

## **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 (General Development Procedure) Order 1995.

## **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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

---

**Reference No.:** 08/03952/FUL Full Application

**Proposal:** **Erection of 28no. bungalows with associated parking and landscaping works, also stopping up and realignment of existing highway.**

**Location:** Land To The East Of Hall Lane Houghton Le Spring

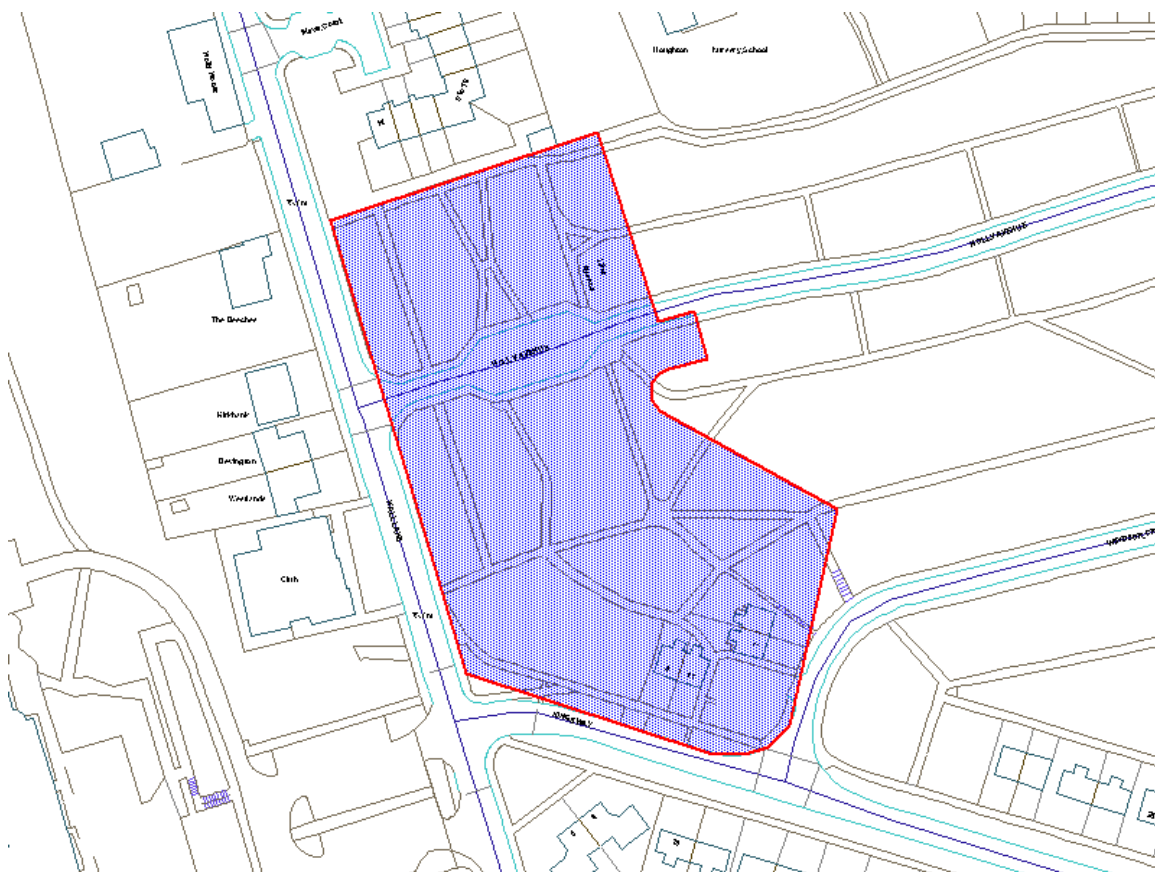
**Ward:** Copt Hill

**Applicant:** Gentoo Homes

**Date Valid:** 13 November 2008

**Target Date:** 8 January 2009

### 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 2008.

### PROPOSAL:

The Application has been submitted to replace part of a previously approved application for Phase 1 of the Racecourse Estate (Application no 07/01859/FUL). The current proposals result from a revised brief issued by Gentoo Homes for all phases, which has arisen following the introduction of the Code for Sustainable Homes by Central Government, which confirmed a mandatory rating for new homes from 1 May 2008 and a requirement for all Registered Social Landlords to build to at least Code level 3 (or higher) from April 2008.

