

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/

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

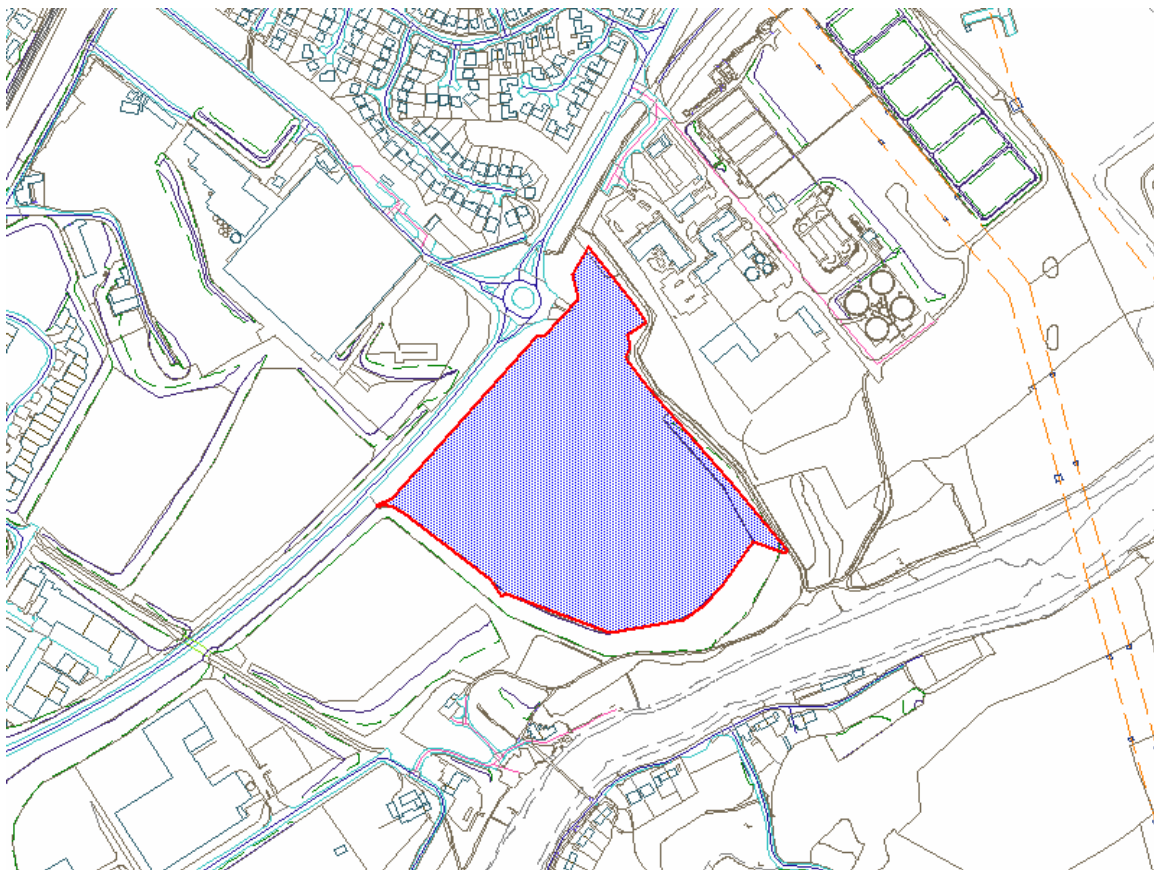
Ward: Washington East

Applicant: Hellens Investment (Washington) LLP

Date Valid: 11 November 2010

Target Date: 10 February 2011

Location Plan



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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) A*

(Financial and Professional Services) and A5 (Hot Food Takeaway) units and 95 dwellinghouses (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).

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:

Neighbours.

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

Consultees.

Northumbrian Water.

Has objected to the proposed development on the following grounds:-

The 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.

In addition to the above, the Executive Director of City Services (Environmental Services) 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 cost 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.

The Executive Director of City Services (Environmental Services) has also made the following comments:-

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 I would recommend 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.

Year	No of Complaints
2005	1
2006	6
2007	3
2008	0
2009	1
2010	1

Number of Complaints by year:

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 does 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.

