

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 Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

1.

Houghton

Reference No.: 16/01097/FU4 Full Application (Reg 4)

Proposal: **Development of 17no. houses including 7no. 3 bedroom houses and 10no. 4 bedroom houses as well as associated landscaping and parking.**

Location: Former Newbottle Community Centre Houghton Road Newbottle Houghton-le-Spring DH4 4EE

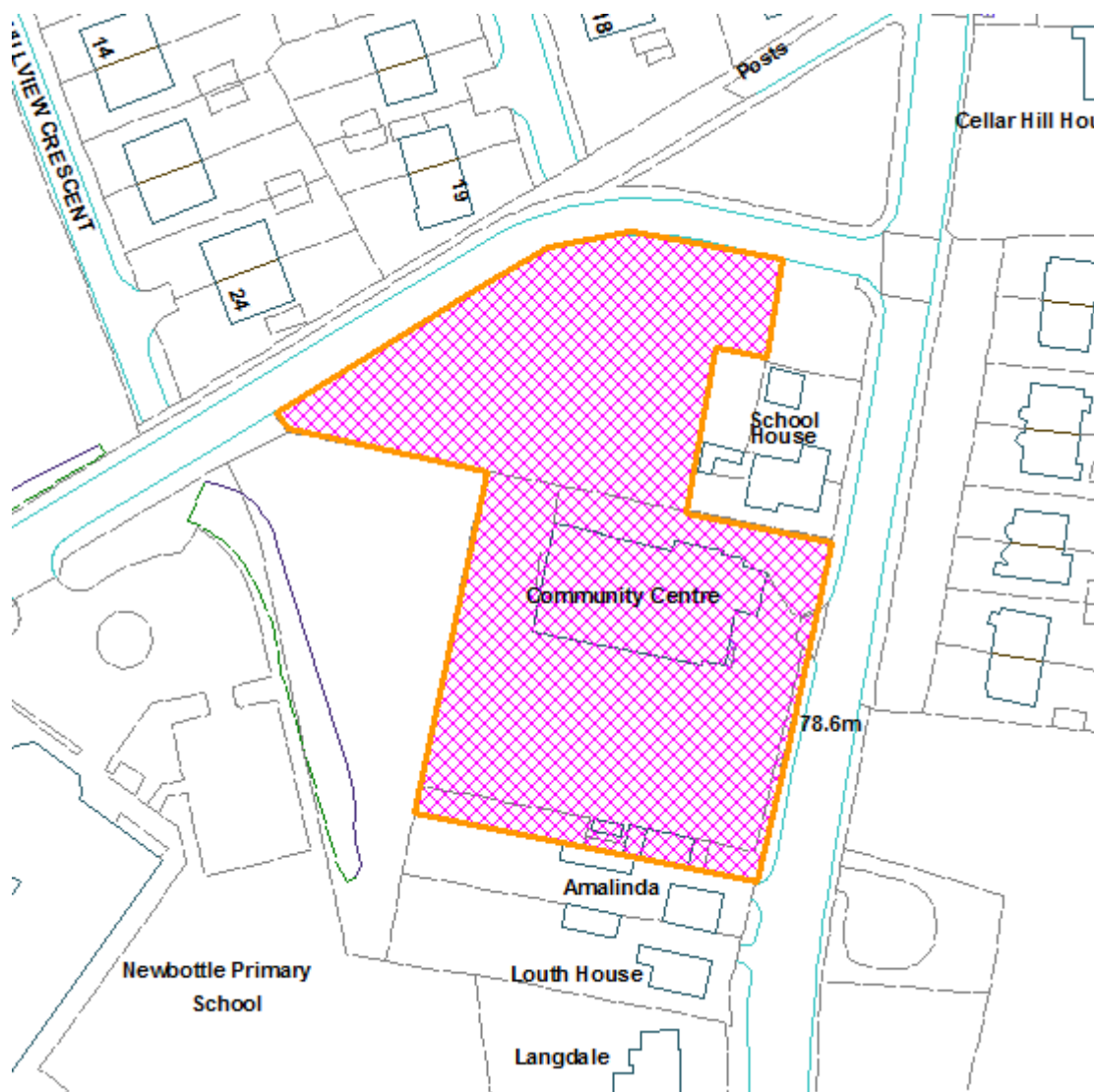
Ward: Houghton

Applicant: Mr Steve Bell

Date Valid: 27 June 2016

Target Date: 26 September 2016

Location Plan



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PROPOSAL:

The proposal relates to the demolition of the former Newbottle Community Centre to facilitate the development of 17 No. houses including 7 No. 3 bedroom houses and 10 No. 4 bedroom houses along with associated landscaping and parking at land at the former Newbottle Community Centre, Houghton Road, Newbottle.

The site lies to the south of Newbottle Conservation Area, west of and taking access from Houghton Road, and wrapping around the School House residence. To the south west of the site is Newbottle Primary Academy, and residential properties to both the south and east. The site covers an area of 0.53 hectares.

