

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

SUPPLEMENT

27 April 2010

Number:	S 1
Application Number:	10/00472/VAR
Proposal:	Variation of condition 2 (approved plans) attached to planning application 07/00131/LEG "33 new dwellings with the stopping up of roads and footpaths on Avon and Thames Crescent"
Location:	Avon Crescent, Fence Houses, Houghton-Le-Spring

As stated in the main agenda report, further consideration was required to be given for the following issues;

1. Principle of development
2. Design considerations
3. Highway considerations
4. Residential amenity considerations
5. Ecology and landscaping
6. Sustainability
7. Section 106

1. Principle of Development

The application forms a part of Gentoo's housing renewal programme. The site is not allocated in the UDP and is therefore subject to Policy EN10. The application is compatible with the principle use of the neighbourhood (housing) and is therefore acceptable in principle.

The site has also been included in the Sunderland Housing Land Availability Assessment (SHLAA) as being deliverable within 1 – 5 years. The SHLAA is an information tool prepared by Sunderland City Council which assesses sites for their housing potential and development timescale and will help inform Sunderland City Council's Local Development Framework via the Core

Strategy and Allocations Development Plan.

Therefore, given the site is in accordance with policy EN10 and is seen in the SHLAA as being deliverable within 1 – 5 years the proposal is considered to be acceptable in terms of principle of development.

2. Design considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

- Layout and Public Realm

The general layout of development is the same as shown in the previous application, 07/00131/LEG, and is considered consistent with earlier phases of Gentoo development at Thames and Avon Crescent, specifically the development of 40 dwellings approved at Development Control Sub Committee on the 4 July 2006, Ref. 05/04680/LEG.

- Solar Panels

The solar panels are flat plate solar panels and will help the development achieve Code for Sustainable Homes Level 3. Each plot will receive at least a pair of solar panels and will be mounted on one side of the roof slope (east, west or south facing). As the proposed Gentoo house types have been designed to be traditional in character the solar panels have been designed to blend seamlessly into the roof slope and are fitted directly to the timber roof trusses, with concrete roof tiling laid afterwards. This creates an almost flush finish with the roof tiling and appearance similar to that of roof lights and as such the visual impact arising from the solar panels is considered to be minimal.

- Built form and mix

The development will introduce a range of house types including bungalows, two-storey terraced and detached properties. The general mix of house types is considered to add to the architectural interest of the development. A variety of building materials including render, buff and red brick are proposed in order to add further interest.

The design and layout of the site is considered to be acceptable as it largely corresponds with the previously approved 07/00131/LEG development and the solar panels will help the development achieve Code for Sustainable Homes Level 3. Consequently the proposal is considered to be acceptable and in accordance with policy B2 of the UDP.

3. Highway considerations

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

The proposed works make no alterations to the highways network or parking provision than what has been previously approved by application 07/00171/LEG. As such, it is considered that the proposal accords with UDP policies T14 and T22.

4. Residential amenity considerations

Policy B2 of the UDP requires that scale; massing and layout of new development should retain acceptable levels of privacy and relate harmoniously to adjoining areas.

The proposed works make no alterations to the layout and orientation of development that has been previously approved by application 07/00171/LEG. As such, it is considered that the proposal accords with UDP policy B2. .

5. Ecology and landscaping

UDP policy CN18 promotes nature conservation interests and encourages development to create new habitats.

The site was considered to have a low ecological value by the Ecological Assessment of Land submitted in support of the application. The document highlighted that the area was dominated by urban residential development with associated gardens and limited areas of amenity grassland of low conservation importance.

However, the assessment recognised that via a landscaping scheme and mitigation and enhancement measures, which can be conditioned should Members be minded to approve, the proposed development could enhance the ecological value of the site and area.

Therefore subject to the inclusion of an appropriate condition requiring the approval of a landscaping scheme and ecological enhancement and mitigation as outlined in the Ecological Assessment of Land document the proposed development is considered acceptable and in accordance with policy CN18.