Executive Director of City Services (Transportation)
Has made the following comments:-

It may be necessary to consider refusing this application unless points 1 to 3 below are addressed. Points 4 to 6 are advisory notes.

1.0 Development Proposal

a) The land for the proposed mixed-use development is identified as being suitable for employment, which includes business, office and industry uses. The business element of the outline proposal is considered satisfactory however there would be significant concerns over a residential development at this location, and this part of the proposal would not be supported.

b) The location of the site is considered to be remote from any of the local centres, schools and amenities which are based a significant distance away. This would result in the majority of trips to and from this location being reliant on car travel. Any connectivity

with local centres could not reasonably be achieved to promote sustainable travel such as walking and cycling.

2.0 Highway Safety

a) Pattinson Road is an important distributor road which bypasses local residential areas to the east of Washington, and serves as an access to nearby industrial related land uses. This road is designed to accommodate a 60mph speed limit, and as with many similar roads in the locality does not have a network of footways or at grade crossings.

b) A residential development to the southern side of Pattinson Road would require a fundamental change in the character of the road, which does not apply with this scheme as it proposes business and retail units to the front of the site. The location of a residential development on this site would be unacceptable in terms of road safety as pedestrians, particularly young children, would need to cross a high speed road in order to walk to local schools and amenities.

c) Given the established mixture of open and industrial land to the south /east of Pattinson Road, there is an issue of severance from residential development on land to the north of Pattinson Road. Any increase in the number of pedestrians and cyclists crossing a road with a 60mph speed limit on a regular basis could lead to a rise in pedestrian injury road accidents, and would be strongly resisted.

d) A zebra crossing facility is proposed on Pattinson Road at the splitter island to the north of the roundabout. The applicant has carried out an assessment of vehicle speeds along Pattinson Road to the section north of Walton Road, which indicates an average speed of 48mph at peak periods of traffic flow. An additional speed survey has been undertaken adjacent to the roundabout which indicates average speeds of 32mph (southbound) and 34mph (northbound) at the exits of the roundabout on Pattinson Road. Given the character of Pattinson Road there is the expected high vehicle movement with two-way traffic flow in excess of 500 vehicles per hour at peak periods, which would include a high proportion of heavy goods vehicles. Zebra crossings are typically located within built-up urban and residential areas where traffic flow is much lower and typical vehicle speeds do not exceed 30mph. It is considered that this proposal for a pedestrian crossing does not comply with statutory guidance, and should not be used at this location.

e) In addition, the applicant has suggested the introduction of a 30mph speed limit zone in the immediate vicinity of the roundabout. This proposal would be unlikely to have an impact over traffic speeds on the approaches to the crossing, and there would be a problem with enforcing a proposed change in the speed limit over a relatively short distance of road. There would also be significant concerns regarding the stopping distance for vehicles which may result in a high frequency of drive through accidents occurring at the proposed crossing.

f) It is considered that an appropriate-grade pedestrian crossing could not be provided at this location to safely accommodate the

anticipated level of pedestrian flows for a residential development. There would be an increased risk of conflict occurring between vehicles and pedestrians with an associated rise in road traffic accidents.

9) The observation regarding localised overgrown planting in the vicinity of Pattinson Road - Barmston Road roundabout is noted. In response, the verge is within the limits of adopted public highway and is subject to routine maintenance appropriate to the current land use.

3.0 Accessibility

a) The submitted Movement Strategy Plan indicates that a route linking with Station Road beneath the Leamside Line is suitable for walking or cycling to local facilities and schools. This is not considered appropriate as the approaches to the bridge are of limited width, and unsuitable for movement of pedestrians or cyclists.

b) The developer of the Cape Site has proposed the provision of some highway modifications to Station Road beneath the Leamside Line Bridge as an interim arrangement based upon the constraints of the bridge. However, this route would still be deemed to be substandard and an increase in use by pedestrians and cyclists would not be supported.

c) Consideration should be given to amending the alignment of the proposed pedestrian cycle link to National Cycling Network Route 7 to provide a direct link with the access road should the outline proposal for a care home or pub / restaurant not proceed.

d) Currently there are no recorded public rights of way across the site. The applicant should however be made aware of the provisions of Section 31 of the Highways Act 1980, which relate to presumed dedication of public rights of way where there has been 20 years use by the public as of right and without interruption. There is also Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map

4.0 Public Transport and Infrastructure

a) The proposed bus stops and infrastructure on Pattinson Road to accommodate additional stops for the 73 and 74 service are located within reasonable distance of the site entrance. However, consideration needs to be given to any further views expressed by Nexus.