The site is brownfield currently containing the Newbottle Community Centre and is under the ownership of the City Council. The site has also been actively marketed by the City Council following the closure of the community centre.

The current proposal has been subject to pre-application discussions and supported by the following documents:

Aboricultural Pre-development Report.

Archaeological Building Recording.

Extended Phase 1 Habitat Survey.

Bat Survey Report.

Phase 1 : Desk Top Study and Coal Mining Risk Assessment Report.

Flood Risk Assessment and Drainage Strategy.

Design and Access Statement.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management

Houghton - Ward Councillor Consultation

Flood And Coastal Group Engineer

Environment Agency

Fire Prevention Officer

NE Ambulance Service NHS Trust

Northumbrian Water

Southern Area Command - Police

Environment Agency

Director Of Children's Services

Environmental Health

City Arboricultural Officer

Final Date for Receipt of Representations: **23.08.2016**

REPRESENTATIONS:

Further to the expiry of the consultation period 5 letters of representation have been received that have raised matters relating to :

- Parking problems relating to the school traffic (drop off and pick up).
- Quantum of development and need for housing.
- Loss of views and privacy.
- Loss of open green space.
- Increased levels of traffic and noise.
- Development would be overbearing and overshadow neighbouring properties.
- Poor public consultation.
- Danger to protected wildlife and trees etc.

The above concerns have been considered in the various sections of the main agenda report and where material against relevant National and Local Planning Policy.

A further representation was received from the Newbottle Primary School, raising additional concerns over increased traffic levels, the loss of the open space that abuts the access to the entrance road to the site and therefore the subsequent removal of the overspill parking for parents. The potential for access to be removed from the planted area used by pupils from the school and concerns over the potential impact of a construction site on the operation and management of the academy.

With the above in mind ,it is noted that access to the adjoining land used by the pupils will not be removed as a result of this proposal and should Members be minded to grant consent a condition can be imposed requiring the submission of a construction environment management plan (CEMP) to ensure that the day to day operations of the site can be effectively managed and mitigation measures imposed to safeguard neighbouring premises.

In regard to the access to the school, the land adjacent to the school entrance is currently in council ownership and is not an overspill car park for the school. The quality and quantity of the open space will be fully assessed in establishing the principle of the development. Furthermore matters pertaining to highway safety have been considered in full by the Network Management Section.

The Tyne and Wear Fire and Rescue Service. - No objections to the proposal.

Northumbrian Water Ltd. - No issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "External Works Layout." In this document it states that foul flows from the proposed development will discharge without restriction to manhole 7001, whilst a restricted surface water discharge of 19l/sec will also discharge to manhole 7001.

NWL request that the External Works Layout form part of the approved documents as part any planning approval and the development to be implemented in accordance with this document.

It should be noted that NWL are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
CF_2_Consideration of alternative community uses when existing sites become surplus
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_1_Provision for new housing
H_4_Density of housing development to at least reflect that of the locality
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_21_Open space requirements in new residential developments (over 40 bed spaces)
H_16_Negotiation for affordable housing in major developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to consider in determining the application are:-

- 1) Principle of the Development.
- 2) Design and Amenity.
- 3) Highways and Transportation.
- 4) Ecology and Habitat Issues.
- 5) Drainage and Flood Risk.
- 6) Land Contamination.
- 7) Section 106 and Viability.

1) Principle of the Development.

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development

Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o Development proposals that accord with the development plan should be approved without delay;
- o Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
 1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
 2. specific policies in the NPPF indicate that development should be restricted.

Paragraph 17 of the NPPF then sets out 12 core planning principles which "should underpin both plan-making and decision taking." These principles, amongst other things, include the need for the planning system to:

- Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- Be a proactive driver for sustainable economic development, so as to deliver the home, business, industry and infrastructure that are needed;
- Secure high quality design and a good standard of amenity;
- Be aware of the different roles and a character of different areas and promote the vitality of our main urban areas;
- Encourage the effective use of previously developed land that is not of high environmental value;
- Promote mixed use developments; and
- Focus significant development in locations which are, or can be made sustainable.

The development plan for this part of Sunderland comprises the saved policies of the City of Sunderland Unitary Development Plan (UDP), adopted in 1998.

The site lies within an area subject to policy EN10 of the Unitary Development Plan (UDP), which states that where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain, therefore proposals for development in such areas must be compatible with the principal use of neighbourhood.

In terms of specific housing policies H1 and H4 are of particular relevance and seek to secure the re-use of vacant and derelict land wherever possible with developments that reflect the density and character of the area.

The site is also identified in the 2013 Sunderland Strategic Housing Land Availability Assessment.

Whilst it is recognised that the UDP only allocates areas of open space which exceed one hectare, a significant area of land forms a green verge adjacent the road network and is allocated as Amenity Greenspace by the Open Space Register. Policy B3 of the UDP states that public and private open space will be protected from development, which would have a serious adverse effect on the amenity, recreational value and/or nature conservation value of the land. Proposals will be considered in light of their contribution to urban regeneration, to the importance of such space to the established character of the area and the benefits being offered to the community against the loss of open space that will occur. However the land is given a "low" value score and is not situated in an area which is afforded a low amount of amenity greenspace.

