

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

### **AGENDA**

**Extraordinary Meeting to be held in Committee Room 2 on Tuesday  
19<sup>th</sup> March, 2019 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.

11<sup>th</sup> March,  
2019

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

19th March 2019

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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. 17/02445/FUL  
Land North Of Coaley Lane, Houghton Le Spring, Newbottle
2. 18/02002/FU4  
Former Dubmire Primary School, Britannia Terrace, Houghton-le-Spring, DH4 6HL
3. 18/02120/REM  
Land At North 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/)

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/02445/FUL Full Application

**Proposal:** Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.

**Location:** Land North Of Coaley Lane Houghton Le Spring Newbottle

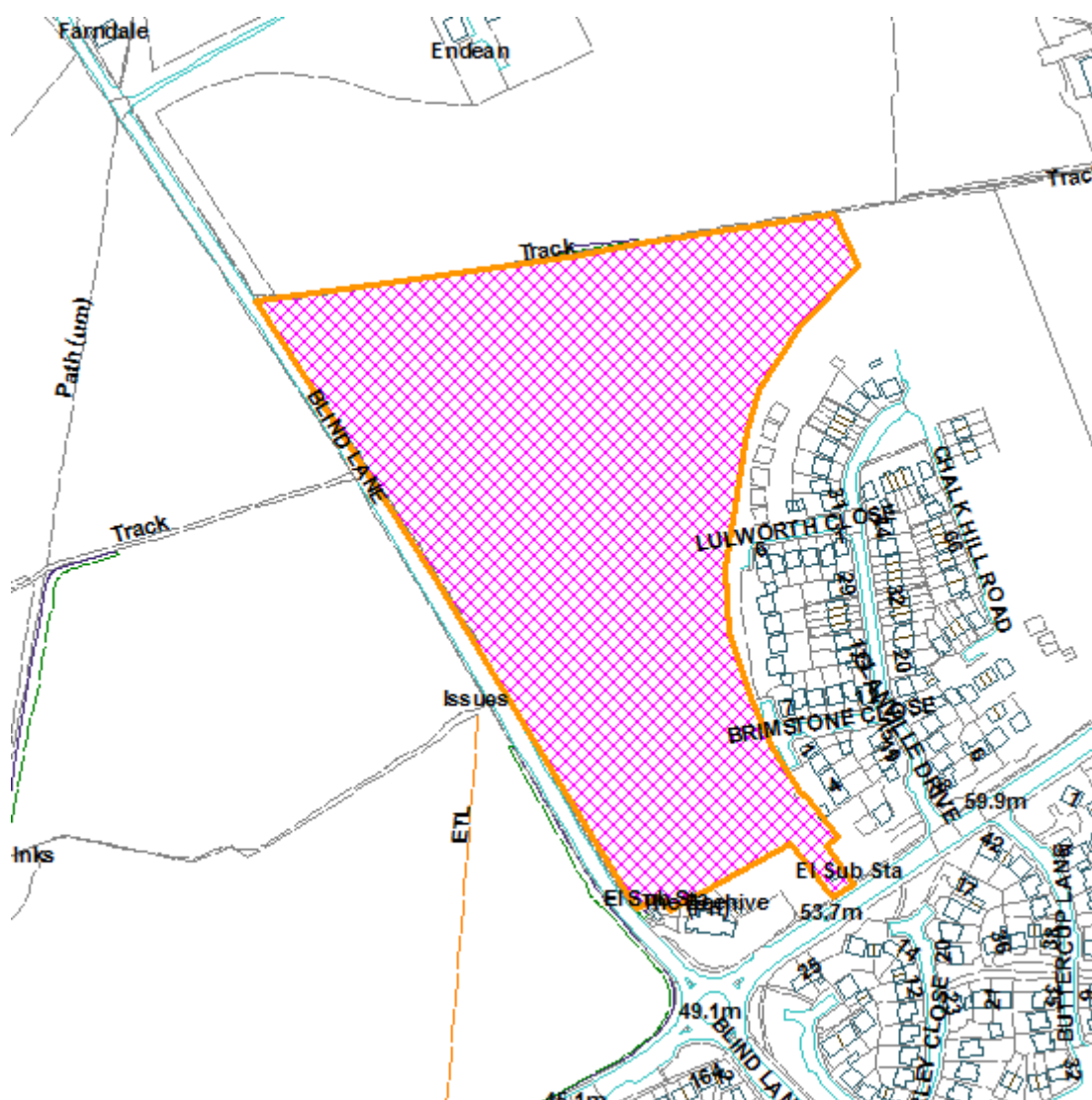
**Ward:** Houghton

**Applicant:** Persimmon Homes Durham

**Date Valid:** 21 December 2017

**Target Date:** 22 March 2018

## Location Plan



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## **PROPOSAL:**

The application seeks full planning permission for the construction of 141 dwelling houses (including associated access, landscaping and infrastructure) on land at Coaley Lane, Houghton-le-Spring.

The application comprises "Major" development and has therefore been referred to Members for determination.

The site lies to the west of Newbottle, to the north of Burnside / Sunnisde and has an irregular plan form covering around six hectares. The proposed development would be a mix of two storey dwelling houses (detached, semi-detached and short terraces); together with the associated internal access road, drainage pond and garages. The proposed vehicular access would be off Blind Lane and a further pedestrian access would be provided to the east.

The site has previously been granted outline planning permission for 130 dwelling houses; together with a full planning permission currently under construction for 147 dwelling houses on the land to east (ref: 15/00815/HYB).

A screening opinion has been issued which identifies that the proposal would not be development that requires Environmental Impact Assessment.

The applicant submitted amendments to the proposed layout in July 2018. The Local Planning Authority uploaded these documents onto the public access website and undertook a 21 day re-consultation upon receipt.

The applicant subsequently submitted further amendments during November-December 2018. These documents were uploaded onto the public access website.

The site lies within a Coal Referral Area and a Settlement Break.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Houghton - Ward Councillor Consultation  
Environmental Health  
Flood And Coastal Group Engineer  
Northumbrian Water  
Houghton - Ward Councillor Consultation  
Nexus  
Northumbrian Water  
Tyne And Wear Archaeology Officer  
Director Of Children's Services  
Southern Area Command - Police  
Fire Prevention Officer  
NE Ambulance Service NHS Trust

Final Date for Receipt of Representations: **15.08.2018**

**REPRESENTATIONS:**

Consultation responses

Ambulance Service: no comments received.

Archaeology Officer: Recommends conditions covering reporting.

Coal Authority: "No objections".

Design: "Following amendments to the proposed layout and boundary treatment, these concerns were addressed and urban design have no further comments".

Ecology: "..whilst the proposed development does not directly impact on protected species it does have indirect impacts on wildlife due to increasing the number of people in the area. I am unable to agree with the applicant that the proposed changes to the scheme will be hugely beneficial to wildlife and would suggest that the approach dilutes the original outline approval for ecology. Despite this I would not recommend refusal but am disappointed that this housing developer is not maximising the sites potential for biodiversity net gain"

Education: Request the developer "allow us to vary Phase 1 to enable us to flexibly use funds for primary and/ or secondary schemes or citywide special without restriction".

Environmental Health:

Noise - "PPRS have accepted the conclusions of the noise assessment".

Land contamination - "no appreciable risk to the dwellings" (recommend conditions).

Fire & Rescue: "No objections to this proposal, subject to the provision detailed in the enclosed report" (an extract from the Building Regulations).

Lead Local Flood Authority: "I would now consider sufficient detail has been provided to suggest approval".

Highway Authority: "It is considered that the additional vehicle trips generated by the proposal can be satisfactorily accommodated on the local road network? It is confirmed that the applicant has satisfactorily addressed the issues and comments previously raised and there are no further observations".

Housing: "I can't see any issues in what they are proposing".

Nexus: "Footpath links between the two phases of the development and the bus stops on Coaley Lane bring all dwellings within 400 metres walking distance of a suitable bus service? Require the developer pay for two four weekly All Zone Network One travel passes per dwelling".

NHS Sunderland Clinical Commissioning Group: "Formally request a Section 106 contribution of £98,400 towards the expansion of local healthcare infrastructure".

Northern Electric: no comments received.

Northumbrian Water: "No comments"

Police Architectural Liaison: no comments received.

Final Date for Receipt of Representations: 31.05.2018

## **REPRESENTATIONS:**

The objections received are summarised below

Amenity: Dust and noise from proposed development on existing properties.

Design: Loss of open space within scheme when compared to earlier plans.

Drainage: increase in flood risk, including loss of trees. Loss of previously proposed drainage. Surface water could flow into highway.

Ecology: Damage to ecology in area (badger setts, water vole), no consideration to flora and fauna, barn owls in area. Pond has formed that could host newts.

EIA: Application should have been preceded by a screening request.

Education: Schools are oversubscribed.

Health: Difficulty booking doctors appointment.

Groundworks: Development would be atop pits.

Highways: Submitted documents are out of date, do not take into account recent changes. Severe increase in traffic. Current construction site causes safety problems.

Landscape: Urban sprawl, building on green space. Council acknowledges severe loss of green space in area already. Loss of Green Belt.

Procedure: Area of wetland proposed previously has not been delivered (ref: 04/02864/FUL). Lack of consultation. Work has already commenced, developer has already installed large fences. Developer has not built roundabout on Beehive / Chester Road. Submitted reports are out of date. Application cannot be lawfully approved given UDP policy CN6. Concerns for infrastructure

## **POLICIES:**

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

Supplementary Planning Document (2008): Residential Design Guide

Strategic Housing Land Availability Assessment (2018)

Draft Core Strategy and Development Plan (2015-2033)

Officers consider that, for the purposes of determining the application in question, the above Unitary Development Plan policies are consistent with the National Planning Policy Framework

(the Framework). The exception would be policies H15 (which encourages single storey housing) and B20 (which encourages the provision of art). The Framework does not have such detailed provisions and these policies should therefore only be given extremely limited weight when determining the application.

R\_1\_Working towards environmentally sustainable development

R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land

R\_4\_Incorporation of energy saving measures

H\_1\_Provision for new housing

H\_4\_Density of housing development to at least reflect that of the locality

H\_8\_Windfall sites to accord with other policies unless specific benefits are provided

H\_15\_Encourage / negotiate for accessibility standards in housing developments

H\_16\_Negotiation for affordable housing in major developments

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

EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

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

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

B\_14\_Development in areas of potential archaeological importance

B\_20\_Undertake and encourage provision of works of art in major new developments

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

CN\_14\_Landscaping schemes and developments prominent from main transport routes

CN\_22\_Developments affecting protected wildlife species and habitats

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

T\_22\_Parking standards in new developments

## **COMMENTS:**

### **Principle of the Development**

The provisions of UDP policy R1 states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a satisfactory balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by:

- (i) making the most efficient use of land, energy and other resources;
- (ii) reducing reliance on the use of the private motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo."