The Code measures the sustainability of a new home against categories of sustainable design, rating the 'whole home' as a complete package. The Code uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home. The Code sets minimum standards for energy and water use at each level and, within England, replaces the EcoHomes scheme, developed by the Building Research Establishment (BRE).

The scheme is referred to as the "Racecourse Estate - Phase 1a." This scheme is the first phase of the intended redevelopment of the entire Racecourse Estate site.

The Racecourse Estate itself is located to the east of the A690 in Houghton-Le-Spring and lies between Hall Lane to the west and Queensway to the south with Kirknewton Close to the east of the site. Overall the whole of Phase 1, including 1a, 1b and 1c covers an area of 2.5 hectares, of which Phase 1a, situated at the northern end of the Racecourse Estate, accounts for 0.98 Hectares.

The Phase 1a site lies between Hall Lane to the west, while to the south / east lies the proposed re-aligned section of Windsor Crescent. To the immediate north lies Mews Court, a residential development. To the east lies cleared land which is the site of Phases 1b and 1c. There are two bus stops on Hall Lane, one opposite the junction with Kingsway and one at the junction with Holly Avenue.

Following the clearance of the site to make way for its redevelopment, the site is currently very permeable to pedestrians, with a network of paths across large sloping green public spaces. There is a considerable fall across the whole of phase 1 of approximately 11 metres from the east side down to Hall Lane on the west. For the phase 1a portion being considered for this application, the fall is in the region of 4 – 5 metres.

Looking at the new arrangement of the site in more detail, this briefly comprises of five terraces arranged as follows:-

Terrace 1:- 7 no. 2 bedroom terraced bungalows, located along the northern boundary of the site.

Moving southwards down through the site there is then:-

Terrace 2:- 5 no. 2 bedroom terrace bungalows.

Terrace 3:- 5 no. 2 bedroom terrace bungalows.

Terrace 4:- 8 no. 2 bedroom terrace bungalows, curving around the southern boundary of the site.

Terrace 5:- 3 no. detached bungalows (linked by carports) located on the south east corner of the site, running along a new access road which runs into the site from the re-aligned Windsor Crescent.

This provides an overall total of 28 Bungalows, 21 of which will be rented, the remaining 7 will be for sale.

From a wider perspective, the design proposes a series of linked urban spaces framed by buildings. An existing footpath along the north edge of the site will be closed and replaced with rear gardens backing onto the rear of adjacent gardens and the nursery school grounds. The existing steeply sloping Holly Avenue is also removed. This approach has been taken to reduce the gradient of the street while also creating more interesting views through the site than the existing straight roads. Pedestrian permeability of the site is maintained where desirable through the linking of some of these routes by well-landscaped and overlooked footpaths.

At the time of writing it should be noted that the application for Phase 1b has now been submitted for consideration (app no. 08/04694/FUL). This is for a proposed 40 unit Extra Care Scheme and is indicated on the layout plans submitted for the Phase 1a application. It is anticipated that the Phase 1b application will be reported to the Sub-Committee on at the meeting to be held on 03 March 2009.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Northumbrian Water  
Environment Agency  
Director Of Community And Cultural Services  
Force Planning And Police Architectural Liaison Officer  
County Archaeologist  
Director Of Children's Services  
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **10.12.2008**

#### **REPRESENTATIONS**

Neighbours.  
No responses have been received as a result of neighbour consultations.

Consultees.

County Archaeologist

Advises that the archaeological desk based assessment which has been submitted previously for the Phase 1 site has been submitted in support of the application. The report concludes that the site was probably in use as farmland during the medieval period as it lies on the outskirts of Houghton le Spring medieval village, which is designated as a site of potential archaeological importance. The earliest documentary reference to the village is AD 1112. Archaeological evidence of medieval ridge and furrow, field or property boundaries may survive.

## Environment Agency

Advises that the application has a low environmental risk and as such, raise no objections in principle to the development.