In addition to the above, UDP policy CF2 states that, where the land or buildings currently in community use becomes surplus to requirements, priority will be given to alternate public/community uses. With this in mind the City Council have undergone a thorough marketing strategy for the site, culminating in this current planning proposal.

Having regard to the above policies, as the site has remained vacant for a period of time, marketing has been actively pursued to secure a future occupier and the prevailing land use within the area is residential, with a mix of house types in evidence, the proposed residential development of the site is considered to accord satisfactorily with the aims of the UDP. In light of the above, the proposal is considered to accord with UDP policy EN10, and is considered to be acceptable in principle.

2) Design and Amenity.

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

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the adopted UDP seeks to ensure that large schemes relate harmoniously to their surroundings and retain acceptable levels of privacy.

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

The above document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard, a distance of 21 metres is recommended between main facing windows (habitable window to habitable window) for two storey properties this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties.

In considering the inter-relationship of the proposed development with existing adjacent properties, the key relationships to assess are the separation distances between the proposed dwellings and the existing School House and properties along Houghton Road. In respect of all of these properties the SPD recommendations in terms of separation between the dwellings are respected. Notwithstanding the aforementioned, it is recommended that should Members be minded to grant consent, a condition relating to tree planting and screening shall be imposed relating to the existing southern boundary of the site to ensure that an adequate level of planting is retained between the proposed development and the existing residential properties.

Having due regard to the impact of the development in terms of noise and disturbance relating to overall levels of existing residential amenity, paragraph 123 of the NPPF states that planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;
- Recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

With the above in mind, whilst it is recognised that the site lies directly alongside Houghton Road, further to consultations with the Public Protection and Regulatory Services it is not considered that a noise assessment was necessary to support the application, given the existing character of residential development that runs along Houghton Road. However, it is noted that due to the proximity of existing residential properties and the need for the demolition of the existing community centre building, it is recommended that Should Members be minded to grant consent conditions be imposed relating to the means of demolition and a construction environment management plan to ensure commensurate levels of amenity are afforded surrounding residential properties throughout the development process.

In terms of visual amenity, the design and appearance of the dwellings is reflective of modern housing and sympathetic with the surrounding areas character. Following pre-application discussions with the City Council's Urban Design Team the overall height of development has been restricted to 2-2.5 storey, with the resulting application providing nine 2 storey properties and eight 2.5 storey properties. The palette of materials indicated on submitted house type plans as proposed to be used is considered to be appropriate to ensure that the development sits appropriately within its surroundings where a mix of residential property types are already evident. The visual impact of the proposal on its surroundings is therefore considered to be acceptable.

For the reasons set out above, the proposal is considered to accord appropriately with NPPF paragraph 17, UDP policy B2 and SPD spacing recommendations so as to satisfactorily address design and amenity considerations.

Having regard to all of the above it is considered that the representations made in respect of design and amenity as set out in the main report have been satisfactorily addressed within this section.

3) Highways and Transportation.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

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

During the application process, the application has been amended in order to reflect comments made by the Network Management Team. The changes include confirmation relating to adoptable surfacing and visitor parking, and the visibility splay to the site.

In light of the above alterations, the proposal is considered to be acceptable in highway terms so as not to conflict with the aims of the NPPF paragraph 32 or UDP policy T14.

Having regard to all of the above it is considered that the representations made in respect of design and amenity as set out in the main report have been satisfactorily addressed within this section.

4) Ecology and Habitat Issues.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

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

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

Following the receipt of the supporting Extended Phase 1 Habitat Survey and separate Bat Survey it is recommended that should Members be minded to grant consent conditions be imposed requiring the submission of a lighting strategy for the site to encourage the site for roosting bats and also restricting the time of year that demolition or removal of hedgerows, trees, shrubs or vegetation takes place to ensure breeding birds are safeguarded.

Having regard to all of the above it is considered that the representations made in respect of ecology and habitat issues as set out in the main report have been satisfactorily addressed within this section.

5) Drainage and Flood Risk.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrate that:

1. within the site, the most vulnerable development is located in the lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

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.

During the application process and further to consultations with the Lead Local Flood Authority (LLFA), discussions have centred around the discharge rate from the site with an emphasis being placed upon the size of hydro brake to be introduced to minimise flow rates into the existing NWL infrastructure network. Should Members be minded to grant consent it is recommended that a condition be imposed requiring full details of the hydro brake to be installed to be submitted to and approved in writing by the LPA in conjunction with the LLFA prior to commencement of works on site.

With the imposition of the above condition the drainage strategy for the site is considered to be acceptable and in compliance with policy EN12 of the UDP.

6) Land Contamination.

