

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

Washington

**Reference No.:** 10/03726/HYB Hybrid Plan App Part FUL and part OUT

**Proposal:** **Mixed use development comprising B1/B2/B8 units, A1/A2/A5 retail units, 95 dwelling houses and associated public realm, car parking, servicing, landscape and highways works and outline planning permission (with detailed access) for A3/A4 public house/restaurant (up to 580.6m2) and D2 multi use games area.**

**Location:** Land East Of Pattinson Road Washington Tyne And Wear

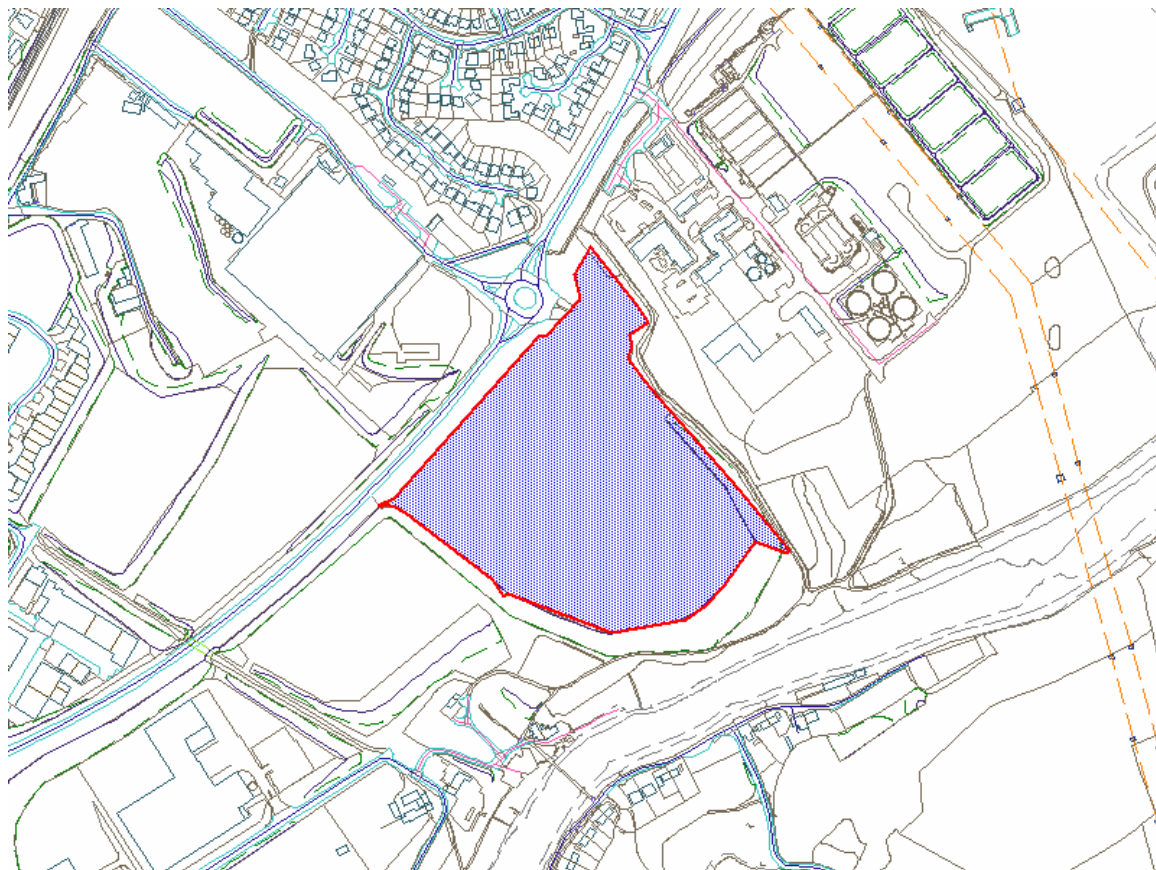
**Ward:** Washington East

**Applicant:** Hellens Investment (Washington) LLP

**Date Valid:** 11 November 2010

**Target Date:** 10 February 2011

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

### PROPOSAL:

This planning application is a "hybrid" planning application which seeks full planning permission for a mixed use development comprising B1\* (Business) B2\* (General Industry) and B8\* (Storage and Distribution) units, A1\* (retail) A2\*

Financial and Professional Services) and A5\* (Hot Food Takeaway) units and 95 dwelling houses (C3\*). The application also seeks outline planning permission (i.e. agreeing the principle of development) for a public house/restaurant (A3\*/A4\*) (up to 580.6 square metres and a multi use games area (D2\*).

\*As defined by the Town and Country Planning (Use Classes) Order, 1995.

The proposed development site is located to the south of Pattinson Road in Washington and has an area of 6.273 hectares, of the 6.273 hectares 0.77 hectares of the site will comprise the outline element as described above.

The application site is physically separated from the Pattinson (South) Industrial Estate and from the Teal Farm and Teal Farm Park residential housing estates by Pattinson Road which runs adjacent to the northern boundary of the application site.