The UDP has a general resource utilisation policy, R2, which states that

"In considering proposals for new development, the Council will take into account the extent to which they

- (i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity (of roads, public utilities, schools, etc.);
- (ii) Minimise the need for travel (by employees, visitors and residents alike); and
- (iii) make use of vacant and derelict land."



The UDP has a general housing policy, H1, which states

"New housing will be provided which:

- (i) Maximises locational choice (subject to environmental and infrastructure constraints) whilst allowing for a variety of needs in appropriate environments.
- (ii) Caters for reduced out-migration and increasing household formation.
- (iii) Assists in the regeneration of existing residential areas.
- (iv) Secures the re-use of vacant and derelict land wherever possible.

The UDP has a windfall sites policy, H8, which states

"Proposals for housing development, additional to those referred to in policy H3, must normally be in accord with other policies and proposals of this plan. Where a proposed development would conflict with another policy or proposals, or would result in housing provision over the plan period significantly exceeding the requirements in H3 and H5, the Council will also take into account any special need or benefit for which the development provides."

The UDP has a policy, EN10, which states

"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 principal use of the neighbourhood."

Officers would, in terms of the above policies, draw to attention that the site benefits from an extant grant of outline planning permission for 130 dwelling houses (ref: 15/00815/HYB).

The site, in addition to the land to the north, has been identified in the Strategic Housing Land Availability Assessment (2018) (SHLAA) as contributing 277 dwelling houses to the Council's Five Year Housing Supply. The land to the north has been developed for 147 dwelling houses; which means the SHLAA effectively identifies the site the subject of the current application as having the capacity for 130 dwelling houses.

The recently submitted Core Strategy and Development Plan (2015-2033) has been removed the site from being part of a settlement break.

Officers therefore consider that the provision of a housing development on the site has already been identified as being a sustainable form of development which, in terms of the principle of the development, would accord with the above development plan policies.

Officers are, however, aware that the proposed development seeks approval for 11 dwelling houses more than sought in either the grant of outline planning permission and the SHLAA. Officers therefore consider that the relevant planning considerations are the detailed impacts arising from the construction of the 11 additional dwelling houses. These can be seen below.

There has been objection that the site lies within a settlement break and that the current application cannot be lawfully approved. Officers would, in response, draw to attention that the site already has an extant grant of planning permission for 130 dwelling houses. The site has been identified in the SHLAA as having the capacity to contribute 130 dwelling houses to the Council's Five Year Housing Land Supply. The submitted Core Strategy and Development Plan also, as noted above, removes the site from a settlement break. Officers therefore consider that the above comprise material considerations that outweigh the conflict with policy CN6 of the UDP.

## **Amenity**

The UDP, at policy EN6, states

"Where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noise 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. Where such measures are not practical, permission will normally be refused".

The applicant's Environmental Consultant carried out noise monitoring in February 2018. The monitoring identified that the noise monitoring data presented in the initially submitted Noise Assessment remained valid. The Assessment identifies that "the residents of the proposed dwellings will be provided with acceptable internal and external (private amenity areas) noise environments". The Assessment recommends "relevant noise amelioration? various possible combination for wall, glazing, ventilation (acoustic parameters) and roof / ceiling construction?"

The Environmental Health Officer has advised that they "have accepted the conclusions of the noise assessment"; subject to conditions including noise mitigation measures, an acoustic boundary fence for plots 127-141 and adequate ventilation.

In the absence of material considerations to the contrary, officers consider the proposed development would accord with UDP policy EN6; subject to the recommended conditions.

The Council's Residential Design Guide, at Appendix 1, states specified standards for spacing between dwellings. The Guide states that for 1 or 2 storey dwelling houses there should be a minimum of 21 metres from any point of facing windows. The Guide also states that there should be a minimum of 14 metres from any main window facing a side elevation. The proposed development would generally provide the separation distances sought by above.

There are, however, instances where there would be a difference in levels from one proposed dwelling house to another. The Guide seeks, in these situations, for every 1 metre in difference of ground levels for there to be an additional 2 metres added to the horizontal distance. These concerns would largely be around the south eastern area of the site - for example, the separation distance between plots 114 and 118 should be 29 metres (in accordance with the Guide); whereas the site plan only shows around 27.5 metres. A further example would that the separation distance between plots 104 and 109 should be 30.6 metres; whereas the site plan only shows around 25.5 metres.

Officers would advise the above comments concerning the shortfall of separation distances will need to be given consideration in the conclusion.

There has been objection on the grounds of the dust / noise generated from construction activities upon existing properties. If Members were minded to approve the application, these issues could be addressed through a condition requiring the submission of Construction Environmental Management Plan (CEMP).

## **Archaeology**

The UDP, at policy B14, states

"Where development proposals affect sites of known or potential archaeological importance, the City Council will require an archaeological assessment / evaluation to be submitted as part of the

planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them."

The submitted desk-based assessment identifies that

"the proposed development could have a detrimental effect on sub-surface remains relating to the 13 non-designated heritage assets identified within the site boundary, mainly relating to agriculture and to coal extraction throughout the 19 and 20 centuries. There is also the potential for earlier deposits to survive within the proposed development site boundary, particularly in areas not impacted upon by mine workings".

The Tyne & Wear Archaeologist initially advised that further archaeological excavation would be required and that any significant archaeological findings will require formal publication in an archaeological journal. The Archaeologist has subsequently advised that the archaeological work should be "written up and a report submitted within an agreed timescale.

In the absence of any material considerations to the contrary, officers consider the proposal would accord with UDP policy B14; subject to the suggested conditions.

## **Design**

The UDP, at policy H4, states

"Housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought, particularly where they relate to a public transport corridor."

The UDP, at policy B2, states

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality' Large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

The Council's Residential Design Guide seeks to "ensure the delivery of sensitive and appropriately designed sustainable development".

The proposed layout would achieve a form of development consistent with the earlier approval on the land immediately to the east and would provide open space through the provision of a green thoroughfare to the east of the site. The Urban Design Officer has stated that

"Urban Design have been in discussions with the applicant regarding concerns over the proximity of a garage unit to residential properties and elements of the boundary treatment.

Following amendments to the proposed layout and boundary treatment, these concerns were addressed and urban design have had no further comments on the application. "

There has been objection on the grounds that there has been a loss of open space when compared to earlier plans - officers would, however, draw to attention that each application needs to be determined on its own merits. The proposal does include open space in the form of a green thoroughfare to the east of the site and also proposes works to the adjacent woodland to the north which would enhance access to green space.

In the absence of any other material considerations to the contrary, officers consider that the proposed development would accord with UDP policy B2; subject to the suggested conditions.

## **Drainage**

The UDP, at policy EN12, states that

"In assessing proposals for development, the Council will seek to ensure that the proposal would not be likely to increase the risk of flooding elsewhere."

The submitted Flood Risk Assessment states, at section nine, that

"There are no recorded incidents of flooding, from either surface water or fluvial sources which have affected the site".

"Increased runoff from the introduction of impermeable surfaces will be attenuated on site to ensure no increase in flood risk to the surrounding area.

"Design work will be undertaken which provides a suitable surface water drainage solution for the proposed development".

The applicant has subsequently submitted further detailed information to the Lead Local Flood Authority. They have advised that

"I would now consider sufficient detail has been provided to suggest for approval. A watercourse consent will be required to be submitted and approved before any works on culvert diversion can be undertaken".

Northumbrian Water have also advised that they have "no comments".

There has been objection on the grounds that the proposed development would lead to an increase in flood risk and that surface water could flow onto the highway. There has also been objection on the grounds that there has been a loss of previously approved drainage. Officers would, however, draw to attention that the proposed development has been given careful consideration by the Lead Local Flood Authority and Northumbrian Water who have both not raised any objections to the proposed scheme. Officers would therefore advise that refusing the application on these grounds would not be reasonable.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with UDP policy EN12; subject to the suggested conditions.

## **Ecology**

The UDP, at policy CN22, states that

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

The submitted Extended Phase 1 and Protected Species Survey identifies that there are six Local Wildlife Sites (LWS) within 2km of the site which "due to the size and distance to these LWS, no adverse impacts are anticipated." The Survey identifies protected species within 2km of the site

(including great crested newts, common pipistrelle, noctule, soprano pipistrelle, otter, water vole and red squirrel.

The Survey identifies that the habitats on site are largely of low ecological value, dominated by arable farmland. The Survey states there are no features on the site which are suitable to support roosting bats and habitats and that light spill from the adjacent carriageway would be likely to limit activity at the southern and western boundaries. The Survey further states that the site would be likely to support an assemblage of birds of no more than local value and that the long term impacts on birds are likely to be low. The Survey also finds no evidence of badger foraging, commuting or sett building activity and that "no other protected species are considered likely to be present on site". The Survey finally makes recommendations including site clearance and lighting and concludes that "there is likely to be a minor enhancement of biodiversity as result of these proposals".

The submitted Management Plan identifies that the objectives are "to improve woodland habitats along the proposed new footpath links in the woodland" and "progressively create green infrastructure associated with the new development that will conserve and enhance wildlife, meet the SUDs requirements, and enhance green infrastructure and quality of life for new residents".

The applicant subsequently submitted an updated Survey which states that "by 2018 the remaining undeveloped area was a mosaic of tall ruderal and coarse... grassland communities with some developing willow scrub and areas of bare disturbed ground?As an overall mosaic, the phase 2 site is considered to be of local ecological value".

The updated Survey continues by advising that, in terms of a small pond to the north of the site, that "the risk of this new seasonal wetland being colonised by great crested newt since its creation, given the lack of a colony in the nearest other known pond, is considered very low".

Officers would also advise that the applicant has, for the first phase of the proposed development to the east of the site, already made an ecological enhancement contribution towards the delivery and provision of ecological enhancement works at the Local Wildlife Site known as Success Railway Cutting.

The Council's Ecologist has stated that

"I am unable to agree with the applicant that the proposed changes to the scheme will be hugely beneficial to wildlife and would suggest that the approach dilutes the original outline approval for ecology. Despite the site being an agricultural field the actual tangible benefit to wildlife is minimal due to the indirect impacts on Russell wood and the lack of onsite provision. However I cannot disagree with the principle of development as this was recognised when outline approval was given."