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination of land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Following consultations with the Public Protection and Regulatory Services, it is noted that the application has been supported by a Phase 1 Desk Top Study and Coal Mining Risk Assessment Report. This is currently under review and until it has been fully assessed,

it is recommended no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desk top study and any necessary remediation strategy in respect of this matter. On this basis, it is recommended that should Members be minded to grant consent the standard planning conditions requiring the submission and approval of validation and verification works are submitted should be imposed in order to ensure the safe development of the site and to accord with the aims of NPPF paragraph 120 and UDP policy EN14.

7) 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 cost 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 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) Affordable Housing.

UDP policy H16 requires the Council to negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. Furthermore, the Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on housing development sites at a 75% social rented / 25% intermediate split. This therefore equates to 2 affordable properties.

ii) Open Space / equipped children's play space.

As the scheme proposes over 10 dwellings with 2 bedrooms or more 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 (or more) unit i.e. £11917.

- Viability Assessment

A Viability Report produced by Advanced Development Consultants and dated June 2016 accompanied the application and covers the financial aspect of the application where the Local Planning Authority are requesting financial obligations and what the applicant considers the development is capable of supporting financially.

The applicant, in anticipation that affordable housing would be a material consideration has submitted an affordable housing viability assessment explaining that the inclusion of affordable homes on the site would seriously threaten the viability of developing the brownfield site in such a

way that it would not be developed without significant grant support, or the land value would fall way below market value.

The conclusion, of this is that the development of the site would be unviable were the Council to require contributions in respect of these matters. In order to objectively consider this part of the planning submission, the Council's Property Services section was requested to assess the submitted documentation.

Given the above and the implications of paragraphs 173 and 205 of the NPPF, which highlight that viability is a material consideration, each Section 106 request has been considered in respect of whether the scheme can viably meet the requested obligations. The submitted assessment has been independently verified by the Council's Property Services section, who are, on balance, satisfied with its findings i.e the scheme cannot meet the burdens being requested of it, whilst allowing the developer any profit from the development. It has therefore been necessary to consider whether the inability of the development to provide the necessary contributions warrants a refusal of planning permission.

In this regard it is noted that the Prince Bishop Homes model for the site seeks to provide at least 20% of the 17 properties to be let under the rent then buy scheme potentially increasing to 70% with the remaining properties being sold, subsequently whilst the delivery of the properties on site may not be in perpetuity, in light of viability issues, it is considered that the proposal is seeking to deliver an affordable product albeit not in strict accordance with policy H16. It is therefore considered that weight should be attached to the fact that the development will regenerate this brownfield site, which has stood vacant for almost 5 years, and as such the regeneration aspects of the development outweigh the lack of Section 106 contributions in this instance.

Conclusion

In light of all material considerations, it is considered that the proposed residential development is acceptable, providing a modern house type, with a variety of tenure, appropriate with the surrounding area and having due regard to existing surrounding properties. Furthermore following a period of approximately 5 years where the site has remained closed to the public, the proposal will deliver a regenerative housing scheme to the site. Subject to the imposition of relevant conditions, the proposal is considered to be acceptable and in accordance with the provisions of the NPPF and policies of the UDP. Members are recommended to grant consent subject to the conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal 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:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;

- sex;
- 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.

Recommendation : Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No. 15023-EArch-EX-ST-DR-0005, Location Plan received 21.06.2016.
- Drawing No. 15023-EArch-PL-ST-DR-A-0110-P6, Proposed Site Plan received 20.09.2016.
- Drawing No. 15023-EArch-F-501-P1, Garden Wall Detail to rear of plots 12-17 received 20.09.2016.
- Drawing No. 15023-EArch-PL-ST-DR-A-0111-P5, Proposed Boundary Treatments received 23.09.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0120-P4, House Type A Plans received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0121-P4, House Type A Elevations received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0122-P7, House Type B Plans received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0123-P5, House Type B Elevations received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0124-P3, House Type C Plans received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0125-P3, House Type C Elevations received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0126-P4, House Type D Plans received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0127-P5, House Type D Elevations received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0128-P1, House Type B1 Elevations received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0129-P3, House Type B1 Plans received 21.06.2016.
- Drawing No. 15023-EArch-PL-XX-DR-A-0140-P2, House Type B Sections dated 23.05.2016.
- Drawing No. 003.01-External Works Layout received 21.06.2016.
- Drawing No. 15023-EArch-PL-ST-DR-A-0130-P2, Streetscapes received 23.09.2016.
- Drawing No. 15023-EArch-PL-ST-DR-A-0112-P2, Proposed Maintenance Plan received 23.09.2016.

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 The external materials to be used in carrying out the development hereby approved shall be those specified in the material schedule dated 15.08.2016, in the interest of visual amenity and to comply with policy B2 of the Unitary Development Plan. For the avoidance of doubt the materials are as follows:
Bricks : Ibstock Melton Antique Blend
Roof : Sandtoft Calderdale Concrete Tile (Slate Grey)
Parex thorough colour Render -White
- 4 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

- 5 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:
- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
 - ii. provision and location of facilities for the loading and unloading of plant and materials;
 - iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
 - vii. full details of any lighting required during the construction phase;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.