Members will recall that this site together with the adjacent Teal Farm Park housing estate formed part of the Cape Insulation works. As a result of that previous use the application site has asbestos present on it as too did the Teal Farm Park site. In the latter case the issue was addressed through contaminated land conditions which required a mitigation strategy to be produced and implemented before the main development works were commenced.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Association Of North East Councils  
City Services - Transportation  
Business Investment  
Force Planning And Police Architectural Liaison Officer  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Director Of Childrens Services  
Street Scene (Environmental Service)  
Environment Agency  
Northumbrian Water  
Nexus  
One North East  
Sustrans  
The Woodland Trust  
Durham Wildlife Trust  
Sport England  
The National Trust

Final Date for Receipt of Representations: **05.01.2011**

## **REPRESENTATIONS:**

- Representations:

One letter of objection has been received in connection with this planning application:

- Northumbrian Water

Northumbrian Water has objected to the proposed development on the following grounds:

Proposed development conflicts with the Development Plan in force for the area for the following reasons:

The application site is allocated as an existing employment site by Policy WA1 .8 of the adopted Unitary Development Plan (UDP) and forms part of the wider Pattinson (South) Industrial Estate (35.15 Ha in total). The primary objective of UDP Policy WA1 .8 is to retain and improve the application site for B1, B2 and B8 employment uses. UDP Policy EC4 clearly states that shops (A1) and housing (C3) are 'unacceptable uses' on allocated employment sites, such as the application site. The application proposals involve a significant proportion of housing (95 dwellings) and A1 retail use and therefore represent a significant departure from the Development Plan in force for the area. On this basis there is presumption against the housing and retail elements proposed in the application, unless the applicant can adequately demonstrate that the proposals represent an exceptional case to outweigh the site's employment allocation.

Operational Requirements of the Northumbrian Water Sewage Treatment Plant for the following reasons:

The existing sewage treatment facility on Pattinson Road was deliberately situated during the original master planning of Washington, in an area of predominantly industrial/employment uses and allocations precisely to ensure that its operations would not give rise to odour issues arising from more sensitive receptors such as housing. Whilst the nature of the site's surroundings has changed in recent years any further erosion of the area's employment status would lead to greater operational problems for NWL. NWL therefore continues to support the existing UDP allocation of the application site in full for the provision of employment and industrial uses. The element of the application proposals to provide 3,158.7 sq.m. of employment uses is thus exempt from the basis of NWL's objection to the proposed development.

### **Unacceptable Levels of Adverse Odour Nuisance**

The application site is adjacent to NWL's Washington Sewage Treatment Works (STW). 'Planning Policy Statement 23: Planning and Pollution Control' (PPS23) recognises that any consideration of the quality of air and potential impacts arising from development, possibly leading to impacts on amenity and well-being, is capable of being a material planning consideration - in so far as it arises or may arise from or may affect any land use. All STWs emit unpleasant odours at certain times. NWL are therefore objecting to the proposed development on grounds that the location of housing on the proposed development site will lead

to conditions prejudicial to the residential amenity of the future occupiers of those properties and on the basis of the historic frequency and distribution of complaints in the vicinity of the Washington STW, NWL consider that it is highly likely that the proposed development will have the effect of increasing the number and frequency of complaints from nearby residents. Data demonstrating the nature and frequency of the complaints submitted to NWL from existing residents of Teal Farm have been submitted for the consideration of the Local Planning Authority.

The consultee response from the Executive Director of City Services (Environmental Services) detailed below considers the issue of odours from the NWL sewage treatment works.

In addition although the land is allocated to employment uses in the UDP and the site is included in the present supply of employment land in the Employment Land Review, the site was granted planning permission for a concrete works in October 2006, the permission was never implemented. This apparently was because the costs for piling the foundations of the factory were prohibitively high and it is not unreasonable to conclude that this site is unlikely ever to be used solely for industrial purposes other than perhaps for open storage. The introduction of a higher value end use such as housing could afford the foundation costs and cross subsidise some employment development on the site and that what is proposed in the present application.

- Executive Director of City Services (Environmental Services)

The comments received on the initial scheme are reproduced below.

#### Land Contamination

The area of land detailed in the application has had an industrial use although is currently rough grassland and as such further information is required to determine the condition of the land.

It is noted that the Applicant has submitted an assessment in respect of ground contamination. This is currently under review and until it has been fully assessed I recommend that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. The responsibility for the safe development of the site rests with the developer.

Site assessment should be completed in accordance with a recognised code of practice for site investigations i.e. BS 10175:2001 or DETR Contaminated Land Research Reports.

If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. The risk assessment shall be undertaken using the contaminant, pathway, receptor principle. A remediation strategy and validation report shall where necessary be prepared for the site and approved by the local planning authority.

## Noise

A noise assessment has been undertaken by the applicant and submitted to the local planning authority. The assessment has considered the likely noise impact from the proposed mixed use site and has been undertaken using PPG 24 Planning and Noise to assess the potential impact of the existing noise climate upon the proposed development. This has concluded that the site is within NEC A and as such noise need not be considered a determining factor in granting planning permission.

The proposed commercial premises that are to be sited bordering Pattinson Road could potentially cause disturbance to future residents of the site dependant upon their use.

As such it is recommended that a condition be included to ensure that future commercial uses do not create a noise disturbance at residential properties. The noise assessment has recommended that in accordance with BS 4142:1997 'Method of rating industrial noise affecting mixed residential and industrial areas' the rating level of fixed plant should not exceed 35dB(A) at the nearest noise sensitive premises during the night. In addition the noise during the day should not exceed the background noise (LA90) by 5dB(A) as an absolute maximum. However the applicant has now indicated that he will remove reference to the use of the commercial units for B2 General Industry use and limit it to B1 Light Industry, so such a condition will not now be required.