5.0 Scheme Layout

a) All parking and servicing for the business commercial element should take place within the confines of the site. However, a parking management scheme should be implemented to ensure that there will be no overspill parking on the adjacent highway network.

b) Details of the proposed internal road layout will be subject to technical approval under Sections 38 and 278 of the Highways Act to agree the extent of publicly adoptable highway and use of appropriate highway materials.

c) A scheme of traffic calming will need to be designed and approved to ensure vehicle speeds within the development do not exceed 20mph

d) Tree planting within public highway would be subject to a commuted sum payment for future landscape maintenance.

6.0 Framework Travel Plan

a) The Framework Travel Plan as submitted is considered to be an interim proposal. An appropriate baseline for both the business and residential elements will need to be established with agreed targets and modes of travel based upon suitable travel survey data. This can be dealt with through a suitably worded planning condition and agreed at a later date with the Council's Travel Plan Co-ordinator Diane Hilier (0191 561 7964).

b) Given the location of the proposed development there is likely to be a reliance on travel by car. This would not be sustainable in terms of Council aims to reducing carbon emissions.

7.0 Summary

The major concern with the residential part of this development relates to accessibility and connectivity based on the prevailing vehicle speeds and character of Pattinson Road. A development relating to the current land use allocation of the site i.e. employment use, would be considered suitable in terms of transportation issues. For the reasons referred to above, a residential proposal is considered inappropriate in respect of the above shortcomings and should be resisted.

Reasons: in the interests of highway safety, and provision of a sustainable and accessible development.

Relevant Unitary Development Plan Policies: T14

The applicant's transportation consultants have recently submitted further survey work and offered to change the proposed zebra crossing to a signalised pelican crossing. The further comments of the Executive Director of City Services (Transportation) on these submissions are awaited.

Business Investment Team.

Advises that 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.

Advises 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-

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

Have 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 their view provide or fund new sports provision to meet the needs of residents

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

Sport England have 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

Advises that 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 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 i 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
Advises that-

- 1 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)
- 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 applicants 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, 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 supplementary report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 11/00106/VAR Variation of Condition

Proposal: Variation of condition 2 (approved plans) attached to planning application 10/00472/VAR, "33 new dwellings with the stopping up of roads and footpaths on Avon and Thames Crescent", replacing solar hot water panels on the roofs with solar photovoltaic (PV) panels to 20 no. dwellings.