- 6 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.

- 7 No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.
- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved, in order to comply with the requirements of policy EN14 of the Unitary Development Plan.
- 9 The development shall be carried out in complete accordance with the recommendations detailed in Section 5 of the Extended Phase 1 Habitat Survey prepared by Argusecology dated 22.06.2016 which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 10 The development shall be carried out in complete accordance with the recommendations detailed in Section 6 of the Bat Survey Report prepared by Argusecology dated 12.08.2016 which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, and maintenance thereafter in the interests of visual amenity and to comply with policy B2 of the UDP.
- 12 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.

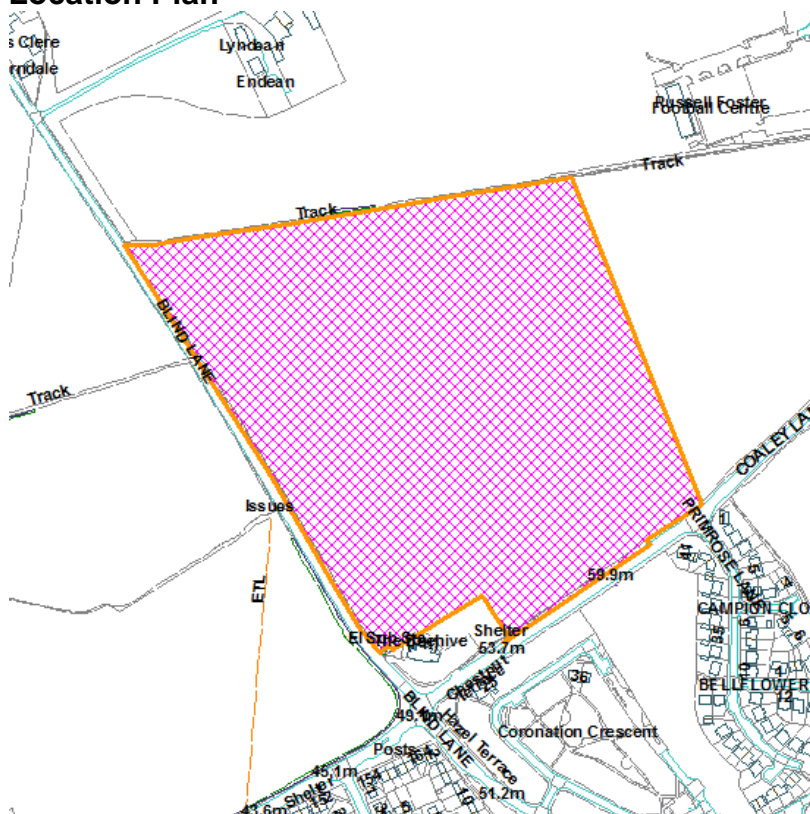
- 13 No development shall commence until full details of the hydro brake system to be implemented for the disposal surface water has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained in perpetuity. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UPD.
- 14 Notwithstanding any indication of materials which may have been given in the application, the external materials to be used in the surfacing of the proposed driveways shall be permeable, in order to mitigate the risk of flooding locally and to accord with the requirements of policy EN12 of the adopted Unitary Development Plan.
- 15 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 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 16 The deliveries 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 12.00 on Saturdays and at no time on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 17 No development shall commence, other than that required to carry out remediation works, until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 16/01231/VAR Variation of Condition

Proposal: Variation of condition 17 of planning approval 15/00815/HYB: (Hybrid planning application comprising: Full planning application for proposed development of 147 residential dwellings with associated infrastructure, landscaping, open space and highway improvements; and outline planning application for the proposed development of approximately 130 residential dwellings with associated infrastructure landscaping, open space and highway improvements with all matters reserved except for access.) to replace the approved Phase 1 site layout plan Rev B with Rev F; to replace the approved Phase 1 Materials Layout NB-002 with NB002 rev C; remix of 33no. plots proposed housetypes including the introduction of the Souter housetype Souter (village) SU-WD06 rev U.

Location: Land North Of Coaley Lane Houghton-le-Spring
Ward: Houghton
Applicant: Mr Adam McVickers
Date Valid: 12 July 2016
Target Date: 11 October 2016

Location Plan



PROPOSAL:

The proposal is for the variation of condition 17 of planning approval 15/00815/HYB: (Hybrid planning application comprising: Full planning application for proposed development of 147 residential dwellings with associated infrastructure, landscaping, open space and highway improvements; and outline planning application for the proposed development of approximately 130 residential dwellings with associated infrastructure landscaping, open space and highway improvements with all matters reserved except for access.) to replace the approved Phase 1 site layout plan Rev B with Rev F; to replace the approved Phase 1 Materials Layout NB-002 with NB002 rev C; remix of 33no. plots proposed housetypes including the introduction of the Souter housetype Souter (village) SU-WD06 rev U.

Members may recall that planning permission was granted for the site by Members at the Hetton, Houghton and Washington Development Control Sub Committee on the 28th October 2015.