Outline permission has been sought for a public house and a multi use games area. The noise assessment has concluded that noise from this use is unlikely to cause a noise disturbance due to the separation distance to residential properties.

## Odour

An qualitative odour scoping assessment has been submitted by the applicant to assess the potential impact of the neighbouring Northumbrian Water treatment works upon future residents of the development site.

The scoping assessment has considered the potential odour sources and location of receptors and has concluded that a significant odour impact is unlikely to occur at the proposed development site.

Environmental Health has historically received complaints from existing residents of the area with regard to odours from the treatment works. A breakdown of these complaints is provided below.

Number of Complaints by year:

Year	2005	2006	2007	2008	2009	2010
Complaints recorded	1	6	3	0	1	1

The majority of complaints received were as a result of equipment failure or breakdown as opposed to an odour associated with the day to day running of the site and a notice under Section 80 of the Environmental Protection Act 1990 has never been served.

It is understood that an objection has been received from Northumbrian Water against the development partly due to the potential for residents to suffer an

odour nuisance. The objection highlights a total of 61 odour complaints made directly to NWL in the last 6 years, 31 of which have been received in the last 3 years.

Should the development be granted planning permission NWL would have a defence against prosecution if they could prove that best practicable means had been used to prevent odour nuisance. It would however be the decision of a court as to whether BPM is in place. Should such an instance arise it is possible that odour nuisance could continue unabated if NWL were deemed to be using BPM. Environmental Health do not consider that a statutory nuisance has or is being created by the NWL treatment works.

### Construction Works

In view of the close proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Community and Cultural Services Department, Environmental Services, Pollution Control Section. Application should be made prior to the commencement of any works.

In any case it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction sites, should be followed.

Regard should be had to the following to minimise noise emissions:

- the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

Vibration from construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to arise from construction activities occur means of removing that dust should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate.

Stockpiles of waste materials arising from the or in connection with the construction process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site

It is anticipated that revised comments in respect of the amended scheme will be reported on the supplement.

- Executive Director of City Services (Transportation)

The comments of the Executive Director of City Services (Transportation) on the revised scheme will be reported to Members on the supplement.

- Business Investment Team

The land is allocated for industrial use in the Unitary Development Plan, and given the success of other employment sites in the local area, I can see no reason to entertain a change of use at this location. However as noted above the likely cost of piled foundations needed for industrial buildings and plant make it highly unlikely that this site would be developed solely for employment uses, while cross- subsidisation with housing development is more likely to lead to partial use of the site for employment.

- Environment Agency

The Environment Agency have commented that they have no objection in principal to the proposed development as submitted. Further the proposed development would only be acceptable if the following planning condition is imposed:

Condition 1: The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- Sport England

Sport England has commented that the site is not considered to form part of, or constitute a playing field as defined in Article 16(1) the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Sport England has considered the application in the light of Sport England's Land Use Planning Policy Statement Planning Policies for Sport. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. Accordingly any new residential development should in its view provide or fund new sports provision to meet the needs of residents

Sport England is aware that Sunderland Council does not have a SPD on planning obligations relating to the provision of sports facilities.

Sport England has calculated that the development consisting of a total of 95 dwellings will require £70,210 of money into sport facilities based on the average of 2.36 occupants per dwelling.

They note the proposal includes a multi use games area (MUGA), and a flood lit MUGA constructed to Sport England design guidance would cost around £80,000. As such, provided the MUGA is flood lit and built to Sport England standards, the proposed development provides sporting opportunities for the residents of the proposed houses and, therefore, Sport England has no objection to the proposal.

- County Archaeologist

There are no known archaeological features within the site, but there again the site has never been archaeologically investigated. There is therefore the potential that buried archaeological remains may survive.

The site lies between Barmston and Washington medieval settlements.

The site was open ground until the 20th century. It used to be called Black Heugh (heugh meaning promontory).

The site was used for waste disposal relating to the nearby chemical works.

A sports ground was built by 1939 and industrial buildings and railway tracks by 1954.

The site has subsequently been reclaimed and landscaped (1979-81).

The 2005 borehole logs indicate a depth of made ground between 1 m and 1 0.4m deep. This seals buried soils in places. These buried soils may contain archaeological features.

The report recommends an archaeological watching brief in those areas where buried soils have been identified - boreholes BH-A02, BH-A04 and BH-A05.

#### Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with PPS5 and saved Unitary Development Plan Policy B13.

#### Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation required to ensure that any archaeological remains on the site can be recorded, to accord with PPS5 and saved Unitary Development Plan Policy B13.

#### - Durham Wildlife Group

The applicant's ecologist has not consulted the local biological record centre, Durham Biodiversity Data Service (DBDS). The Service provides the most accurate and up to date biodiversity data available for the area in question. Penn Associates have previously requested information from DBDS so they are aware of its existence. Penn Associates have also not consulted local specialist groups, such as Durham Badger Group or Durham Bat Group, and as a result they have not gained a true picture of the known biodiversity interest of the area. For example, DBDS holds a barn owl record for the site from 2008. Barn owl is a schedule 1 species relevant to the planning process.