The above comments concerning ecology will need to be given consideration in the conclusion.

## **Energy Efficiency**

The UDP has a general energy conservation policy, R4, which states that

"In assessing proposals for development (including changes of use), the Council will have regard to evolving government policy on the efficient use of energy and use of non-fossil fuel sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy saving

technology. Combined heat and power schemes will be encouraged in major new development and restructuring schemes."

Officers would advise that, if Members were minded to grant planning permission, a condition could be attached ensuring the submission of a scheme to demonstrate accordance with the above policy.

## **Ground works**

The UDP, at policy EN14, states

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

- (i) Unstable or potentially unstable;
- (ii) contaminated or potentially at risk from migrating contaminants
- (iii) Potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, 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."

In terms of ground stability, the submitted Phase I Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment identifies that "the risks associated with the mining legacy in the area are considered to be high" and recommends that an intrusive ground investigation should be undertaken.

The Coal Authority have advised that they have no objection and draw to attention that they have been able to recommend the discharge of a condition specifically relating to the stabilisation of the mine entry attached to the earlier grant of planning permission (ref: 15/00815/HYB).

In terms of land contamination, the submitted Phase I Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment identifies that "potential sources of contamination have been identified" and that "potential for hazardous ground gases from abandoned underground mine workings" cannot be discounted".

The Environmental Health Officer has advised that "the gas risk has been assessed and it has been sufficiently demonstrated that there is no appreciable risk to the proposed dwellings and that "it is recommended that conditions for a verification report and for dealing with unexpected contamination are attached to any consent".

There has been objection that the development would be atop former pits - officers, however, consider that the above response from the Coal Authority and Environmental Health Officer means the application could not reasonably be refused on these grounds.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with UDP policy EN14; subject to the recommended conditions.

## **Highways**

The UDP, at policy T14, states

Proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
- (ii) Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modification to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer.
- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment
- (iv) make provision for the loading and unloading of commercial vehicles.
- (v) indicate how parking requirements will be accommodated."

The UDP, at policy T22, states

"In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

- (i) Development type.
- (ii) Locational characteristics."

The submitted Transport Technical Note states that the "traffic generated by an additional 11 dwellings within Phase 2 of the development will be minimal and will not result in any capacity or safety concerns at the site access or wider road network". The Highway Authority have advised that the "additional vehicle trips generated by the proposal can be satisfactorily accommodated on the local road network".

Nexus have also advised that "Footpath links between the two phases of the development and the bus stops on Coaley Lane bring all dwellings within 400 metres walking distance of a suitable bus service".

There has been objection on the grounds that the submitted documents are out of date and do not take into account recent changes - officers would, however, draw to attention that the applicant has submitted an update in the form of a Transport Technical Note which gives consideration to the relevant highway issues arising from the 11 additional dwelling houses. The applicant has also submitted additional drawings, following requests from the Highway Authority, showing detailed matters; such as how emergency vehicles would turn within the proposed development.

There has been further objection that there would be a severe increase in traffic - officers would, however, draw to attention that there would only be an additional 11 dwelling house beyond the 130 already granted outline planning permission and that these impacts have been given consideration by the Highway Authority who have not raised any objections.

There has also been objection that the developer has not built a roundabout on Beehive / Chester Road. The earlier grant of planning permission does include a condition, no. 28, requiring a roundabout to be provided before the occupation of the 50th dwelling house on Coaley Lane / Blind Lane. If the 50th dwelling house has now been occupied on site, the matter would need to be enforced via the earlier planning permission; rather than being a material consideration for the current application.

The Fire & Rescue Service have raised no objection; subject to an extract from the Building Regulations. Officers would advise that the matters raised should be given consideration at the Building Regulations stage; rather than being a material planning consideration to be taken into account when determining the current application.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with UDP policies T14 and T22; subject to the recommended conditions.

## **Landscape**

The UDP, at policy CN14, states

"Landscaping schemes and new developments prominent from the main transport routes must be located and designed to take account of their important position in enhancing the image of the City and will be resisted where they would seriously detract from it. Existing uses which detract from views from these routes will be encouraged to undertake improvements or to relocate."

The site already has outline planning permission for approximately 130 dwelling houses. Officers do, however, consider that the provision of 11 additional dwelling houses would be unlikely to have a materially different impact upon the local landscape to the extent that planning permission could reasonably be refused.

There has been objection that the proposed development could result in urban sprawl and would be a loss of green space - officers would, however, draw to attention that the additional 11 houses would be unlikely to have a materially different impact upon the local landscape to the extent that planning permission could reasonably be refused.

There has been further concern that there would be a loss of Green Belt - officers would draw to attention that the site does not lie in either existing Green Belt (as shown in the UDP) or the Green Belt as shown in the submitted Core Strategy and Development Plan (2015-2033).

## **Obligations**

The UDP, at policy R3, states

"Where the effects of a development would require additional off-site infrastructure or community facilities (including open space and formal recreation) or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the City Council to enable suitable provision, protection or investigation to be made".

The UDP, at policy H16 states

"The City Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing (suitable for those unable to buy or rent in the open market) to be provided on major new housing sites and restructuring schemes (developments of 50 dwellings or more). Suitable arrangements to ensure that the housing remains affordable will be required".

The UDP, at policy H21, states

"Within new residential developments of more than 40 bedspaces:

- (a) Amenity open space / casual playspace should be provided as follows
- (i) A minimum of 0.4ha per 1000 bedspaces where the site is within 0.5km of a neighbourhood (or larger) open space.
- (ii) A minimum of 0.9ha per 1000 bedspaces where the site is not within 0.5km of a neighbourhood (or larger) open space.



(b) Additionally, in the case of family dwellings, formal (equipped) children's playspace should be provided at a minimum of 0.2ha per 1000 bedspaces.

In applying this policy, the Council will take into consideration existing provision in the locality."

The potential contributions are noted below.

**Affordable Housing:**

The submitted Affordable Housing Statement identifies that 14 three-bedroom affordable houses would be provided - 11 for affordable rent and three intermediate, dispersed across the northern half of the site.

**Education:**

The Council's Schools Relationship Manager has requested the developer "allow us to vary Phase 1 to enable us to flexibly use funds for primary and/ or secondary schemes or citywide special without restriction".

**Highway:**

Nexus have sought for the applicant to pay for two four-weekly Network One travel passes per dwelling and for the travel plan to be updated accordingly.

**Nexus:**

"Require the developer pay for two four weekly All Zone Network One travel passes per dwelling".

**NHS Sunderland Clinical Commissioning Group:**

Formally request a Section 106 contribution of £98,400 towards the expansion of local healthcare infrastructure.

**Play space:**

Officers would advise that the Council usually seeks £701 per dwelling house.

Officers would draw to attention that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 state that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms.
- b) Directly related to the development.
- c) Fairly and reasonably related in scale and kind to the development.

In terms of the request from Nexus, officers consider that the provision of a travel pass would not be necessary to make the development acceptable in planning terms.

In terms of the request from the NHS, officers would advise that at present there does not exist sufficient evidence meet test (c) above, i.e. fairly and reasonably related in scale and kind to the development.

In terms of the other potential contributions, the Housing Officer has advised that they "can't see any issues in what they (the applicant) are proposing".

Officers would therefore advise that any decision should be subject to the successful completion of a Section 106 agreement for contributions towards affordable housing, education and play space.

There has been objection on the basis that schools are oversubscribed. Officers would, however, draw to attention that the proposed development would make an education contribution to mitigate these impacts.

There has been further objection on the grounds that booking a doctors appointment can be difficult. Officers would draw to attention that whilst the local Clinical Commissioning Group have sought a contribution, there does not exist sufficient evidence at the current point in time to meet point (c) of the Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

There has also been a more general concern / objection on the grounds that the proposed development would place additional pressure upon the existing infrastructure in the area. Officers would draw to attention that the relevant impacts have been identified above as either being acceptable or capable of mitigation through a contribution via a Section 106 agreement.

## **Procedure**

There has been objection that a wetland previously proposed has not been delivered (ref: 04/02864/FUL). The red line boundary shown on the submitted location plan does not, however, intersect the earlier approval. Officers would therefore advise that the matter should only be given extremely limited weight when determining the current application.

There has further been objection that work has already commenced and that the developer has already installed a large fence. Officers would advise that if any work has commenced, the matter would be at the risk of the developer; rather than being a material consideration.

There has also been objection on the grounds that not enough consultation has taken place. Officers would, however, draw to attention that there have been neighbour notification letters sent to more 30 nearby properties (including a subsequent re-consultation), a site notice has been displayed on site and an advertisement placed in the local newspaper (Sunderland Echo). The consultation undertaken therefore meets the requirements of the Town and County Planning (Development Management Procedure) (England) Order 2015.

There has been general objection that the submitted reports are out of date. The submitted documents and plans have during the course of determining the application been updated; including design, drainage, ecology, land contamination, highways and noise.

## **Conclusion**

The site benefits from an extant grant of outline planning permission for 130 dwelling houses (ref: 15/00815/HYB).

The site, in addition to the land to the north, has been identified in the Strategic Housing Land Availability Assessment (2018) (SHLAA) as contributing 277 dwelling houses to the Council's Five Year Housing Supply. The land to the north has been developed for 147 dwelling houses; which means the SHLAA effectively identifies the site the subject of the current application as having the capacity for 130 dwelling houses.

The recently submitted Core Strategy and Development Plan (2015-2033) has removed the site from being part of a settlement break.

Officers therefore consider that the provision of a housing development on the site has already been identified as being a sustainable form of development which, by extension, would accord

with the development plan policies of relevance to the principle of the development (R1, R2, H1 and H8).

The site lies within a settlement break where policy CN6 of the UDP states that "Important open breaks and wedges within and between settlements will be retained and enhanced". Officers would, however, draw to attention that the site already has an extant grant of planning permission for 130 dwelling houses and has been identified in the SHLAA as having the capacity to contribute 130 dwelling houses to the Council's Five Year Housing Land Supply. The submitted Core Strategy and Development Plan also removes the site from the settlement break. Officers therefore consider that the above comprise material considerations that outweigh the conflict with policy CN6 of the UDP.

Officers therefore consider that the principle of the development can be supported. There needs to be consideration given to the detailed impacts arising from developing the site for 141 dwelling houses; rather than the previously proposed 130. These can be seen below.

The impacts arising from the proposed development - in terms of impacts around affordable housing, amenity (noise only), design (including play space), drainage, education, ground conditions, heritage, highways and landscape - have been identified above as being in accordance with the relevant policies within the development plan and there are not any material considerations that would indicate otherwise; subject to the suggested conditions and the successful completion of a Section 106 agreement.