6. Sustainability

UDP policy R1 requires the Council to work towards environmentally sustainable development and in this regard the submitted Design and Access Statement explains that Gentoo are required to achieve Code for Sustainable Homes Level 3. The solar panels have been introduced in order that the development achieves this aim.

In conclusion, given the need for Gentoo to achieve Level 3 of Code for Sustainable Homes, the introduction of solar panels and therefore the development as a whole is considered to be in accordance with UDP policy R1.

7. Section 106: Play Space.

As the application proposes in excess of 10 residential units of 2 bedrooms or more UDP policy H21 requires that provision is made for children's formal play. Due to the restricted size of the site it is considered appropriate to allow a financial contribution to be made for provision at either Dubmire Primary School or Keir Hardie play area (within 2 years of the completion of the development) in lieu of on-site provision via an agreement under Section 106 of the Town & Country Planning Act (1990). In order to achieve the statutory 13 week deadline for determining this application the agreement needs to be signed by the 24 May 2010. The financial contribution would amount to £20,329.00 (calculated at £701 per dwelling for 29 dwellings). The completion of this agreement will ensure that the scheme complies with UDP policy H21.

CONCLUSION

The proposed development is considered to be acceptable in terms of design, layout, highway, residential amenity, ecological and sustainability considerations.

In view of the need for a s106 agreement in respect of a financial contribution towards offsite children's play, a dual recommendation is necessary. Consequently Members are recommended to delegate the decision to the Deputy Chief Executive, to either:

1) Grant planning permission subject to the following conditions and subject to completion of a Section 106 agreement to secure a financial contribution towards children's play provision at either Dubmire Primary School or Keir Hardie play area, in lieu of on site provision by 24 May 2010 or such other date as is agreed by the Deputy Chief Executive.

Or

2) Refuse permission should the legal agreement not be completed by 24 May 2010 or such other date as is agreed by the Deputy Chief Executive, on

the grounds that the development does not make adequate provision for children's play, contrary to the requirements of policy H21 of the adopted UDP.

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:

Solar Panel Layout Plan, Dwg No GEN/14A/471 Rev P1 received 22 March 2010

Proposed Street Elevations (1 of 3) Rev P4, Dwg No GEN/14A/110 Rev P3 received 22 March 2010

Proposed Street Elevations (2 of 3) Rev P3, Dwg No GEN/14A/111 Rev P2 received 22 March 2010

Proposed Street Elevations (3 of 3), Dwg No GEN/14A/112 received 22 February 2010

Solar Panel Details, GEN/014 Dwg No 906-26 Rev A received 22 February 2010.

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 take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
4. Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved

UDP.

5. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
6. Notwithstanding the approved details, prior to development commencing on the site, precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development, (including details and location/layout of all proposed hard surfacing, means of enclosure, lighting columns, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority, and used as agreed in such details in the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the Unitary Development Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping which shall include key mitigation and enhancement measures as detailed in the submitted Ecological Code for Sustainable Homes Assessment, and an indication of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policies CN17 and CN18 of the Unitary Development Plan.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
9. No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T14 of the UDP.
10. Unless otherwise agreed by the Local Planning Authority, development

other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 11 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the

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

13. The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in

accordance with condition number 13 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

15. Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to a minimum standard of Code Level 3, in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan.
16. Before development, hereby approved, commences a scaled plan showing bat and bird box locations shall be submitted to and approved in writing by the Local Planning Authority and thereafter the agreed scheme shall be implemented in accordance with the scheme as agreed, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with requirements of policies CN18 and CN22 of the UDP.

Number:	S 4
Application Number:	10/00816/LAP
Proposal:	Erection of a single storey extension to the eastern elevation.
Location:	Oxclose Community Nursery School Brancepeth Road Oxclose Washington NE38 0LA

Further to the main agenda report, the consultation period has now expired and no representations have been received. The agent has been requested to reconsider the proposal with a view to possibly including fenestration on the southern elevation to break up the blank expanse of brickwork and an alternative roof design. It is hoped to be able to conclude negotiations and make a recommendation within a report to be circulated prior to the meeting.

RECOMMENDATION: Deputy Chief Executive to Report