstrated the associated costs of developing the site while factoring in a competitive and reasonable return to enable the development to be deliverable, as required by paragraph 173 of the NPPF. In terms of decision-taking Paragraph 187 requires local planning authorities to look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants and as such, the Council is required to actively considered viability and market conditions when assessing Section 106 requirements and be sufficiently flexible, wherever possible, in order to prevent proposed development being stalled.

In conclusion, and as required by Paragraphs 173 and 205 of the NPPF, each Section 106 request has been considered in respect of whether the scheme can viably meet the obligation which has been requested. The submitted viability assessment has been independently verified by the Council's Property Services section and it has been recognised that it cannot meet the policy burdens being placed on it.

It has therefore been necessary to consider whether the inability of the development to provide the necessary contributions warrants a refusal of planning permission and in this respect particular attention is drawn to the earlier approval at the site, which was for more housing. There has been no material change to the circumstances at the site and neither has local or national planning policy changed significantly since the intervening period. Moreover, the application site is a key link between Houghton Road and the access into the site to the western side of the Stephenson Trail, where development has already commenced.

It is considered that greater weight should be attached to the fact that the development proposal will regenerate this brownfield site in an area of the city that has long been earmarked for regeneration e.g. as highlighted by the Hetton Downs Area Action Plan. Consequently, on balance, it is considered that more weight should be attributed to the regeneration aspect of the development and that the lack of Section 106 contributions is not considered significant enough to warrant a refusal of planning permission.

Nevertheless, in the event that Members are minded to approve, the Council's Chartered Surveyor has recommended that the Applicant should agree to a re-assessment of the scheme if it has not been materially commenced within 12 months of permission being granted. This will enable a reassessment of whether there is any scope within the Abnormal Costs to fund the shortfall in terms of the above planning obligation requests.

Given the viability issues and in-line with the approach adopted for the earlier 12/03140/FUL approval, discussions will be had with the Ward Councillors on how to apportion the £94,414. The intention is to report the outcome of these discussions at the Development Control (Hetton, Houghton and Washington) Sub-Committee.

#### Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

## **CONCLUSION**

This report has considered all relevant material considerations associated with the scheme and it is considered that when assessing the development against the UDP and NPPF, when both are taken as a whole, is acceptable in respect of their policies and provisions.

In summary, it is considered that the development proposal represents sustainable development. The site is afforded by excellent public transport links whilst the proposal includes significant regenerative benefits for an area of the City which has long been earmarked for regeneration.

It is therefore recommended that subject to the signing of the proposed Section 106 Agreement, as detailed in Section 8 above, given the fact that the development proposal is in accordance with the main land use policy associated with the site and in recognition of the significant regeneration benefits on offer, planning permission should be granted consent in accordance with the draft conditions listed below.

## **RECOMMENDATION:**

Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the successful completion of the Section 106 Agreement and subject to the draft conditions listed below:-

### 1. Three Years

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. Plans

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:

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. Scheme of Landscaping

Notwithstanding the submitted plans, no above ground construction shall take place until full details of both hard and soft landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; means of enclosure; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate, these works shall be carried out in complete accordance with the approved details.

Reason:

In the interests of visual amenity, nature conservation and mobility and to comply with the National Planning Policy Framework and policies B2, T14, CN18 and CN22 of the Unitary Development Plan.

### 4. Landscaping

All planting, seeding or turfing included in the approved details of landscaping for the development shall be carried out in the first planting season following the first occupation of any of the buildings within the relevant phase of the development to which the landscaping relates 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.

Reason:

In the interests of visual amenity and to comply with policies B2 and CN18 of the UDP.

### 5. Construction hours

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.

Reason:

In order to protect the amenities of the area and to comply with policy B2 of the UDP.

## 6. Land contamination

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 7 to number 9 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 9 has been complied with in relation to that contamination.

### Reason:

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.

## 7. Phase 2

Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a Phase 2 investigation and 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, 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.'

### Reason:

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.

## 8. Remediation

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.

Reason:

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 Unitary Development Plan.

#### 9. Verification

The remediation scheme approved under Condition number 7 (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 (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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.

#### 10. Unexpected contamination

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.

#### 11. Existing and proposed ground levels

No development shall take place until the details of the existing ground levels and the finished floor levels of each property, hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete



accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

## 12. Accordance with Ecology Report

The development hereby approved shall be constructed in accordance with Appendix 4. Invasive Species Method Statement and Appendix 5. Bat Method Statement of the September 2016 Ecological Impact Assessment Broomhill Estate (Project Number 4576, Report Version R03).

Reason:

In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

## 13. Bird Breeding Season

The felling of any tree, shrubs or other tree works as a consequence of the development, hereby approved, shall be undertaken outside the bird nesting season (i.e. not during the period mid-February to end of August). If this is unavoidable, a nesting bird survey must be undertaken on the day before removal is to commence in order to ensure no breeding bird will be disturbed. If nests are found, removal works shall not commence until any dependent chicks have fledged, unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In the interests of nature conservation and in order to comply with policy CN18 of the UDP.

## 14. Biodiversity Enhancement Measures

Prior to the occupation of the development, hereby approved, a scheme to enhance the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of biodiversity enhancement measures and a written timetable for the implementation of the ecological enhancement measures. Once approved, the agreed ecological enhancement measures shall be installed as approved and in strict accordance with the agreed timetable, and retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority. In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

## 15. Affordable Housing

The development shall not begin, other than that required to carry out remediation works, until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location of the affordable housing provision to be made which shall consist of not less than 4no. housing units;

- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Social Landlord shall be involved);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### 16. Construction & Demolition Methodology

No construction or demolition works shall take place within any specific plot including any remediation works, until an Environmental Management Plan for that specific plot has been submitted to and approved in writing by, the Local Planning Authority. The approved Management Plan shall be adhered to throughout the construction period. The Management Plan shall provide for but not be restricted to:

- i) 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) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) measures to control noise and vibration during construction; ix) communication plan for liaising with the public;

Reason:

To protect the amenities of the area, ensure highway safety and protect the railway infrastructure, in accordance with the National Planning Policy Framework (17, 32, 120 and 123) and policies EN5 and T14 of the Unitary Development Plan.

#### 17. Materials

No construction works on the external elevations of any building on the site shall commence until samples of the materials to be used in the construction of the external surfaces of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and to comply with policy B of the Unitary Development Plan.

#### 18. Floor Levels

No development shall commence, other than those investigative works required in pursuance of land contamination, until details of the existing ground and proposed finished floor levels for development, including the levels of the existing properties that surround the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

The scheme shall be implemented in accordance with the agreed details in order to ensure a satisfactory form of development and to comply with the National Planning Policy Framework and policy B2 of the Unitary Development Plan.

19. Travel Plan

The development hereby approved shall be carried out in accordance with Section 7.0 Travel Plan Measures and Section 8.0 Monitoring & Review of the Framework Travel Plan, Fairhurst, Document Number D/I/D/114512/02.

Reason:

To ensure that the site is accessible by alternative modes of travel, in accordance with policies T1 and T2 of the UDP.

20. Drainage Strategy

The development hereby approved shall be carried out in accordance with the Cundall Drainage Strategy (Doc Ref: 1013193/CL.RPT.002).

Reason:

In order to ensure provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with policy EN12 of the Unitary Development Plan.