The impacts from the proposed development - in terms of amenity (separation distances) and ecology - do not accord with the relevant policies within the development plan. These are expanded upon below.

In terms of amenity, there are areas of the site which do not meet the specified standards within the Residential Design Guide. The site does generally meet the minimum of 21 metres from any point of facing windows - however, the difference in site levels means that some areas of the proposed development does not meet the additional recommendation for every 1 metre in difference in ground levels for there to be 2 metres added to the horizontal distance.

In terms of material considerations, the Framework states, at paragraph 127, that

"Planning policies and decisions should ensure that developments create places with a high standard of amenity".

Officers consider that, although some areas within the site would not meet the specified spacing standards, there would still be a high standard of amenity given that the basic requirement for more than 21 metres of separation distance would be achieved. The distances in question are for proposed dwelling houses which means that there does exist an element of buyer beware; rather than affecting an existing household.

Officers would therefore advise that refusal of planning permission on these grounds alone would not be reasonable when given consideration against the balance of the scheme which has been identified above as being acceptable (other than ecology which can be seen below).

In terms of ecology, the Council's Ecologist has advised that

"I am unable to agree with the applicant that the proposed changes to the scheme will be hugely beneficial to wildlife and would suggest that the approach dilutes the original outline approval for ecology. Despite the site being an agricultural field the actual tangible benefit to wildlife is minimal

due to the indirect impacts on Russell wood and the lack of onsite provision. However I cannot disagree with the principle of development as this was recognised when outline approval was given."

The proposed development would be contrary to the provisions of UDP policy CN18 which states

"Areas of nature conservation interest" will be protected and enhanced; measures will include:-  
(iv) seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land."

The proposal would also be contrary to the Framework which states, at paragraph 175, that

"When determining planning applications, local planning authorities should apply the following principles:

d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

Officers would draw to attention that the ecologist has advised that there would not be any direct impacts upon ecology. The concerns relate to indirect impacts, around whether the proposed development maximises the potential contribution towards ecology through the provision of green infrastructure. The ecologist has also advised that the matter, of itself, would not warrant refusal on these grounds alone.

Officers would therefore advise that refusal of planning permission on these grounds alone would not be reasonable when given consideration against the balance of the scheme which has been identified above as being acceptable (except for separation distances which can be seen above).

Officers would, in summary, advise that the principle of the proposed development can be supported. The majority of the detailed impacts have been identified as being in accordance with the relevant policies within the development plan and there are not any material considerations that would indicate otherwise. There are two impacts which do not accord with the development plan - namely amenity (in terms of separation distances) and ecology (in terms of maximising biodiversity). Officers are of the opinion that - when given consideration against the balance of the scheme which can be supported in principle and otherwise accords with the development plan for all other detailed impacts - the application should, on balance, be granted planning permission; subject to

**RECOMMENDATION: APPROVE** subject to

1. Successful completion of a Section 106 agreement (securing contributions towards affordable housing, education and play space).
2. Receipt of an updated version of the Preliminary Engineering Layout (ref: Phase 2 Indicative Drainage Plan (Drawing No. SKETCH, Revision C) which reflects the latest proposed site layout (DRG. No. NB2-001 REV E) and subsequent inclusion as an amended plan in condition no. 2
3. The suggested draft conditions 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Alnwick (Village) AN-WD06 Rev L
- Chatsworth (R18) CT-WD06 Rev C
- Chedworth (R18) CD-WD06
- Chedworth Cr (R18) CDC-WD06
- Clayton Corner (R18) CCD-WD06
- Corfe (R18) CF-WD06
- Hanbury (R18) HB-WD06
- Hanbury Corner (R18) HB-WD06
- Hatfield (R18) HT-WD06
- Hatfield Corner (R18) HT-WD06
- Lumley (R18) LY-WD06
- Lumley Corner (R18) LYC-WD06
- Mosley MS-WD01 Rev S
- Roseberry (R18) RS-WD06
- Standard Single / Double Garage SGD-01 Rev B
- Souter (18) SU-WD06
- Sutton (18) ST-WD06
- Triple Garage SGD-02 Rev B
- Winster (R18) WS-WD06
- Proposed Site Layout (DRG. No. NB2-001 REV E)
- Watercourse Diversion Plan (Drg. No. D900, Rev 2)
- Watercourse Diversion Long Section Sheet 1 of 2 (Dwg No D901, Rev 1)
- Watercourse Diversion Long Section Sheet 2 of 2 (Dwg No D902, Rev 2)
- Permeable Private Drive Construction Details (DRG. No. NB2-ENG-001 Rev -)
- Engineering Layout (Drg No D001, Rev 2)
- Section 104 Plan (Drawing No. 806, Revision C)
- Blind Lane Site Access General Arrangement (Drawing Number NEA1308 / SA02)
- Sections F.2 and F.3 of the submitted Extended Phase 1 and Protected Species Survey (Report No 5 Update December 2018)

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 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include operational hours, construction traffic access; construction related parking arrangements, wheel wash or road sweeping measures, material storage and cabin/compound location details. The statement shall also include measures for the suppression of construction noise and dust. The development of the site shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with policies EN6 and T14 of the Unitary Development Plan, the development hereby approved does not cause highway safety problems and protects amenity.

4 No development shall take place above damp proof course until a statement detailing the energy conservation measures to be incorporated within the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated into the dwelling houses hereby approved and thereafter retained.

Reason: To ensure, in accordance with policy R4 of the Unitary Development Plan, the development hereby approved has regard to the efficient use of energy.

5 No development shall take place above damp proof course until details of noise mitigation measures for the proposed dwelling houses have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be based upon the measures described in Table 4 of the submitted Noise Impact Assessment (Report No. PH/CL/001) and shall be capable of providing a sound reduction of 37-39dB (D<sub>ne,w</sub>). The mitigation shall also include details of how any dwelling houses with attic type rooms would be insulated to provide of the order of 50dB (R<sub>w</sub>). The approved mitigation shall be incorporated into the dwelling houses before their occupation and shall thereafter be retained.

Reason: To ensure, in accordance with policy EN6 of the Unitary Development Plan, the development hereby approved incorporates suitable noise mitigation measures.

6 No development shall take place above damp proof course until details of adequate ventilation for the habitable rooms requiring noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how overheating the rooms would be prevented. The approved ventilation shall be incorporated into the dwelling houses before their occupation and shall thereafter be retained.

Reason: To ensure, in accordance with policy EN6 of the Unitary Development Plan, the development hereby approved incorporates suitable noise mitigation measures.

7 No development shall take place above damp proof course until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the dwelling houses hereby approved.

Reason: To ensure, in accordance with policy B2 of the Unitary Development Plan, the development hereby approved respects the best qualities of the locality.

8 No development shall take place above damp proof course until detailed landscape plans have been submitted to and approved in writing by the Local Planning Authority. The approved landscape works shall thereafter 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: To ensure, in accordance with policy B2 of the Unitary Development Plan, the development hereby approved respects the best qualities of the locality.

9 No dwelling house shall be occupied until details of a scheme and the proposed management arrangements to manage the drainage (in accordance with the submitted SUDS Inspection, Reference 15097/RO/SuDS.2, Version 3), the green spaces (other than the residential gardens) and the off site habitat creation (as proposed in Section E of the submitted Ecological Management Plan (Report No 4, Revision R04) has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be managed in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policies EN12 and CN22, the development hereby approved would not increase the risk of flooding elsewhere and does not adversely affect any animal or plant species afforded special protection by law.

10 No dwelling house shall be occupied until a detailed plan showing the off site habitat creation has been submitted to and approved in writing by the Local Planning Authority. The detailed plan shall be based upon Section E of the submitted Ecological Management Plan (Report No 4, Revision R04). No dwelling house shall be occupied until the works identified in the approved plan have been undertaken on site.

Reason: To ensure, in accordance with policy CN22 of the Unitary Development Plan, the development hereby approved does not adversely affect any animal or plant species afforded special protection by law.

11 No dwelling house on plots 127-141 (inclusive) shall be occupied until the acoustic fence shown on the submitted proposed site layout (DRG. No. NB2-001 REV E) has been provided on site. The fence shall thereafter be retained and maintained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy EN6 of the Unitary Development Plan, the development hereby approved incorporates suitable noise mitigation measures.

12 Within seven months of the completion of the archaeological fieldwork, the final report of the results of the archaeological excavation undertaken by Archaeological Services Durham University shall be 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 recorded, in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

13 Within one year of the completion of the archaeological fieldwork, the results of the archaeological excavation undertaken by Archaeological Services Durham University, shall be

submitted to and approved in writing by the Local Planning Authority. The results shall be produced in a form suitable for publication in a suitable and agreed journal.

Reason: The site is located within an area identified 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 199 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.



**Reference No.:** 18/02002/FU4 Full Application (Reg 4)

**Proposal:** **Erection of 17 residential dwellings with associated internal road layout and parking. (Amended Application Form Received 11.12.2018)**