### Pre-Submission Community Involvement.

The applicants have undertaken a series of consultation exercises amongst residents regarding the renewal of the Racecourse Estate going back to 2004. The most recent consultations were undertaken as part of the Neighbourhood Renewal Assessment undertaken on behalf of Gentoo and Sunderland City Council by PPS in 2006 & 2007. A summary of feedback compiled through a combination of the resident surveys, steering group meetings and drop-in events is as follows:-

- 92% (45) strongly agreed or agreed that housing conditions on the estate need improving.
- 90% (44) felt that empty properties are a big problem.
- 59% (29) that obsolete housing needs clearing.

There was strong support overall for improving housing conditions on the estate, and a high level of support (69%) for the clearance of obsolete housing. Over 75% of residents supported the Group's renewal proposal to some extent, but there were mixed views about the best way of achieving this, with equal numbers of residents saying that they wanted demolition and new build and retention and modernisation of properties.

## **POLICIES:**

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

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

B\_14\_Development in areas of potential archaeological importance

CF\_11\_Ensuring adequate range and distribution of social, religious cultural buildings

CF\_13\_Replacement of necessary community facilities lost as part of development

CF\_14\_Standards of design in community facility development

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

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

R\_1\_Working towards environmentally sustainable development

R\_4\_Incorporation of energy saving measures

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

T\_22\_Parking standards in new developments

## COMMENTS:

The key issues to consider in determining this application are as follows:-

The principle of development.

Design and Layout.

- Materials and details.
- Public Realm / Landscaping.

Highways and Parking.

Archaeology.

Sustainability.

- The PassivHaus concept.

Play Space Provision.

The principle of development.

The site is not allocated for any specific use on the UDP proposals map. Therefore it is necessary to consider Policy EN10. The proposal promotes the re-use of previously developed land within a sustainable location in accordance with the aims of PPS3. The Interim Strategy for Housing Land (ISHL) provides a basis for the housing chapter in the forthcoming LDF, and is used as a material consideration in determining planning applications for housing development. Although the site is not considered for housing on the UDP proposals map the site's previous use makes it brownfield in a predominantly residential area and therefore in policy terms there are no objections to the re use of the site for housing purposes.

It should be noted also that the site currently has a live, unimplemented consent in place for the redevelopment of the site, namely the original Phase 1 application, 07/01859/FUL. Since the granting of this consent in July 2007, there have been no material legislative changes to consider and as such, the principal of redeveloping the site for residential purposes remains unchanged and acceptable in principle.

Design and Layout.

A series of pre application meetings have taken place with the applicants to discuss and amend the scheme prior to formal submission. A well considered design and access statement has been submitted with the application which provides useful background information in relation to the design concept and justification for the proposed design approach.

Any proposed scheme should aim to at least achieve a density of 30 dwellings per hectare. The whole of the phase 1 site is 2.54ha in size and as such a minimum of 76 dwellings would need to be built upon this site, providing a mix of housing types. Whilst the net site density for Phase 1a falls below this at approximately 28 dwellings per hectare (based on a site area of 0.98Ha). The densities of Phase 1b and 1c are anticipated as 66 dw/ha and 40 dw/ha

respectively, which will provide an overall density for Phase 1 of 40dw/ha.

In general terms, the proposed layout is considered to overcome any possible problems that may occur with regard to the change in levels across the site, with the majority of the 5 terraces being and orientated on an east – west axis, effectively stepping up across the site. The access road leading from the re-aligned Windsor Crescent to the rear parking courts is also shown as being at a steep gradient in order to accommodate the changes in levels. Such an approach ensures that the differences in slab heights between facing terraces is kept to a minimum of approximately 2 metres. Taking these factors into account, combined with the fact that all properties proposed are single storey and have at least 20 metre separation distance, it is considered that the layout ensures an acceptable level of amenity for prospective residents. Outwith the site, a minimum spacing standard of 21 metres is achieved between the new properties and those that already exist, thus achieving the recommended 21 metres separation distance set out in the Council's adopted Supplementary Planning Guidance.