The application was a hybrid application comprising: Full planning application for proposed development of 147 residential dwellings with associated infrastructure, landscaping, open space and highway improvements; and outline planning application for the proposed development of approximately 130 residential dwellings with associated infrastructure landscaping, open space and highway improvements with all matters reserved except for access. Planning permission was issued on the 14th March 2016 subject to conditions and a section 106 agreement.

Phase 1 of the site has commenced. Members are reminded that the principle of development has already been established through planning application 15/00815/HYB, therefore we are purely considering the proposed variation to the approved application.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
The Coal Authority
Environmental Health
Fire Prevention Officer
NE Ambulance Service NHS Trust
Southern Area Command - Police
Tyne And Wear Archaeology Officer
Environment Agency
Flood And Coastal Group Engineer
Northumbrian Water
Network Management
Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **23.08.2016**

REPRESENTATIONS:

No letters of representation have been received from the consultation process.

Statutory and Non Statutory consultee responses.

Natural England - no adverse comments, subject conditions being carried forward from previous approval.

The Coal Authority - no adverse comments, subject conditions being carried forward from previous approval.

Environmental Health - no adverse comments, subject conditions being carried forward from previous approval.

Fire Prevention Officer - no adverse comments, subject conditions being carried forward from previous approval.

NE Ambulance Service NHS Trust - No response received

Southern Area Command - Police - No response received

Tyne And Wear Archaeology Officer - - no adverse comments, subject conditions being carried forward from previous approval.

Environment Agency - - no adverse comments, subject conditions being carried forward from previous approval.

Flood And Coastal Group Engineer - - no adverse comments, subject conditions being carried forward from previous approval.

Northumbrian Water - - no adverse comments, subject conditions being carried forward from previous approval.

Network Management - - no adverse comments, subject conditions being carried forward from previous approval.

Houghton - Ward Councillor Consultation - No comments received.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

H_21_Open space requirements in new residential developments (over 40 bed spaces)

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

T_22_Parking standards in new developments
CN_1_Protecting and enhancing the rural area (general)
CN_6_Retain / enhance important open breaks & wedges between / within settlements
CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
CN_14_Landscaping schemes and developments prominent from main transport routes
EN_1_Improvement of the environment
R_1_Working towards environmentally sustainable development
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_18_Design of street furniture and landscaping associated with highways schemes

COMMENTS:

The issues to consider are:-

The proposed changes to the 33 plots as detailed below

Plots 21-24 40-43 65-68 70-73 85-88 119- 112 and 130 -133

The changes to the above plots are as follows. To replace a terraces of 4 Bickleighs and Suttons with terraces of Souter and Sutton. The key changes are the Souter to the Suttons, these properties have the same footprint and scale the visual changes is the two roof lights will be replaced with a front dormer.

The difference between the Bickleighs and Suttons are minor changes to the windows sizes to the front and rear of the properties.

The proposed changes to the plots listed above are considered acceptable and comply with policy B2 of the adopted Unitary Development Plan.

Plot 29

The proposed scheme replaces a detached Winster with a detached Corfe. The key changes between the approved house type are the Winster has a integral garage whilst the Corfe has a detached garage. The changes to the plan require a single garage to be removed from plot 26 and placed alongside plot 29. This will mean plots 25-29 being repositioned by some 2.5m to compensate the garage relocation. Boundary fences to the rear of plots 13-25 and 30-35 remain unchanged.

The spacing standards remain acceptable and as such the proposed variation is considered acceptable and complies with policy B2 of the adopted Unitary Development Plan.

Plots 77 and 78

The 2 detached Hatfields are proposed to be replaced with 2 Winsters. The key changes are the proposed plots had detached garages and will now have integral garages. The proposed change is considered acceptable as it will reduce the amount of hard surfacing to the front of the properties. The proposed changes are considered acceptable and as such comply with policy B2 of the adopted Unitary Development Plan.

Plots 99 -100

It is proposed to replace 2 detached Chedworths with 2 detached Corfes. The Corfes are proposed elsewhere within Phase of the development. The proposed changes to plot 99 and 100 are considered acceptable. This will result in plot 101 being repositioned by 200mm only.

The proposed remix is considered acceptable and as such complies with policies T14 and B2 of the adopted Unitary Development Plan.

Conclusion

The proposed changes to the 33 plots are considered acceptable and as such comply with policies T14 and B2 of the adopted Unitary Development Plan. Members are recommended to approve the proposed variation subject to revisions to the conditions listed below as the new consent will cover both Phase 1 and Phase 2 of the hybrid planning application.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal 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.

RECOMMENDATION: Members are recommended to approve the application subject to the conditions below.

Conditions:

- 1 The development of Phase 1 hereby permitted shall begin not later than three years with the date on which the original permission was granted 14.03.2015 to ensure that the development is carried out within a reasonable period of time.

REASON: To comply with the requirements of Section 92 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 Application for approval of the reserved matters for Phase 2 shall be made to the local planning authority not later than five years from the date of this permission, and shall begin not later than two years from the date of approval of the last reserved matters to be approved.