2 The list of DBAP bird species quoted in the ecology report is not taken from the current Durham Biodiversity Action Plan (DBAP). The consulting ecologist may wish to look at the current plan and review their comments. ([www.durhambiodiversity.org.uk](http://www.durhambiodiversity.org.uk))

3 The level of survey effort for bats and owls appears to be low for a site of this size. From the report it would appear that there was only one surveyor on site for one evening.

4 Dingy skipper, the most significant of the butterfly species recorded on the site, is on the wing in May and June. Only one of the butterfly surveys occurred during

this period (one in June, the other July), so there may not have been sufficient information gathered to accurately assess the size and significance of the colony on the site. Durham Wildlife Trust recommends that guidance is sought on this point from Butterfly Conservation's officer for the North East of England.

5 With reference to mitigation section 7.1 of the report implies that gardens developed on the site will in part mitigate for biodiversity loss. Durham Wildlife Trust's view is that the biodiversity value of gardens developed in the future cannot be considered as mitigation as the applicant has no influence over their management. Residents may wish to pave over garden areas, it is their choice.

6 The woodland planting scheme features non locally native tree species such as the Scots pine and hornbeam, and non native ground flora such as the periwinkle. The creation of areas of woodland more characteristic of the locality may provide a greater biodiversity resource for the future.

7 The meadow area created is highly unlikely to support ground nesting bird species in the future due to increased levels of disturbance from the people (and pets) occupying the newly built housing. It is Durham Wildlife Trust's view that there will be a complete loss of suitable breeding habitat for Biodiversity Action Plan priority species such as the skylark, and no suitable mitigation has been put forward.

8 The Emorsgate special general purpose meadow mix (em3), which is to be used as the basis for the creation of new dingy skipper habitat, contains a diverse range of herbs and grasses, to which will be added birds foot trefoil. The Trust's view is that advice should be sought from Butterfly Conservation as to the suitability of the seed mix. Dingy skipper has a preference for a sparse open sward, which is unlikely to persist given the range of plant species contained in the seed mix.

9 The habitat to be created for dingy skipper will need to be established prior to the destruction of the existing dingy skipper habitat. If planning approval is granted the time table for habitat creation, and monitoring to ensure it is adequately established and utilised by dingy skipper, should be agreed before the development commences.

## **POLICIES:**

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

Planning Policy Statement 23 - Planning and Pollution Control

L\_1\_General provision of recreational and leisure facilities

WA\_1\_Retention and improvement of established industrial / business area

EC\_2\_Supply of land and premises for economic development purposes

EC\_4\_Retention and improvement of existing business and industrial land

EC\_9\_Locations for Hotels and Conference centres.

EC\_15\_Development or extension of bad neighbour uses

S\_13\_Resisting retail development on land allocated for industry

B\_1\_Priority areas for environmental improvements

CN\_15\_Creation of the Great North Forest

M\_5\_Establishing a need for opencast coal where objections arise  
WA\_19\_Maintenance of a Green Belt  
WA\_12\_Sites for major recreational / cultural facilities  
T\_12\_Major traffic flows and HGV's will be encouraged to use strategic route network  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
WA\_26\_Identification of Strategic multi-user routes and their protection from development  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
CN\_22\_Developments affecting protected wildlife species and habitats

## **COMMENTS:**

The main issues to consider regarding this planning application are:

- The principle of the proposed development on the site.
- Ground contamination and remediation.
- Odour nuisance.
- Highway access and car parking
- Urban Design and Site Layout
- Ecology, Habitat and Wildlife
- Archaeology

All of the above issues remain under consideration by the Local Planning Authority.

At the time this report was written an amended layout had just been received to address concerns about spacing between certain of the proposed houses being substantially below the Council's guidelines. The amended layout is presently being appraised.

In addition the applicant's highway consultants have provided pedestrian and cyclist surveys to help address concerns of the Executive Director of City Services (Transportation) regarding the potential increase in pedestrian/cyclist movements across Pattinson Rd to, for example, to existing schools. In addition, the applicants have offered to substitute the proposed pedestrian crossing with a signalised pelican crossing. All these matters are presently being assessed.

However, it is anticipated that the consideration of this planning application will be concluded shortly and a full report made to Members on the supplement report accordingly.