**Location:** Former Dubmire Primary School Britannia Terrace Houghton-le-Spring DH4 6HL

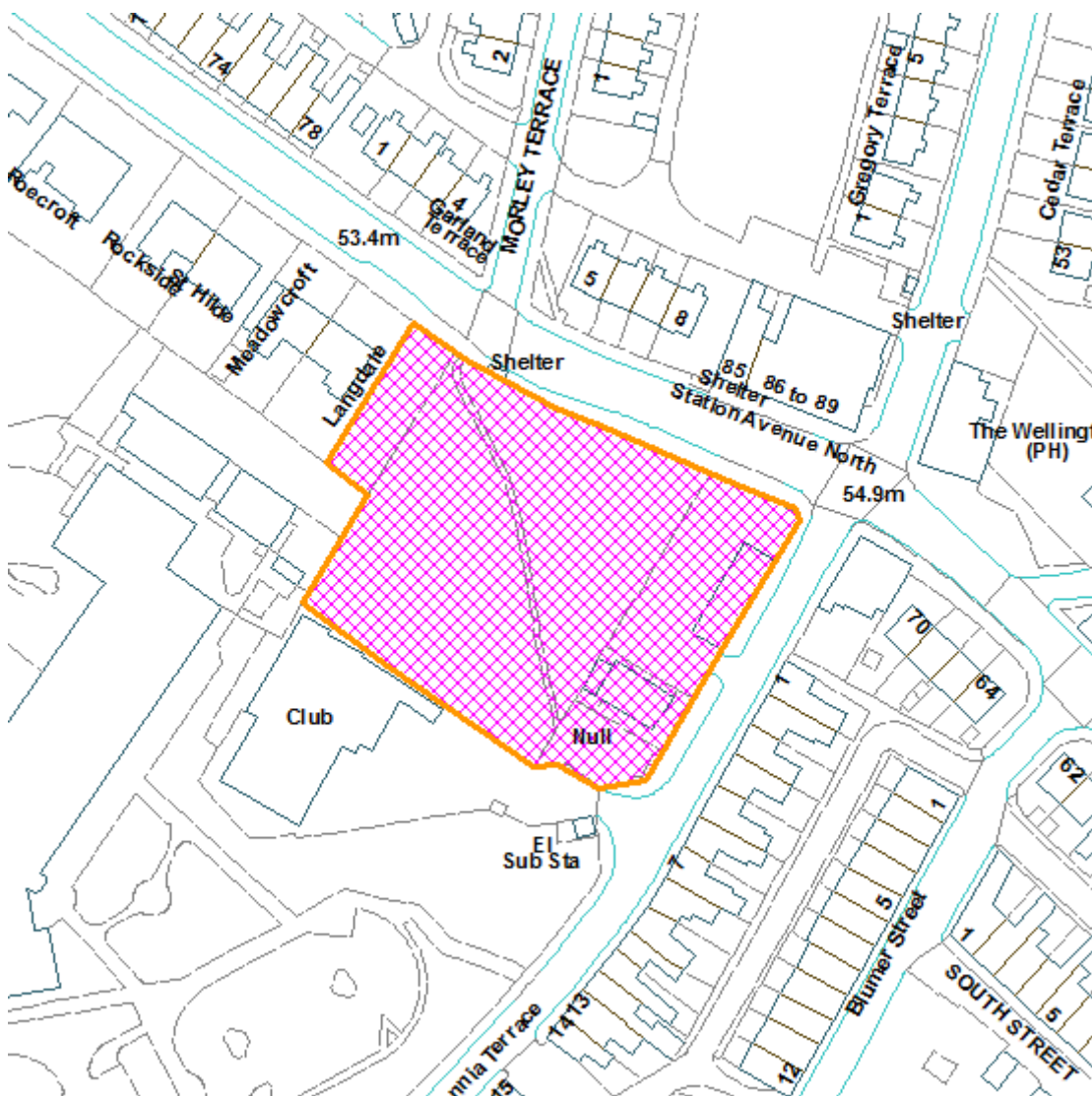
**Ward:** Houghton

**Applicant:** PF Burridge

**Date Valid:** 11 December 2018

**Target Date:** 12 March 2019

### Location Plan



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## **PROPOSAL:**

### **INTRODUCTION**

This application seeks planning permission for the proposed erection of 17no. residential dwellings with associated internal road layout and parking at the former Dubmire Primary School, Britannia Terrace, Houghton-Le-Spring, DH4 6HL.

### **SITE DESCRIPTION**

The application site previously housed the former Dubmire Primary School. The site is adjacent to residential properties located on Station Avenue North to the north and Britannia Terrace to the south and the new Dubmire Primary School is located to the west. The Dubmire Royal British Legion Club is located directly to the south west of the site. There are also mixed use commercial and residential properties located along Station Avenue North and Front Street to the north and east of the site.

The application site area is 4,432 square metres and the site is divided into two distinct parts. Following the demolition of the Dubmire Primary School this part of the site has been grassed and a gated footpath has been installed which diagonally crosses the site from Station Road North to Britannia Terrace. This part of the site is bounded by a red dwarf brick wall with black railings to Station Road North, a palisade fence to the north western boundary and a high red brick wall along the south eastern and south western boundaries.

The remaining part of the site comprises a hardstanding area which is occupied by a car engine tuning garage building which is constructed of timber, corrugated steel, brick and render and a former community building which is a flat roof pebble dashed building. This part of the site is bounded by a stone wall.

### **PROPOSAL**

The proposed development comprises 10 2no. bedroom dwellings and 7 3no. bedroom properties. The houses are arranged in 7 pairs of semi-detached properties and 1 terrace of 3 dwellings. The site would be accessed from Britannia Terrace to the south east and the properties would be internally accessed from the road which runs almost centrally through the site. The access road would be constructed to an adoptable standard and would be offered for adoption to the Council. Each dwelling would be provided with 1 parking space and 5 visitor parking spaces would be interspersed within the development.

An area of public open space would be provided to the northern part of the site adjacent to plot 9. Each dwelling would be provided with an area for wheeled bin storage within the curtilage of the plot.

The houses would be a mixture of 3 3no. bedroom dwellings which would have a pitched roof and render to the first floor, 4 3no. bedroom dwellings which would include a small flat rendered dormer window to the rear roof slope and 10 2no. bedroom properties which would have a pitched roof and would include partial brickwork and partial render.

The external walls of the properties would be constructed of red facing brickwork and grey render and the roof tiles would be grey concrete. The windows, doors, eaves, soffit boards and rainwater goods would all be upvc finished grey and the driveways would be permeable paving with the footpaths finished in bitmac paving slabs.

The boundary treatments within the development would comprise 900mm high metal railings around the public open space, the existing brick wall and railings along Station Road North would be repaired and retained with openings inserted to the new dwellings. This wall would be continued to the south eastern boundary of the site to replace the stone wall. The existing wall adjacent to the Dubmire Club would be retained and upgraded with an acoustic boarded fence where necessary and the internal gardens to the development would include a mixture of 1.8 metre and 1.5 metre closed boarded fencing.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Houghton - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Nexus  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Flood And Coastal Group Engineer  
Sport England  
Director Of Childrens Services  
Northern Electric  
Houghton - Ward Councillor Consultation  
Northern Electric  
Southern Area Command - Police  
North Gas Networks  
Durham County Council  
Southern Area Command - Police  
Flood And Coastal Group Engineer  
North Gas Networks

Final Date for Receipt of Representations: **09.01.2019**

#### **REPRESENTATIONS:**

##### **Neighbour Consultations**

The Occupier, 1 Britannia Terrace

Objects to the proposal due to loss of light. The occupier wants to know how the development will affect 'right to light' under the 'ancient lights' law. Also, the occupier has asked whether they will be able to park a car on the road outside of their house on Britannia Terrace.

##### **Internal Consultees**

Lead Local Flood Authority

The proposal is considered to be acceptable in relation to flood risk and drainage based upon the information provided in the Flood Risk Assessment Report Rev E (including the preliminary engineering drawing 2018063/00-01/REV/E) dated 04.03.19 and the Construction Method Statement Rev 3 dated 13.02.19.

## **Education**

A financial contribution of £50,213 to be used for primary and or secondary schools within the area and or citywide special provision would be required as part of a Section 106 Agreement.

## **Environmental Health**

### **Noise**

A noise assessment has been undertaken by E2 dated 3rd August 2018 (report ref 8266-4). Low level noise from the social club located next to the proposed site and traffic are the main noise sources. Measurements have been taken at four locations around the site and the results have been shown in section 6.0.

The report references that acoustic fences should be installed at two locations around the site. Further information is required regarding the location of the acoustic fence, details of the calculations used along with the specification and level of attenuation offered by the proposed acoustic fence.

Clarification is required on the type of events usually held at the social club if any such as live bands or karaoke/disco's or functions, and if any such event was been held while the monitoring was undertaken?

It is also noted that the scope of works for the noise assessment in the design and access statement that measurements should be taken between 4-7Pm this has not been undertaken. This is recommended as it will give a good indication of road traffic noise at a busy time period during the daytime.

Following the receipt of the above comments further information has been provided which includes a revised noise assessment.

Comments are awaited from Environmental Health and with regard to the revised noise assessment and additional information provided. It is anticipated that these comments will be received in advance of the Committee meeting and will be reported verbally to Members and via a late sheet to be circulated at the meeting.

## **Land Contamination**

The name of the shallow seam at a depth of 70 metres should be confirmed as the High Main otherwise additional risk assessment may be required to address the risk of shallow unrecorded mine workings.

The location of the UST tank should be confirmed. A remediation strategy may be required to remove the tank and surrounding contaminated soils. Additional gas risk assessment needs to be carried out, or proposals provided to justify any precautionary protection. The extent of hydrocarbon spread within the natural strata and made ground should be assessed.

A design for the cover layer has not been specified. Asbestos has been detected in backfilled foundations of the former school and a risk exists that asbestos may be encountered in garden excavations where these extend below the depth of standard clean cover. An assessment should be made for an appropriate depth cover, hard-dig layer, geotextile warning layer where dispersed fibres remain in the ground. The area affected could be reduced by proving the extent of asbestos or removing impacted material from below landscaping, gardens and service corridors.

Additional Phase II investigation is required to assess distribution and composition of hydrocarbons in the ground. If enabling works are required to allow investigation under concrete slabs then proposals for investigation should be included in the remediation strategy.

A remediation strategy is required to develop the site including a design for the cover layer, gas protection, managing risk from asbestos, removal of UST tank and a plan for verification for imported soils and depth cover layer as well as the tank surrounds.

The Construction Method Statement dated 29.10.18 does not consider requirements for dealing with asbestos waste.

### **Construction Management**

A Construction Management Plan has been submitted by Blake Hopkinson architecture and design (dates 29.10.18). This document states that:

When possible dust suppression is proposed and dust levels are to be kept to a minimum.

Work is to be undertaken in accordance with BS5228-1. The contractor will also consult with adjoining neighbours and agree times when noisy works can be undertaken.

The proposed hours of working are  
8.00-18.00PM Monday-Friday  
8.00-13.00 Saturday  
With no working on Sunday or bank holidays

Further information should be provided regarding the proposed delivery times along with details of the complaints procedure so any complaints can be quickly received and acted upon.

A revised Construction Management Plan has been submitted, comments are awaited from Environmental Health and with regard to the revised Construction Management Plan. It is anticipated that these comments will be received in advance of the Committee meeting and will be reported verbally to Members and via a late sheet to be circulated at the meeting.

### **Local Highways Authority**

It is acknowledged that the development will be constructed as a shared surface arrangement and be adopted by the City Council. The layout must be constructed with a surface width of 4.8 metres with an additional continuous 1.5 metre (1.2 metre minimum) hard paved service strip should also be provided, to be constructed to carriageway standard. This arrangement provides an 'overrun strip' on which vehicles can safely traverse past each other.

The developer should confirm intent to enter into a Section 38 Agreement to build the development to an adoptable standard.

The proposed development will entail alterations to existing highways, which will require the developer to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. Alterations to the street lighting layout may also be required.