REASON: To comply with the requirements of Section 92 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.

- 3 Phasing

The development hereby approved shall be phased in accordance with the Phasing Plan Drawing Number: NBPH-000 unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and comply with polciy B2 and T14 of the adopted Unitary Development Plan.

- 4 Prior to commencement of development on each phase a detailed scheme for the management and disposal of surface and foul water for that phase must first have been submitted to and approved by the local planning authority. This scheme will be in accordance with the Flood Risk Assessment Document Reference D/I/D/107298/01 Issue

7 and the Newbottle Phasing Plan Drawing Number: NBPH-000 unless otherwise agreed in writing with the Local Planning Authority.

The Drainage Corridor shown on the Newbottle Phasing Plan Drawing Number: NBPH-000 has been approved as part of the Phase 1 full planning permission.

REASON: To safeguard the water environment, reduce the risk of flooding and for the avoidance of doubt and to comply with policy EN5 of the adopted Unitary Development Plan.

- 5 No groundworks or development shall commence on each phase until a programme of archaeological fieldwork for that phase (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

REASON: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies (B13 and B14).

- 6 The building(s) of each phase shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork for that phase undertaken in pursuance of Condition 5 has been submitted to and approved in writing by the Local Planning Authority.

REASON: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B13 and B14.

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

REASON: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

- 8 Prior to commencement of development of each phase a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include operational hours, construction traffic access; construction related parking arrangements, wheel wash or road sweeping measures, material storage and cabin/compound location details. The development of each phase shall be carried out in accordance with the approved details for that phase.

REASON: All other conditions remain valid as from the Outline as such the above seems appropriate for the level of detail now submitted to be approved in order to comply with policies B2 and T14 of the Unitary Development Plan.

- 9 Construction work or deliveries associated with the proposals shall only take place between the hours of 07:00 to 19:00 hours Monday to Friday and 07:30 to 14:00 Saturday, with no activity Sundays or Bank Holidays without any prior approval from the Local Planning Authority.
- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on Phase 1 or Phase 2 until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 11 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment for Phase 1 and Phase 2, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan
- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme for Phase 1 and Phase 2 to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

- 13 **Implementation Remediation Scheme** The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) for Phase 1 and Phase 2 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan
- 14 **Unexpected Contamination** In the event that contamination is found at any time on Phase 1 or Phase 2 when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 15 The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to for Phase 1 and Phase 2, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained In accordance with the timing /phasing

arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority. Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 16 The biodiversity enhancement and mitigation measures set out in the E3 Ecology report (October 2015 Rev) shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

17 **PHASE 1 ONLY (FULL PLANNING PERMISSION)**

Approved Plans

The development of Phase 1 shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

- Newbottle Phase 1 Site Layout Plan Rev F
- Newbottle External Works - Drawing Number: New/ENG/Ext/001 Rev P3
- Newbottle Phase 1 Materials Layout - Drawing Number: NB-002 Rev C
- Newbottle Housetype Roof Plans - Drawing Number: XXX/A/RP/01
- Bickleigh (Village) - Drawing Number: BK-WD06/1-BB Rev A
- Clayton Corner - Drawing Number: CCA-WD06-BB Rev F
- Corfe (Village) - Drawing Number: CF-WD06-BB Rev F
- Chedworth (Village) - Drawing Number: CD-WD06-BB Rev M
- Hanbury (village) - Drawing Number: HB-WD06-BB Rev P
- Hatfield (Village) - Drawing Number: HT-WD06-BB Rev P
- Lumley (village) - Drawing Number: LY-WD06-BB REV L
- Roseberry (village) - Drawing Number: RS-WD06-BB Rev S
- Rufford (village) - Drawing Number: RF-WD06-BB Rev P
- Winstar (village) - Drawing Number: WS-WD06-BB Rev S
- Corfe (Village) - Drawing Number: CF-WD06-RB Rev F
- Chedworth (Village) - Drawing Number: CD-WD06-RB Rev M
- Hanbury (village) - Drawing Number: HB-WD06-RB Rev P
- Hatfield (Village) - Drawing Number: HT-WD06-RB Rev P
- Lumley (village) - Drawing Number: LY-WD06-RB Rev L
- Moseley (Village) - Drawing Number: MS-WD06-RB Rev L
- Roseberry (village) - Drawing Number: RS-WD06-RB Rev S
- Rufford (village) - Drawing Number: RF-WD06-RB Rev P
- Winstar (village) - Drawing Number: WS-WD06-RB Rev S
- Sutton (village) -Drawing Number : SU-WD06 Rev U
- Newbottle Fully rendered elevations (Group Core Housetypes) - Drawing Number: XXX/A/R-HT/01

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

- 18 No dwellings on Phase 1 shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the LPA. The submitted details shall include planting plans, specifications and schedules. The detailed landscape proposals shall be carried out in substantial accordance with the principles of the Landscape Masterplan Drawing Number: 5592-99-101 Rev B.