Location: Land At Avon Crescent Fence Houses Houghton-Le-Spring

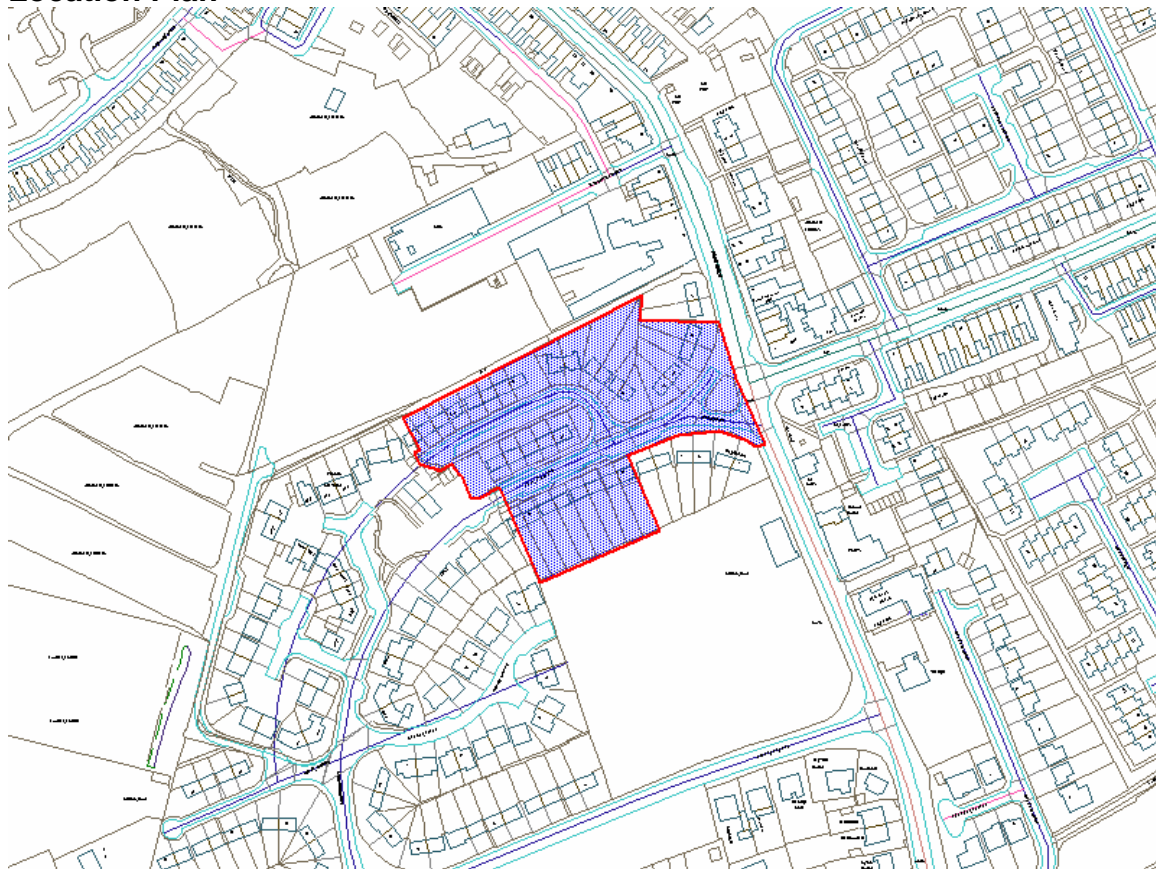
Ward: Houghton

Applicant: Gentoo Homes

Date Valid: 19 January 2011

Target Date: 20 April 2011

Location Plan



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PROPOSAL:

Application seeks the variation of condition no.2 of planning application 10/00472/VAR, i.e. "33 new dwellings with the stopping up of roads and footpaths on Avon and Thames Crescent", replacing solar hot water panels on the roofs with Photo Voltaic (PV) panels to 20 no. dwellings.

The application site forms part of Gentoo's Chilton Moor re-development housing programme. The first relevant planning approval at the site is 07/00131/LEG, which was granted consent by Development Control (DC) Sub Committee on the 21 March 2007 and related to the construction of 33 new dwellings. However, as Gentoo sought to incorporate solar panels for Code for Sustainable Homes (CSH) Level 3 certification, an additional application was submitted, i.e. 10/00472/VAR, again this was granted permission by DC Sub Committee on the 27 April 2010.

However, Gentoo have re-considered the use of solar panels, approved via the 10/00472/VAR application, and now intend to use PV panels instead. The PV panels will measure 994mm by 528 & 538mm. They will be fixed onto the roofs of 20 dwellings, i.e. Plots 9 - 14 & 20 - 33, by a support rail system and will project out by a total of 120mm. It is intended that each plot will receive at least 5 PV panels and depending on the orientation of the individual plot will be mounted on an east, west or south facing roof, so as to maximise the sunlight received.

Therefore to summarise the 20 dwellings under consideration have a recent of planning permissions and this variation application effectively seeks approval for the incorporation of PV panels on the roofs.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Street Scene (Environmental Service)

Final Date for Receipt of Representations: **01.03.2011**

REPRESENTATIONS:

Neighbours.

No letters of representation were received.

Consultees.

Environmental Services:-
There is no objection to the proposed variation.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

COMMENTS:

The main issues to consider in the assessment of the proposal are as follows:

- Principle of development.
- Residential amenity and design considerations.
- Highway considerations.
- Section 106 Agreement.

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.

Residential amenity and design considerations.

UDP policy B2 requires scale, massing and layout of new developments to respect and enhance the best qualities of the area, whilst also protecting privacy amenity.