A Traffic Regulation Order is required for improvements to the bus stop clearway and parking restrictions (double yellow lines) along Station Avenue North to avoid residents and visitor parking.

Turning heads within the development should accommodate the turning movements of a large refuse vehicle (11.2 metres). Any in-curtilage / visitor parking bays should be moved back to accommodate this.

It appears that all parking will not be in-curtilage to each property with the exceptions of plots 7 & 8.

This development required 5 parking spaces for visitors which has been provided and is therefore deemed acceptable.

It has been confirmed that the development will be constructed as a shared surface therefore footway crossings will not be required.

The gates which currently keep the area of land locked are to be removed with the demolition of the wall facing onto Station Avenue North.

Commuted sums would be required as part of the adoption agreement for the maintenance of any public open space areas in the future.

An adopted footway/footpath must lead to the public open space area.

There are no registered public rights of way across or abutting the site.

## **Ecology**

No objections to the proposal. However, the following would need to be considered.

All works should be undertaken with due regard to protected species legislation with particular reference to breeding birds and bats.

The development, in combination with other new residential schemes in the area, will have an impact on local wildlife sites, habitats and species due to the increase in domestic animals and recreational use of sensitive wildlife sites. The development also offers nothing by way of biodiversity net gain, which should form part of any development. The applicant should address the residual offsite impacts. A financial contribution of the sum of ?13,124 through a Section 106 agreement or similar, for strategic ecological mitigation measures in the locality, is recommended as a means to address this shortfall in provision.

## **External Consultees**

### **Sport England**

The proposed development does not fall within either our statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case.

However, if the proposal involves the provision of additional housing then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Strategy that the local authority has in place.

### **Northern Gas Networks**

No objections to the proposal.

### **Northern Powergrid**

No objections, main records provided showing Northern Powergrid apparatus in the area.

### **Northumbrian Water**

No issues would be raised provided the application is approved and carried out within strict accordance with the submitted documents entitled 'Flood Risk Assessment and Drainage Strategy' Revision C and 'Drainage Strategy Plan'. In these documents it states that both the foul and surface water flows shall discharge to the combined sewer at manhole 3901. The documents state that the maximum discharge rate of surface water flows shall not exceed 4.5 l/sec.

It is therefore requested that a condition be attached to any planning approval so that the development is implemented in accordance with this document.

### **Nexus**

Have no objection to this application as there is no conflict with the bus stop adjacent to the proposed development.

### **Tyne and Wear Fire and Rescue Service**

No objections to the proposal subject to the provisions detailed in the planning application.

### **Durham County Council (Adjoining Authority)**

No comments raised in relation to the proposed development.

### **POLICIES:**

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

B\_20\_Undertake and encourage provision of works of art in major new developments

CN\_20\_Developments affecting designated/proposed SSSI's

CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN\_22\_Developments affecting protected wildlife species and habitats

EN\_1\_Improvement of the environment

EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

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  
HA\_21\_Proposed designation of Local Nature Reserves  
R\_1\_Working towards environmentally sustainable development  
R\_2\_Taking account of spare infrastructure / reduced travel / vacant & derelict land  
R\_4\_Incorporation of energy saving measures  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

## **PLANNING POLICY**

In considering the proposed development both National and Local Planning Policy are relevant.

The National Planning Policy Framework (NPPF) was revised in February 2019 and is a material consideration in the determination of planning applications. Paragraph 2 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 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

The Council's saved Unitary Development Plan (UDP) adopted in 1998 is the statutory development plan for Sunderland. The relevant guidance of the NPPF as detailed above feeds into policies B2, CN20, CN21, CN22, EN1, EN6, EN10, EN12, EN14, H1, H4, H21, R1, R2, R4, T14 and T22. The UDP remains the Council's adopted development plan and the policies referred to within this report are considered to remain consistent with the NPPF's objectives.

The Council is also currently in the process of delivering a Core Strategy and Development Management Policies (CSDMP) document which, as part of a wider Local Development Framework, will serve to replace the current UDP. A draft of the CSDMP was published for consultation in September 2017 and following this process, it has been refined and a 'Publication' draft has recently been prepared and consulted upon. With regard to 'emerging' plans, paragraph 48 of the NPPF states that:

'Local planning authorities may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).
- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'



In terms of the above advice, the Draft Plan was prepared prior to the publication of the revised NPPF but is considered to be consistent with the previous NPPF which was in place at the time of publication. The second round of consultation on the Publication draft of the CSDMP has only expired recently and in light of there currently being unresolved objections to the draft CDSMP, it is considered that the weight that can be given to the draft CSDMP is limited to the extent that in considering the merits of the application in question, priority will be given to the aforementioned relevant policies within the Council's adopted Unitary Development Plan.

## **ASSESSMENT OF PROPOSAL**

The main issues relevant to the assessment of the proposal include:

- Principle of development
- Character and appearance
- Impact on residential amenity
- Highway considerations
- Protected species and ecology
- Flood Risk and Drainage
- Ground Conditions
- Noise
- Construction Management
- Sports Provision
- Section 106 Agreement

### **Principle**

The application site is covered by a site-specific policy in the UDP, namely Policy HA8.3, which states the following:

'Land is allocated at the following locations for educational purposes: (3) Dubmire Junior School.'

At the time that the UDP was adopted, Dubmire Primary School and three other schools which were built before 1914 were still operational and were becoming an increasing maintenance liability. It was proposed that new replacement schools should be redeveloped on their existing sites to provide modern purpose built accommodation.

The replacement school was duly delivered following the approval of planning application reference 01/00849/LAP in September 2001. This provided a new primary school, which included space for sport, art and community facilities.

Following the implementation of this consent and the fulfilment of the above site-specific policy, the land in question is considered to no longer be required to be held for the aforementioned purpose, since this requirement has been fulfilled via the delivery of the new primary school.

Beyond this now fulfilled policy, the site does not have any other specific allocation and therefore it is considered appropriate to have regard to policy EN10, which advises that proposals for development should be considered on their individual merits and must be compatible with the principle use of the neighbourhood.

The site is located in what is primarily a residential area, with a small amount of retail and commercial properties nearby, typical of what would be found on a local shopping parade and as such, the proposed redevelopment of the land for residential purposes is therefore considered to be acceptable and compatible with the prevailing land use in the vicinity.

The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

In addition, the site is identified in the Strategic Housing Land Availability Assessment (SHLAA) (2018) as a suitable deliverable housing site subject to overcoming on site constraints.

Furthermore, paragraph 11 of the NPPF includes a presumption in favour of sustainable development which is echoed in UDP policies R1, R2 and R4 which encourage sustainable forms of development in terms of the accessibility of the site and the functionality of a development.

In terms of location and access to schools, services and transportation infrastructure, the site is considered to be well placed and it is considered that the site would satisfy the relevant policy guidance in relation to sustainable development.

It is considered as a consequence, that given that the land is no longer held for education purposes, the proposal is consistent and compatible with the prevailing land use in the vicinity, the site is identified as a deliverable housing site within the SHLAA, it would generally support the provision of new housing in the City and the site is considered to be sustainable, the principle of the proposed development is acceptable and consistent with the relevant policies EN10, H1, R1, R2 and R4 of the adopted Unitary Development Plan.

## **Character and Appearance**

Chapter 12 of the new NPPF places emphasis upon achieving well designed places with paragraph 124 stating that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities'.

On a local level, UDP Policy B2 reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect visual amenity and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Also, UDP Policy H4 advises that housing development will normally be expected to at least reflect the density of the locality consistent with protecting and enhancing the character of the area. Whilst policy H21 seeks to ensure that new residential development is afforded appropriate levels of amenity open space and/or casual play space, with the levels recommended dependent on the type of housing proposed (in terms of total numbers of bedrooms) and proximity to existing areas of open space.

The area surrounding the application site comprises a mixture of dwelling types including semi-detached and terraced two storey and single storey properties. The properties are also constructed of a mixture of different materials including red brick, render, pebble dash and red and grey roof tiles.

In terms of the appearance of the proposed dwellings, it is considered that the relatively simple and traditional design of the external elevations and the materials intended to be used in the construction of the dwellings are acceptable and will ensure that the new properties relate satisfactorily to the existing dwellings in the locality in this regard.

The proposal does include two storey dwellings with rooms within the roof and a dormer window to the rear. Although dormer windows are not a prevalent feature within the locality these dormer windows would be located to the rear of the properties and would face inwards within the development and as a consequence, the inclusion of dormer windows would be considered to be acceptable in this instance.

With regard to the proposed boundary treatments, the existing brick wall and railings would be retained and extended to Station Avenue North. To Britannia Terrace a 1.8 metre high closed boarded fence would be provided. It is considered that the boundary treatments would be acceptable to the character and appearance of the proposed development and the area of which the site forms a part.

The houses facing Station Avenue North would be staggered from the front boundary wall. The building line along this street is not uniform and it is considered that the position of the dwellings would be acceptable within the street scene.

In addition, the density and layout of the proposed is also considered to reflect the density of the area surrounding the site and it is considered that the proposed layout will afford prospective occupiers with a good standard of external amenity, with all new dwellings afforded private gardens and car parking spaces and an area of public open space would be provided as part of the development proposal.

It is considered that the design and layout of the proposed development would be in keeping with the character and appearance of the site itself and the area as a whole and the proposal therefore complies with Policies B2, H4 and H21 of the adopted UDP and the objectives of the NPPF with regard to its visual impact.

### **Impact on Residential Amenity**

The NPPF is clear in requiring new development proposals to provide a high standard of amenity to occupiers of new housing, whilst maintaining an acceptable standard of amenity to existing surrounding properties, an aim which is echoed by UDP policy B2. The Council's 'Residential Design Guide' Supplementary Planning Document (SPD) sets down further guidelines to be taken into account when determining applications for new housing development to ensure that new and existing dwellings are afforded appropriate levels of space, light and privacy.

The Council's Residential Design Guide Supplementary Planning Document (SPD) requires that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, this arrangement ensures dwellings are afforded acceptable levels of privacy and main living room windows are afforded a middle- to long-distance outlook.

The site layout provides more than 21 metres between the proposed dwellings and the existing properties on Station Road North. Also over 14 metres would be maintained between the gable elevation of plot 1 and the residential properties on Britannia Terrace and between Langdale which is located on Station Avenue North and plot 9.

The occupier of no. 1 Britannia Terrace has raised concerns regarding the loss of light. However, no. 1 Britannia Terrace would be located opposite the garden of plot 17 and would therefore not be directly opposite a dwelling. It is not considered as a consequence, that the proposal would have a significantly detrimental impact with regard to the loss of light for the occupiers of no. 1 Britannia Terrace.