The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

REASON: In the interest of amenity and ensuring a satisfactory form of development and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

- 19 Bin Storage

No development shall take place in Phase 1 until a scheme for the storage of refuse, providing for the use of wheeled refuse bins, has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the refuse storage facility for that building has been provided in accordance with the approved scheme, and the facility shall be retained thereafter

REASON: In the interest of amenity and ensuring a satisfactory form of development and comply with policy B2 of the adopted Unitary Development.

- 20 Materials

Development above ground level shall not progress until details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Each phase of development shall be carried out in accordance with the approved details for that phase.

REASON: In the interests of ensuring public and private amenity and to comply with policy B2 of the adopted Unitary Development Plan.

- 21 **PHASE 2 ONLY (OUTLINE PLANNING PERMISSION)**

Reserved Matters

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for phase 2 shall be submitted to and approved in writing by the local planning authority before any residential development begins and the residential development shall be carried out as approved.

The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Masterplan (Drawing Number: CPT PL03 Rev A) and the Design and Access Statement (April 2015).

REASON: To make sure that the development takes the form agreed by the planning authority and results in a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

- 22 Each application for reserved matters approval shall include a statement detailing how the application responds to the design principles contained within the Masterplan (Drawing Number: CPT PL03 Rev A) and the Design and Access Statement (April 2015) on the following matters, subject to revisions agreed in writing by the Local Planning Authority:

- Place making including built form, design, scale, height and massing;
- Design, materials, detailing and boundary treatment;
- Movement including street hierarchy, connectivity and design principles; and
- The design and function of landscaping, green infrastructure and open space.

REASON: To ensure consistency with the Masterplan and Design and Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area and to comply with policy B2 and T14 adopted Unitary Development Plan

23 Landscape

No dwellings on Phase 2 shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include planting plans, specifications and schedules. The detailed landscape proposals shall be carried out in substantial accordance with the principles of the Landscape Masterplan Drawing Number: 5592-99-101 Rev B.

The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

REASON: In the interest of amenity and ensuring a satisfactory form of development and comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan,

24 Access

Means of access to and egress from Phase 2 will be in accordance with 'Blind Lane Site Access General Arrangement Drawing Number: NEA/1308/SA02 (Appendix E of JMP Transport Assessment Issue 3 dated 16/09/2015)' unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development with policy T14 of the adopted Unitary Development Plan.

25 Noise

Prior to commencement of residential development in Phase 2, a noise report shall be submitted to and approved by the Local Planning Authority detailing the amelioration measures outlined in NVA Report Number 246.48/3 'Measurement and Assessment of Noise Levels in way of Proposed Residential Development Site'. The development shall be carried out in accordance with the approved details.

REASON: To protect residential amenity and ensure a commensurate level of protection against noise in accordance with the NPPF.

26 Prior to the commencement of development on Phase 1 and Phase2 the following information is required to be submitted and approved in writing with the Local Planning Authority:- The submission of a scheme of intrusive site investigations for approval for both the mine entry and shallow coal workings; The undertaking of these intrusive site investigations; The submission of a report of findings arising from the intrusive site investigations including a plan showing the relationship of the mine entry and its zone of influence to the development layout; The submission of a scheme of remedial works for approval, for both the mine entry area shallow coal workings if required; and Implementation of these remedial works. In order to achieve a safe and satisfactory form of development comply with policies EN1 and EN14 of the adopted Unitary Development.

27 Prior to the commencement of development on Phase 1 and Phase2 the following information is required to be submitted and approved in writing with the Local Planning Authority:-
The submission of a scheme of intrusive site investigations for approval for both the mine entry and shallow coal workings;
The undertaking of these intrusive site investigations;
The submission of a report of findings arising from the intrusive site investigations including a plan showing the relationship of the mine entry and its zone of influence to the development layout;
The submission of a scheme of remedial works for approval, for both the mine entry area shallow coal workings if required; and
Implementation of these remedial works.

In order to achieve a safe and satisfactory form of development comply with policies EN1 and EN14 of the adopted Unitary Development.

28 Prior to occupation of the 50th dwellings on Phase 1 the roundabout proposal for Coaley Lane/Blind Lane will need to be completed and open to traffic in order to comply with policy T14 of the adopted Unitary Development Plan.

- 29 Prior to occupation of the 50th dwellings on Phase 1 the two bus shelters on Coaley Lane will need to be provided and made available for public use in order to comply with policy T14 of the adopted Unitary Development Plan.
- 30 Prior to occupation of the 50th dwellings on Phase 1 the improvement at the junction of A183 Chester Road and Golf Course Road will need to be fully completed and open to the public for use in order to comply with policy T14 of the adopted Unitary Development Plan.
- 31 The Travel Plan and mitigation measures set out in the Framework Travel Plan (Dated 15th Dec 2014) for Phase 1 and Phase 2 shall be fully implemented in accordance with the measures set out in that report, in the interest of highway safety and to comply with the requirements of policy T14 of the adopted Unitary Development Plan.