**RECOMMENDATION: Deputy Chief Executive to Report**

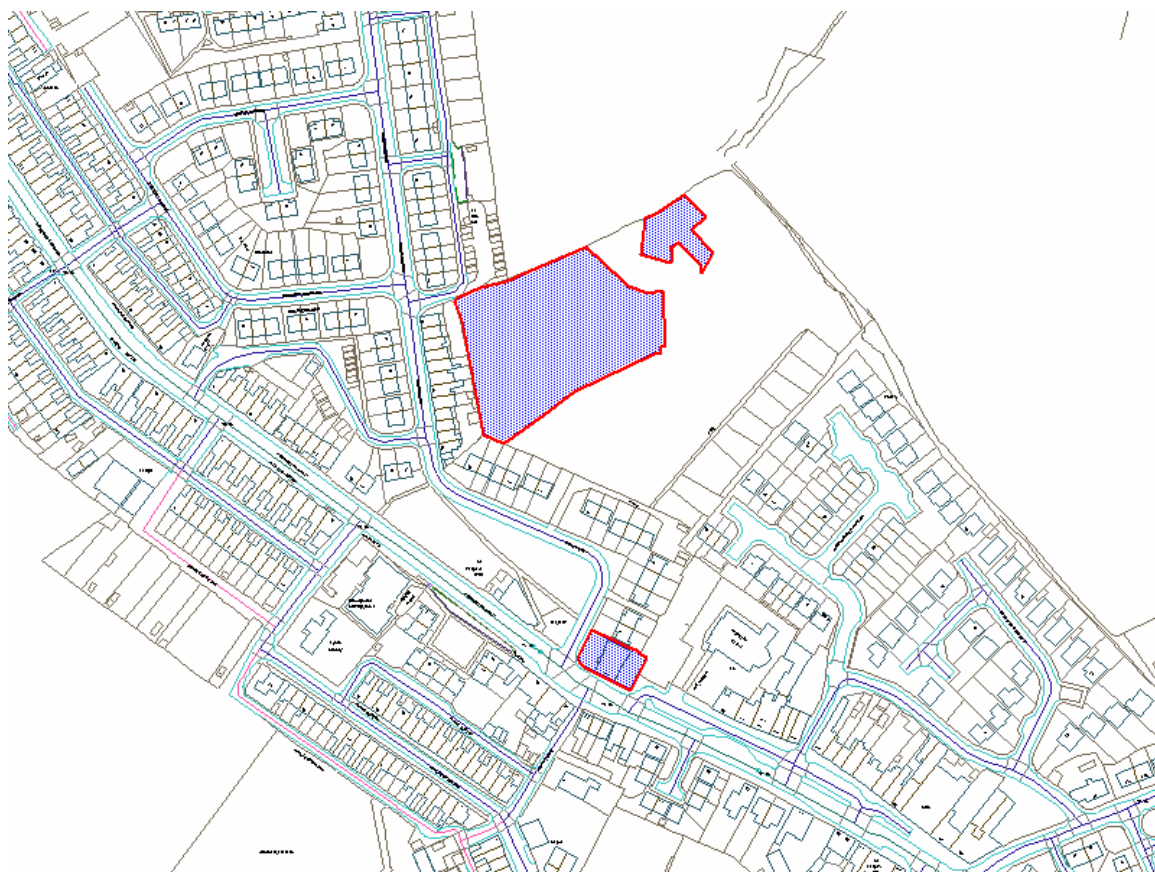
**Reference No.:** 11/00360/FUL Full Application

**Proposal:** Substitution of house types and realignment of car parking subsequent to planning application references 08/00030/FUL and 08/01630/FUL. To include, removal of plots 42-47 (Dudley apartment block) 41,48,49,50 (house type 289, 2 bed houses) and plot 51 (house type 377, 3 bed detached).

**Location:** Land Rear Of 10 Neil Street, Former Batcave And 63 Pemberton Bank Easington Lane Houghton-Le-Spring

**Ward:** Hetton  
**Applicant:** Bett Homes  
**Date Valid:** 22 February 2011  
**Target Date:** 24 May 2011

### Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

### PROPOSAL:

The proposal is for the substitution of house types and realignment of car parking on land to the rear of 10 Neil Street, former Batcave and 63 Pemberton Bank,

Easington Lane, Houghton le Spring, subsequent to planning applications reference 08/00030/FUL and 08/01630/FUL. The scheme includes, the removal of plots 42-47 (Dudley apartment block), 41, 48, 49, 50 (house type 289, 2 bed houses) and plot 51 (house type 377, 3 bed detached) and their replacement by 10 no. 4 bedroom detached, 3 no. 3 bedroom detached, 1 no. 3 bedroom semi-detached and 1 no 2 bedroom semi-detached.

The site lies within the Easington Lane Development Framework (ELDF), which is subject to its own Supplementary Planning Guidance document, which was formally adopted on 16 February 2005. The site forms part of the Easington Lane housing development area (policy HA4.11) on the adopted Unitary Development Plan.

Members may recall that planning application 08/00030/FUL was approved by the Development Control Sub Committee at the 1 April 2008 meeting. This application related to the erection of 72 residential units. The 08/01630/FUL application was approved under delegated powers on the 24 September 2008, as this scheme only involved 5 residential units. Nevertheless the implication of these two applications is that the site has approvals to develop to a total of 77 residential units.

However, the development now proposed has been prepared in response to the change in market conditions since the grant of the 08/00030/FUL and 08/01630/FUL permissions and includes a reduction in overall numbers by 11 units. Essentially, there are two broad changes proposed; firstly there is the reduction in the house numbers and the alteration of house types in the north western area of the development site; and secondly there is the proposed alteration of the car parking layout in the northern area of the site.

The application has been supported by relevant detailed plans and elevations, Design and Access Statement and a Flood Risk Assessment.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

City Services - Transportation  
Hetton Town Council  
Environment Agency  
Northumbrian Water  
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **27.04.2011**

## **REPRESENTATIONS:**

Neighbours

No letters of representation have been received to date.

Hetton Town Council - no observations or objections have been received.

Environment Agency - has no comments to make in respect of the application.

Northumbrian Water - has no objection to the proposed development.