In this respect it is important to recognise that the layout of the proposed development is the same as shown on the previous application, 10/00472/VAR. It is therefore considered that the issues relevant at that time remain pertinent and that no conceivable material considerations exist which would support refusal of planning permission.

Furthermore, even though the PV panels will be mounted onto the roof slopes by a support-rail system it is not considered that this would unduly impact the design of the development or the visual amenity of the locality. Following a site visit on the 8 February 2011 it was noted that some of the new build properties within the Chilton Moor redevelopment site already had PV panels installed, which afforded an accurate appreciation of the proposed variation. It is considered that the minimal projection above the roof slope is acceptable and in view of the environmental and sustainability benefits the proposal is considered to be acceptable.

In conclusion, as the proposed scheme is similar in design, scale and layout as previously approved and given the limited visual impact of the PV panels it is considered that the proposal is acceptable and in accordance with UDP policy B2.

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 highway network or parking provision as previously approved by applications 07/00171/LEG and 10/00472/VAR. As such, it is considered that the proposal accords with UDP policies T14 and T22.

Section 106 Agreement

An agreement under Section 106 of the Town & Country Planning Act (1990) was arranged as part of the initial 0700131/LEG approval in order to provide a financial contribution for off-site play provision at either Dubmire Primary School or Keir Hardie play area. This was due to the fact that the development consisted of at least 10 residential units of 2 bedrooms or more and as such UDP policy H21 required the provision for children's formal play. Please note that a financial contribution of £21,153.00 was paid to the City Council in March 2007 and as such the requirements of policy H21 are therefore considered to be satisfied.

CONCLUSION

The proposed development is considered to be acceptable in terms of design, layout, highway and residential amenity and is therefore recommended for approval. Accordingly Members are recommended to approve the application, subject to the conditions as set out below.

RECOMMENDATION: Approve subject to conditions set out below:-

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:
 - LAYOUT PLAN, Dwg. GEN/14A/471 Rev A received 11 January 2011,
 - Cross-sectional Profile of Click-Fit Mounting System received 11 January 2011
 - PROPOSED STREET ELEVATIONS (1 of 3), Dwg. No. GEN/14A/110 Rev C received 11 January 2011,
 - PROPOSED STREET ELEVATIONS (2 of 3), Dwg. No. GEN/14A/111 Rev B received 11 January 2011,
 - PROPOSED STREET ELEVATIONS (3 of 3) Dwg. No. GEN/14A/112 Rev D received 11 January 2011.

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.

(Condition 3 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03324/DIS).

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.

(Condition 4 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/003324/DIS).

- 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.

(Condition 5 discharged as part of application 10/00472/VAR on the 19 November 2010, Ref. 10/03391/DIS).

- 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.

(Condition 6 discharged as part of application 10/00472/VAR on the 22 December 2010, Ref. 10/03391/DIS).

- 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.

(Condition 7 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03392/DIS.)

- 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.

(Condition 10 discharged as part of application 10/00472/VAR on the 16 March 2010, Ref. 10/03393/DIS.)

- 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.

(Condition 11 discharged as part of application 10/00472/VAR on the 16 March 2010, Ref. 10/03393/DIS).

- 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.

(Condition 12 discharged as part of application 10/00472/VAR on the 16 March 2010, Ref. 10/03393/DIS.)

- 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.

(Condition 16 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03394/DIS).

- 17 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a schedule of arboricultural supervision of the proposed tree protection and arboricultural implementation methodology is submitted and approved in writing. The supervision should be carried out by an experienced arboriculturalist who should be on site during any works that are carried out within the tree protection zones to ensure minimal disturbance to the retained tree stock and to ensure that the tree protection methodology is carried out correctly in the interests of visual amenity to comply with policy CN17 of the UDP.

(Condition 17 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03395/DIS).

- 18 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.
- b) Implementation, supervision and monitoring of the approved Tree work Specification.
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.
- d) Timing and phasing of Arboricultural works in relation to the approved development.

In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

(Condition 18 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03395/DIS.)

- 19 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

(Condition 19 discharged as part of application 10/00472/VAR on the 18 November 2010, Ref. 10/03395/DIS).

- 20 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 21 If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.