In addition, adequate separation distances would be maintained between the dwellings within the proposed development.

Therefore, in terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that the layout of the development and the separation distances between the new dwellings and existing properties is acceptable and in accordance with the requirements of the Council's adopted SDP and the objectives of UDP policy B2 in respect of the impact in relation to residential amenity.

## **Highway Considerations**

Paragraph 111 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking; in this regard, the Council's 'Residential Design Guide' SPD setting out recommended levels of one in-curtilage parking space per new dwelling and visitor parking afforded at a rate of one space for every third dwelling.

The planning application is accompanied by a Transport Assessment which concludes that the proposed development is located within a sustainable and accessible location with bus services and local amenities all being within walking and cycling distances.

The development would provide for 1 in curtilage parking space for each of the dwellings and 5 visitor parking spaces would be interspersed within the development which would be in accordance with the Council's 'Residential Design Guide' SPD.

The occupier of no. 1 Britannia Terrace has raised concerns regarding being able to park outside of their property following the completion of the development. However, in curtilage parking would be provided for each of the proposed dwellings along with visitor car parking. Therefore, it is not anticipated that the proposal would result excessive additional car parking along Britannia Terrace.

The Council's Highways Team has raised no objections to the development. The proposed access, parking and layout arrangements are all considered to be acceptable, including manoeuvres on and off the proposed driveways.

However, it has been advised by the Council's Highways Team that a Traffic Regulation Order would be required for improvements to the bus stop clearway and parking restrictions (double yellow lines) along Station Avenue North to avoid residents and visitor parking. The applicant has agreed to this requirement and the details of this will be included in the Section 106 Agreement to accompany the planning application.

With regard to the comments provided by the Council's Highways Team and for the reasons set out above, it is considered that the proposed development does not give rise to any significant highway safety concerns subject to the completion of the required Traffic Regulation Order. As such, the development is compliant with the objectives of paragraph 109 of the NPPF, policies T14 and T22 of the UDP and the recommended parking standards set out in the Council's 'Residential Design Guide' SPD.

## **Protected Species and Ecology**

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible.

On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

The Council's Natural Heritage Team has raised no objections to the proposed development but has advised that the development, in combination with other new residential schemes in the area, will have an impact on local wildlife sites, habitats and species due to the increase in domestic animals and recreational use of sensitive wildlife sites. The development also offers nothing by way of biodiversity net gain, which should form part of any development.

The Council's Natural Heritage Team has advised that the residual offsite impacts should be addressed by a financial contribution of the sum of ?13,124 through a Section 106 Agreement for strategic ecological mitigation measures in the locality to address this shortfall in provision.

With regard to the above, and subject to the completions of the Section 106 Agreement, it is considered that the implications of the development in relation to on-site and off-site biodiversity and ecology would be acceptable, in compliance with the requirements of Section 15 of the NPPF and policies CN20, CN21 and CN22 of the UDP.

## **Flood Risk and Drainage**

Paragraph 155 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people or properties at risk of flooding.

The City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which concludes that the development site is located within Flood Zone 1 (at the lowest risk of flooding).

The Council as Lead Local Flood Authority has considered the FRA and Drainage Strategy that has been submitted with this application and has concluded that it is acceptable and appropriate for the development and compliant with the requirements of the policies set out above.

Therefore, the proposal would accord with the requirements of the NPPF and policy EN12 of the UDP with regard to flood risk and drainage.

### **Ground Conditions**

Paragraph 178 of the NPPF requires planning decisions to ensure that the site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination.

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, 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.

A Preliminary Risk Assessment and Geo-Environmental Assessment has been submitted to support this application. This has been assessed by the City Council's Environmental Health Team who have requested additional information following the findings of the report.

A subsequent remediation and verification strategy has been submitted. Comments are still awaited from the Council's Environmental Health Team in relation to this additional information and it is anticipated that these comments will be reported verbally to Members at the Planning Committee meeting and via a late sheet to be circulated at the meeting.

It is considered that subject to the additional information being considered to be acceptable and subject to the imposition of any recommended conditions, the implications of the development in respect of land contamination would be adequately addressed, in accordance with the requirements of paragraph 178 of the NPPF and policy EN14 of the UDP.

### **Noise**

Paragraph 180 of the NPPF states (in part) that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and the quality of life.

Reflective of this is UDP Policy EN6 which states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from sources

such as roads and railways, the applicant should carry out an assessment of the nature and extent of likely problems and to incorporate suitable measures in the design of the development.

A noise assessment has been undertaken by E2 Consultants in respect of the proposals. The main sources of noise for the occupiers of the proposed dwellings would be from the main road, Station Avenue North, and the Dubmire Royal British Legion Club to the south west of the site.

The Council's Environmental Health Officer requested additional information following the assessment of the initial noise assessment.

A revised noise assessment and additional information has been submitted however, no comments from the Council's Environmental Health Officer have been received to date. It is anticipated that these comments will be received prior to the Planning Committee meeting and will be reported both verbally and by way of a late sheet to be circulated at the meeting.

The revised noise assessment outlines that the proposal would incorporate whole house ventilation due to the noise levels from the road to plots 1-2 and 9-17.

Also, an acoustic timber closed boarded fence would be erected to a height of 1.8 metres (partially erected on top of an existing wall). The acoustic fence would be located to the rear of plots 3-6 and around plots 7-8. A landscape area would be provided between the Dubmire Royal British Legion Club and plot 7 to further reduce the impact of the Club on the occupiers of this property.

It is considered that subject to additional information being considered to be acceptable by Environmental Health and subject to the imposition of any recommended conditions, the proposed dwellings would be unlikely to be exposed to unacceptable levels of noise and the proposal would comply with UDP Policy EN6 and paragraph 180 of the NPPF as a consequence.

## **Sports Provision**

Sport England have commented that the development does not fall within either their statutory or non-statutory remit and they have therefore not provided a detailed response with regard to the proposals.

However, Sport England have commented that proposals that generate additional housing will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Strategy that the local authority has in place.

In response to the comments received, the proposal would not involve the loss of a playing pitch and the City Council does not have a specific policy which requires the contribution towards sports provision as part of such a development proposal.

However, the Developer has agreed to commit to a financial contribution towards play space provision which would be secured via a Section 106 Agreement and will be discussed further below. Also, the development would provide a small area of public open space.

It is considered that given the proposed financial contribution to play space provision, since there is no specific Council policy to require sports facilities and given that an area of public open space would be provided as part of the proposal no further contribution to sports facilities would be required as part of the development proposal.

## **Section 106 Agreement**

Paragraph 54 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 56 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In relation to the proposed development the following matters have been identified to be included within a Section 106 Agreement:

- Affordable housing.
- Play Space Provision.
- Education Provision.
- Traffic Regulation Order.
- Ecology and Biodiversity.

### **Affordable Housing**

Chapter 5 of the NPPF requires local planning authorities to deliver a wide mix of housing, including identified affordable housing needs. Policy CS4.3 of the draft Core Strategy relates to housing needs, and normally requires 10% affordable housing, which would equate to 2 units to be provided on site.

With regard to the proposed development the whole site would be developed for affordable housing purposes. The requirement for the retention of affordable housing on the site will be addressed within the Section 106 Agreement.

### **Play Space**

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible. However, it was not considered that the location of a play area within the site is appropriate.

The developer has therefore agreed to provide a financial contribution, of £11,968 as a Section 106 contribution, for the provision of new play facilities or the improvement of existing play facilities where appropriate with funds being utilised to support on-going maintenance of the play facilities. This off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

### **Education Provision**

It has been identified that a financial contribution of £50,213 to be used for primary and or secondary schools within the area and or citywide special provision would be required as part of a Section 106 Agreement. The applicant has agreed to this requirement.



## **Traffic Regulation Order**

As was discussed under the Highways Considerations Section a Traffic Regulation Order is required for improvements to the bus stop clearway and parking restrictions (double yellow lines) along Station Avenue North to avoid residents and visitor parking. The applicant has agreed a financial contribution of £8,000 to be included within the Section 106 Agreement to cover the works required as part of the Traffic Regulation Order.

## **Ecology and Biodiversity**

As was discussed under the Protected Species and Ecology Section the Council's Natural Heritage Team has advised that the residual offsite impacts in relation to ecology and biodiversity should be addressed by a financial contribution of the sum of £13,124 through a Section 106 Agreement for strategic ecological mitigation measures in the locality to address this shortfall in provision. The applicant has agreed to this requirement.

## **CONCLUSION**

The principle of housing development is considered to be acceptable in this location when assessed against the impact tests set out in the NPPF. In this regard, the proposals would comprise an appropriate and sympathetic development of a predominantly brownfield site located within an established residential area.

Additionally, and for the reasons set out above, the proposed development is considered to be acceptable in terms of urban design, visual and residential amenity, highway access and car parking, flood risk and drainage, ground conditions and ecology/biodiversity impacts and in respect of these matters, the proposals are considered to be compliant with the aims, objectives and detailed policies of the NPPF, the up-to-date policies of the Council's UDP and the Council's 'Residential Design Guide' SPD.

Given that the proposed development has been found to be acceptable with regard to all relevant material planning issues, with regard to the overarching aims, objectives and detailed policies of the NPPF, the up-to-date relevant policies of the Council's UDP and 'Residential Design Guide' SPD, it is considered that the scheme will achieve the sustainable development sought by paragraph 11 of the NPPF and should therefore be approved.

As such, it is therefore recommended that the application should be delegated to the Executive Director of Economy and Place for approval, subject to the completion of an appropriate agreement under s106 of the 1990 Town and Country Planning Act and subject to conditions which will be set out on a late sheet to Members at the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee.

## **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:**

It is recommended that the decision is delegated to the Executive Director of Economy and Place for approval, subject to the completion of an appropriate agreement under s106 of the 1990 Town and Country Planning Act and subject to conditions which will be set out on a late sheet to Members at the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee.

## **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 and documentation:

- Proposed site plan Drg No. 200.01 Rev 26 received 05.03.19
- Proposed Plot Boundary Treatments Drg No. 200.10 Rev 11 received 14.02.19
- Floor and elevation plans 2 bedroom dwelling Drg No. 300-10 received 13.02.19
- Landscape Proposals Drg No. N757-ONE-ZZ-XX-DR-L-0201 Rev P04 received 13.02.19
- Proposed surface treatments Drg No. 200.30 Rev 8 received 13.02.19
- Floor and elevation plans 3 bedroom Drg No. 300-20 received 08.03.19
- Floor and elevation plans 3 bedroom with dormer window Drg No. 300-30 received 08.03.19

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 Prior to the construction of the development above Damp-Proof-Course level details of all external materials and finishes including wall facing materials, roof tiles, door and window frames (including a colour schedule), decorative features and rainwater goods shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

In the interests of visual amenity and in accordance with Policy B2 of the adopted Unitary Development Plan.