## **POLICIES:**

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

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

CN\_7\_Measures to protect/ enhance the urban fringe

CN\_12\_Recreation facilities in rural areas

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

CN\_15\_Creation of the Great North Forest

H\_5\_Distribution of sites for new housing (over 10 units)

H\_10\_Phasing of large housing developments

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

H\_1\_Provision for new housing

H\_12\_Maintenance and improvement of Council housing

L\_1\_General provision of recreational and leisure facilities

L\_4\_Standards for outdoor sport and recreation

L\_5\_Ensuring the availability of Public Parks and amenity open space

L\_6\_Development of a hierarchy of playspace provision for children

R\_3\_Infrastructure provision, etc. in association with developments

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

T\_9\_Specific provision will be made for cyclists on existing/new roads and off road

T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes

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

T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to consider in the assessment of this application are:

1. Principle of development
2. Design considerations
3. Highway considerations
4. Residential amenity considerations
5. Section 106 for education, public open space and sport and recreation

The application is being given further consideration, however, it is anticipated that a recommendation will be made on the supplement.

**RECOMMENDATION: Deputy Chief Executive to Report**

**Reference No.:** 11/00395/EXT1 Extension of Time

**Proposal:** Application for a new planning permission to replace an extant planning permission 08/01433/FUL (Erection of 15 dwelling houses and construction of new access road, parking spaces and landscaping ) in order to extend the time limit for implementation.

**Location:** Allotments Saint Matthews Terrace Philadelphia Houghton-Le-Spring

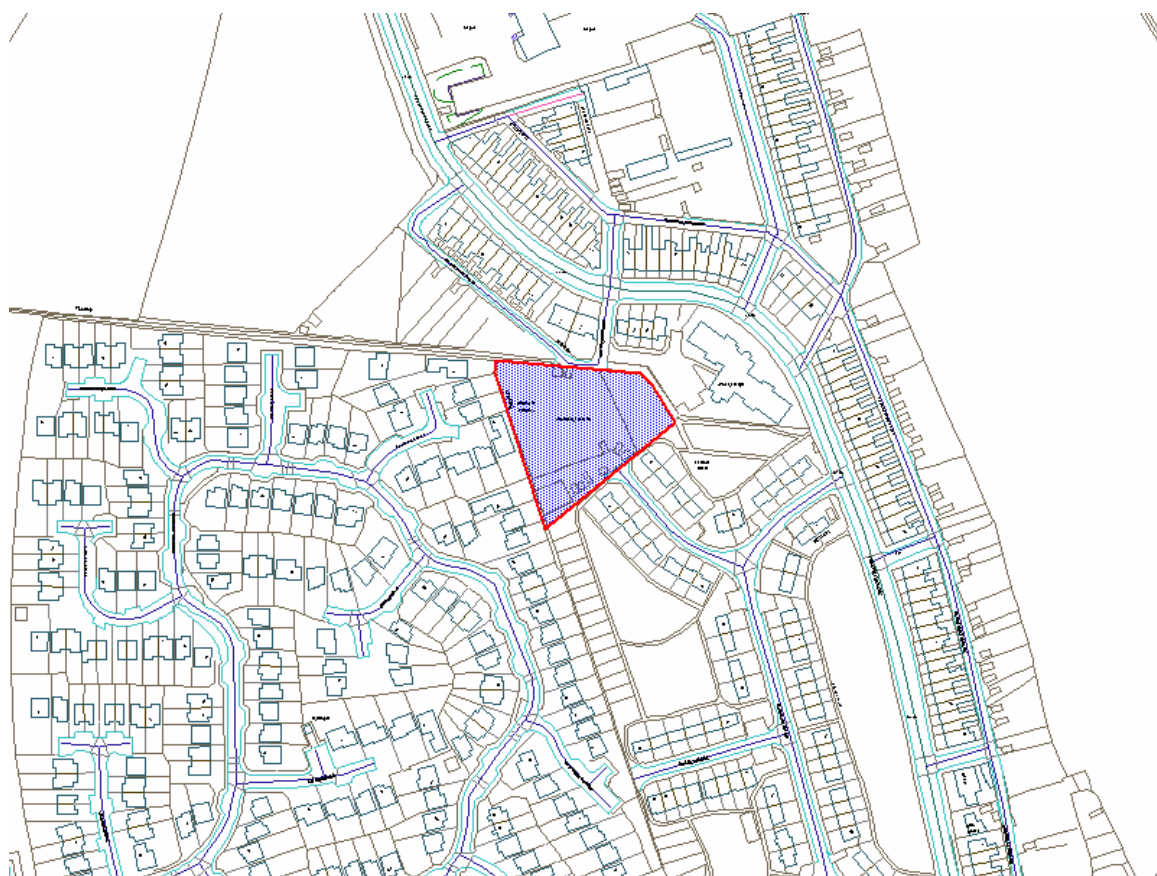
**Ward:** Copt Hill

**Applicant:** Pukrik Homes Ltd

**Date Valid:** 9 February 2011

**Target Date:** 11 May 2011

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

### PROPOSAL:

The current proposal relates to an application for a new planning permission in order to replace an extant planning permission (08/01433/FUL) and extend the time limit for its implementation.

Planning application 08/01433/FUL: Erection of 15 dwelling houses and construction of new access road, parking spaces and landscaping. This proposal was approved subject to conditions by Members of the Houghton, Hetton and Washington Area DC Sub Committee on 3 June 2008 and the planning permission issue on 4 July 2008.

Communities and Local Government Guidance (CLG) on greater flexibility for planning permissions allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This measure has been introduced temporarily due to current economic conditions and has been in place since 1 October 2009 following the publication of Statutory Instrument 2009 No. 2261. The 08/01433/FUL permission was granted on the 4 July 2008 with a three year implementation condition and because the current application was submitted (9 February 2011) prior to the 08/01433/FUL permission lapsing, then the Local Planning Authority has the power to issue an extension of time if it sees fit to do so.

The CLG guidance advises Local Authorities to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly, whilst taking into account whether development plan policies and other material considerations have changed significantly since the original granting of planning permission. Paragraph 30 of the CLG guidance allows where necessary, Local Planning Authorities to impose such conditions as they see fit, including different conditions to those originally imposed, where necessary.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

City Services - Transportation  
Northumbrian Water  
Street Scene (Environmental Service)  
The Highways Agency

Final Date for Receipt of Representations: **07.03.2011**

#### **REPRESENTATIONS:**

Highways Agency

No objection to the proposal.

Northumbrian Water

No objection to the proposal.

## City Services - Environmental Health

No objection to the proposal subject to the imposition of conditions relating to hours of working / deliveries, use of machinery, measures to ameliorate dust, odour, noise, vibration etc...

### **POLICIES:**

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

H\_1\_Provision for new housing

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

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

B\_3\_Protection of public/ private open space (urban green space)

L\_9\_Retention of land used for allotments

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

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

T\_22\_Parking standards in new developments

### **COMMENTS:**

The main issues to consider in the assessment of this application are whether, since the original application was approved, there have been any changes in policy on the following matters:

1. The principle of the use.
2. The design and layout of the development.
3. The impact on residential amenity.
4. Highway/access and car parking issues.
5. Land contamination.
6. Play provision.

1. The principle of the use.

The relevant Unitary Development Plan (UDP) policies relating to the site remain as previously reported in the 08/01433/FUL application. These policies are EN10 'Proposals in Accordance with the Development Plan', L9 'Allotments' and B3 'Urban Green Space', whilst Planning Policy Statement 1 (PPS1) also remains relevant.

### Site Specific Policy

The site is not allocated for any specific use in the Unitary Development Plan and as such policy EN10 applies. Policy EN10 states that "all proposals for new development will be judged in accordance with the policies and proposals of the 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".

With regard to this policy it is considered that residential development on this site is in keeping with the predominant land use of the surrounding area, which is made up of residential and community type uses and as such the proposal accords with policy EN10.

However, notwithstanding the above, consideration must also be given to the fact that the land was previously used as allotment gardens, although not allocated for such use on the UDP proposals map. In this regard policy L9 of the UDP states that

"Land used for allotments will be retained for this purpose except where:-

- (i) alternative provision is made in the locality,
- (ii) the site is allocated for another purpose elsewhere in the plan,
- (iii) the site is identified by the Council as surplus to requirements,
- (iv) a site has become disused or significantly under used through lack of local demand."

In such cases the Council will give prior consideration to the need for public open space or other recreational uses of the site.

In response to the provisions of this policy it was understood at the time of the 2008 application that all of the allotment holders who had previously worked this site had been relocated onto sites within the surrounding area and therefore the site was considered to be surplus to requirements. Following a site visit undertaken 2008 this claim was accepted.

With regards to the current proposal, irrespective of the provisions of policy L9, given that the allotment garden was privately owned then there was no obligation to provide allotments elsewhere for those currently on the Councils waiting list.

A further site specific policy of relevance to this application is policy B3. This policy states that

"public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. Proposals will be considered in light of their contribution to urban regeneration and to the importance of such space to the established character of the area."

Finally, policy H1 of the UDP which relates 'generally' to housing developments states that new housing will be provided, which maximises locational choice whilst allowing for a variety of needs in appropriate environments, caters for reduced out-migration and increasing household formation, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible.

## General Policies

Planning Policy Statement 1: Delivering Sustainable Developments. PPS1 highlights design as one of the fundamental ways of delivering sustainable development. This policy states that Local Planning Authorities should not attempt to impose architectural styles or particular tastes and should not seek to

stifle innovation, originality or initiative. Good design ensures attractive, usable, durable and adoptable places and is key in achieving sustainable development.

### Concluding Policy Comments

Having had regard to the abovementioned policies, it is considered that the policy implications remain unchanged from the time of the original grant of consent and as such there are no objections to this extension of time planning application from a land use policy perspective.

### 2. The design and layout of the development.

Policy B2 of the UDP which seeks to ensure that the scale, massing, layout and/or setting of new development respects and enhances the best qualities of nearby properties and the locality is still relevant to this proposal. The proposed plans are the same as those previously approved in 2008 and as such it remains the view that the design of the proposed units are in keeping with the general character and appearance of the surrounding residential area.

As stated in the 2008 report, no information has been provided with regard to the proposed building materials or how the principles of sustainability have been incorporated into the scheme. Therefore, in order to ensure that high quality, durable and aesthetically pleasing materials are used throughout, which respect and enhance the neighbouring residential area, it is recommended that a suitably worded conditions, which requires the submission of sample materials and BREEAM certificate, be imposed on any grant of consent.

Therefore, subject to the imposition of the above conditions, it is considered that there are no objections to this extension of time planning application from an urban design perspective.

### 3. The impact on residential amenity.

Spacing Standards - Development Control Supplementary Planning Document (SPD) sets down guidelines to be taken into account when determining applications for new housing development.