4 Prior to the construction of the development above Damp-Proof-Course level, full details of both hard and soft landscaping shall be submitted to, and agreed in writing by, the Local Planning Authority. For the avoidance of doubt, these details shall include vehicle and pedestrian access and circulation areas, hard surfacing materials, and structures. Thereafter, the development shall not be carried out other than in accordance with the approved details.

In the interests of visual amenity and in accordance with Policy B2 of the adopted Unitary Development Plan.

5 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 in accordance with Policy B2 of the adopted Unitary Development Plan.

6 Notwithstanding the information provided as part of the application submission, further details and specification of the proposed boundary treatments shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

In the interests of visual amenity and in accordance with Policy B2 of the adopted Unitary Development Plan.

7 Development shall be implemented in line with the drainage scheme contained within the submitted documents entitled 'Flood Risk Assessment and Drainage Strategy' Revision E dated 4th March 2019 and 'Drainage Strategy Plan' dated 29th October 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3901. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

To prevent the increase risk of flooding from any sources in accordance with the Policies EN11 and EN12 of the adopted Unitary Development Plan.

8 The areas indicated on the submitted plans for the parking of vehicles shall be laid out in accordance with the approved plans before each respective approved dwelling is occupied and the visitor parking bays laid out in accordance with the approved plans prior to the occupation of the final dwelling. The parking areas shall then be made available for such use at all times thereafter.

In the interests of highway safety and in accordance with Policy T22 of the adopted Unitary Development Plan.

**Reference No.:** 18/02120/REM Approval of Reserved Matters

**Proposal:** **Reserved matters in association with planning permission 11/02362/OUT. (Revision to reserved matters approval 17/00806/REM to revise house types)**

**Location:** Land At North Road Hetton-le-Hole Houghton-le-Spring

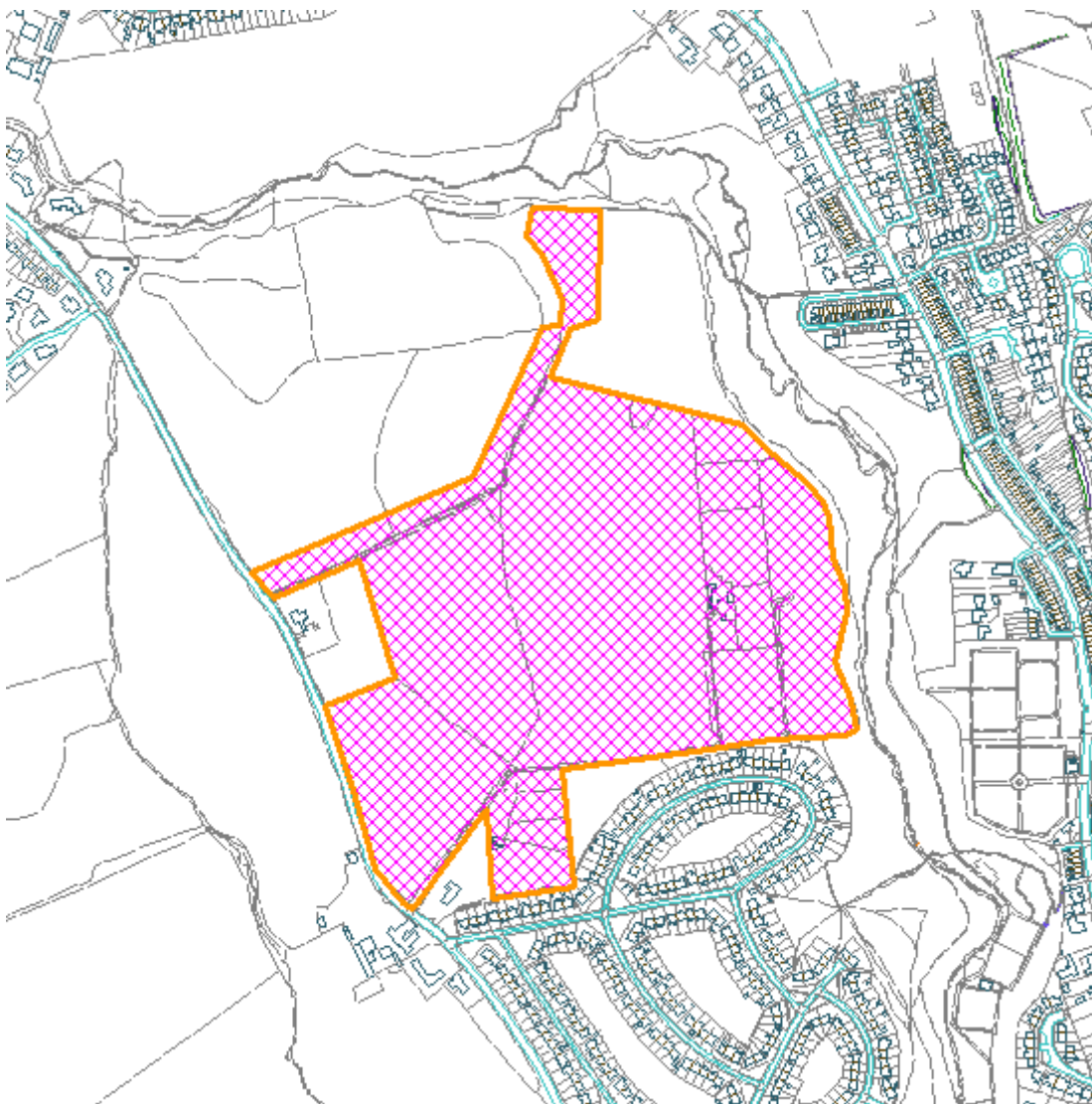
**Ward:** Hetton

**Applicant:** Persimmon Homes (Durham)

**Date Valid:** 30 November 2018

**Target Date:** 1 March 2019

### Location Plan



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## **PROPOSAL:**

### **The site**

The application site comprises an area of land located to the west of North Road (B1284) and to the north of the Park Estate in Hetton-le-Hole.

The land within the site falls from south to north and is gently undulating.

A detached dwelling known as Hazard Grange forms an inset into the site about half way along North Road, comprising the house, garden and a small paddock.

The Hetton Bogs Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR) lie just to the north of the application site, as does Hetton Bogs West Site of Nature Conservation Interest (SNCI).

## **TYPE OF PUBLICITY:**

This application has been publicised by means of:

Press Notice Advertised  
Site Notice Posted

Final Date for Receipt of Representations: **22.02.2019**

## **POLICIES:**

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

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

## **COMMENTS:**

### **The application**

The application under consideration is an application for approval of Reserved Matters in connection with approved outline planning permission 11/02362/OUT which members considered on 25 July 2013 and which was finally determined on 29 July 2016 following protracted section 106 negotiations.

This application for approval of Reserved Matters is an alternative to that approved under planning reference 17/00806/REM, which was considered and approved by Members at the meeting of the Development Control Sub-Committee on 30 January 2018.

This application mirrors that previously approved with the exception of substituting some of the housetypes proposed for the site. Essentially, this application seeks to remix the housetypes proposed to replace previously approved housetypes with their R18 space standards compliant counterparts.

Applications for Reserved Matters would normally be determined under the delegated powers of the Executive Director of Economy and Place, however in this instance Members requested in

2013 that any application for Reserved Matters be brought to Development Control Sub-Committee in order that they could retain control over the final determination of the details associated with the Outline approval.

## Consideration

The issue under consideration in the determination of this application is the acceptability of the proposed alternative housetypes and the slightly differing mix of properties proposed in terms of dwelling sizes. All other matters, including the principal of the development and all technical matters have been previously approved.

## Dwelling Sizes

Previous Mix	New Mix
0 no. 2 bed dwellings	11 no. 2 bed dwellings
79no. 3 bed dwellings	91 no. 3 bed dwellings
135 no. 4 bed dwellings	118 no. 4 bed dwellings
86 no. 5 bed dwellings	80 no. 5 bed dwellings

The revised housing mix proposed seeks to slightly reduce the number of larger 4 and 5 bed dwellings in place of an increase in the number of 3 bed dwellings and introduction of some 2 bed dwellings.

The new mix provides an improved mix of dwellings on site, improving choice for those seeking smaller houses, whilst retaining the majority of the site as larger family homes (4 and 5 bedrooms). The proposed revised mix is considered to be acceptable.

## Scale

The proposal under consideration seeks to reduce the overall scale of the development from that which has previously been approved removing the provision of three storey dwellings and reducing the proportion of 2.5 storey dwellings in favour of an increase in two storey properties.

Previous Scale Mix	New Scale Mix
178 no. 2 storey dwellings	240 no. 2 storey dwellings
97 no. 2.5 storey dwellings	60 no. 2.5 storey dwellings
25 no. 3 storey dwellings	0 no. 3 storey dwellings

It is proposed to introduce the Keswick, Clayton corner, Bickleigh and Alnwick housetypes in place of the previously approved Kendal, Greyfriars and Bosworth housetypes. The table below

shows the number of storeys associated with each housetype both previously approved and now proposed as a substitution.

<b>Previously Approved Housetypes</b>	<b>Storeys</b>	<b>Proposed Substitution Housetypes</b>	<b>Storeys</b>
Kendal	2	Clayton corner	2
Greyfriars	3	Bickleigh	2.5
Bosworth	2.5	Alnwick	2
		Keswick	2

The proposed reduction in scale of the proposed dwellings is considered to be acceptable and in accordance with Policy B2 of the adopted UDP which requires development to be compatible with the scale of built development in the locality.

### **Summary**

The application under consideration proposes a revised mix, and greater diversity of dwellinghouses through the inclusion of some 2 bed dwellings whilst the revised mix removes the provision of 3 storey properties and reduces the proportion of 2.5 storey dwellings to greater align with the prevailing scale of development in the vicinity which is predominantly two storeys. The remainder of the proposal remains unchanged from the 2017 approval of Reserved Matters.

On this basis the proposed development is considered to be acceptable and Members are recommended to approve this application accordingly. The conditions appropriate to this suggested approval remain under consideration and will be fully set out on a late sheet for the consideration of Members at the committee meeting.

### **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: Approve**