In this regard the spacing between dwellings will normally be required to meet the following minimum standards:

1. Main facing windows 1 or 2 storey - minimum of 21m from any point of facing window, 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey.
2. Main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window, 3 storey or more as for 1 or 2 storeys but add 5m for each additional storey, e.g. 3 storeys 19m.
3. For every 1m difference in ground levels add 2m to the horizontal distance.

It should be noted that these standards are applied generally however some flexibility may be permitted through imaginative housing design where other benefits can be clearly demonstrated.

In this respect given that the layout and design remains the same as that previously approved in 2008, it is considered that there are no objections on the grounds of residential amenity and as such the application to extend the life of the permission is acceptable.

#### 4. Highway/access and car parking issues.

Concerns from neighbouring residents were initially expressed during the 08/01433/FUL application regarding highway safety matters. These concerns related to inadequate access, parking provision within the site, increase in the number of vehicular movements, excessive traffic speeds along Lumley Crescent, Front Street being dangerous to park on, the road being used as a roundabout by vehicles to and from home and refuse / recycling vehicles having difficulty negotiating along the back lane.

The above concerns were assessed at the time in light of the existing situation in the area and it was considered that, on balance, the existing situation would not be made significantly worse as a result of the development.

In this regard, and in the absence of any further representation on such matters, it is considered that given the highway layout and access arrangements remain the same as those previously approved, then there are no objections on the grounds of highway safety to refuse this extension of time application. As such, the proposal is still considered to accord with policies T14 and T22 of the UDP.

#### 5. Land contamination.

The original 2008 application received objections to the proposal on the grounds of land contamination (Source Path Receptors). At this time the issue of land contamination was investigated by the Environment Agency who concluded that a preliminary risk assessment should be undertaken in order to ascertain whether or not there are any contaminants on the site, which could pose a risk to human health. Depending upon the outcome of the risk assessment, further investigative works may be required.

In this regard, given that no such assessments have been undertaken during the intervening period, the previous requirements of the Environment Agency remain applicable to this application.

Therefore, subject to the imposition of suitably worded conditions relating to ground contamination, it is considered that there are no objections to this extension of time planning application on the grounds of land contamination.

#### 6. Play provision.

The previous permission issued in 2008 was subject to a Section 106 Agreement made in respect of a financial contribution (£10,200) for the provision of off-site formal equipped play / open space, as required by policy H21 of the UDP.

The provisions of policy H21 remain applicable to the application currently under consideration and as such a Deed of Variation to the original Section 106 Agreement has been sought. In this regard a sum of £10,515 has been requested from the applicant prior to the commencement of works on the site. It is anticipated that the money subject of this agreement will be spent in either, Lambton Rise Play Area- Granville Drive, Shiney Row, Newbottle Play Area, rear of Melrose Gardens or Lynford Court Play Area, Lynford Court.

Note: the sum of money required as part of the Deed of Variation has increased by £315 to reflect the present day contribution per dwelling.

## Conclusion

In light of development plan policies and other material considerations having not changed since the time of the 08/01433/FUL approval, it is considered that this application to extend the time period for implementation of planning permission is acceptable and is in accordance with the Communities and Local Government guidance on extending the time period for implementing planning permissions. It is therefore recommended that Members Delegate the Decision to the Deputy Chief Executive who is minded to:-

(i) Grant Permission subject to the conditions listed below and subject to the completion of a Deed of Variation to the original Section 106 Agreement by 11 May 2011, or such other date as agreed by the Deputy Chief Executive

Or

(ii) Refuse permission should the Agreement not be completed by 11 May 2011, or such other date as agreed by the Deputy Chief Executive.

## **RECOMMENDATION: DELEGATE to the Deputy Chief Executive**

### **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:

Site location plan received 01.04.08

Site layout as existing received 04.04.08

Site layout as proposed Option3 received 01.04.08

House type 1 Block A received 01.04.08

House type 2 Block B received 01.04.08

House type 1 Block C received 01.04.08

Landscaping layout received 01.04.08.

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 and T14 of the UDP.
- 4 No deliveries shall be taken at or despatched from the site outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 6 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.
- 7 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 8 to number 10 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 11 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.
- 8 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.

- 9 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 has been prepared, and submitted to the Local Planning Authority for written approval. 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.
- 10 The remediation scheme approved under Condition number 9 (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 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 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 8 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 9 (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 10 (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.

- 12 Notwithstanding the plans hereby approved, no development shall commence until detailed plans demonstrating existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in complete accordance with the approved details, in the interests of residential amenity and in order to achieve a satisfactory form of development, to comply with policy B2 of the UDP.
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their

protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 15 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
- 16 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 17 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 wheel wash 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.
- 18 Details of the proposed location of the sales/ site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 19 The developer shall display an up to date copy of the approved plan in a position outside of the sales office for the duration of the development in accordance with details of an appropriate display board to be agreed with the local planning authority, in order to ensure that interested parties are aware of all detailed proposals for the development.
- 20 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 at

least the BREEAM 'Very Good' standard, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP.

- 21 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no porch or extension shall be erected to any dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.
- 22 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no gates, fences, walls or other means of enclosure shall be erected beyond the forwardmost part of any wall of the dwellinghouse or flat which fronts onto a highway without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.