From a detailed perspective, the layout has been influenced by the aspiration to achieve "PassivHaus" design principles through the means of building orientation being within 30 degrees of due south to maximise passive solar gain. The objectives of PassivHaus design is discussed in more detail in the following sustainability section, but in simple terms, the approach to design utilises a super-insulated building, oriented towards the sun, in order to be heated. The terraces step up the site from Hall Lane creating an attractive, well-articulated mass. Concerns were raised at the pre-application stage with regard to such a layout potentially creating blank gable elevations fronting onto Hall Lane, taking their outlook across the proposed car parking courtyards. The submitted layout has successfully addressed this by providing a soft landscaping scheme to the boundaries of the site and the frontages of the proposed dwellings fronting Hall Lane. The gable elevations have been designed to incorporate doors and windows, in order to achieve an active frontage. This not only helps to civilise the street front but also helps to provide greater on street surveillance and security. An attractive boundary wall feature which is integrated into the gable ends of the terraces further enhances the overall design of the development.

- **Materials and Details.**

In accordance with Policy B2 of the UDP it is also necessary to ensure that the proposed dwellings are designed to reflect, respect and enhance the neighbouring houses and complement the local character of the area. Whilst primarily working to achieve the PassivHaus standard, it is considered that the proposal achieves the objectives of B2. The bungalows are of a simple, traditional appearance, constructed of a white render with timber boarding and slated roofs. The overall appearance is considered to provide a modern take on the typical "Sunderland Cottage" style of dwelling. Large areas of recessed glazing are shown to the southern elevations and the high-pitched roofs each include a solar panel in order to maximise solar gain.

Externally, each dwelling will have a small boundary / privacy wall to help delineate boundaries between plots and garden stores. The size and location of these are considered to be acceptable, although further drawings showing the precise details will be required, prior to construction. As with all developments, conditions can be imposed in order to ensure

the most appropriate palette of materials and design is used, should members be minded to approve the application.

- **Public Realm / Landscaping.**

The design and access statement refers to the green spaces proposed throughout the development and an indicative landscaping scheme has been submitted, which is considered as being acceptable. New better-defined and contained green spaces and enlarged existing green spaces will provide amenity and a more visually attractive environment. The landscaped spaces for Phase 1 have been designed to fit into the hierarchy of spaces envisaged in the overall masterplan. This includes the provision of 'formal' open spaces at key entrances to the estate, large public greens off major routes around the heart of the estate, and semi-private courtyard spaces within residential blocks.

There are currently 24 trees on site all of which are to be removed, in order to facilitate the development. None of these are protected by virtue of a Tree Preservation Order. Whilst wholesale removal of the trees is regrettable, it is considered that in order to achieve the sustainability measures proposed, which requires the dwellings to be orientated in a particular manner, there is no alternative on this particular phase of the development. Nonetheless, the landscaping scheme shows an indication of replacement trees being re-planted throughout the site. Provided suitable tree types are chosen, such an approach will represent a better investment for the future. Species selected should be appropriate to such a development and the placing of trees should be designed to complement the overall site layout, defining public spaces, framing views, defining new routes through the development etc. Semi mature trees could be specified and new trees would be planted and maintained to high standards to ensure successful establishment. Details ensuring that the highest quality landscaping as described can be imposed, via the imposition of conditions, should Members be minded to approve the application.

A layout plan has been submitted identifying materials to be used throughout the development with regard to public realm. Pedestrian routes are shown as consisting of paving slabs with the use of tactile paving at road junctions. To break up the paving slabs, various pockets of space throughout the site have been shown to be of rolled asphalt/bitumen macadam. The parking courts are to be constructed using block paving, which provide clarity of what is a pedestrian surface and what is vehicular. Whilst this palette of materials is of a basic standard, it will complement the simplicity of the proposed dwelling design. Such details can be agreed via the imposition of an appropriately worded condition should Members be minded to approve the application.

To conclude issues relating to design and layout, the proposal is considered to well-conceived and for the reasons given above is in accordance with the relevant policies of the UDP.

#### Highways and Parking.

The existing road network is to remain with the main site access taken from the



realigned Windsor Crescent. Each terrace is shown to have its own designated vehicular access, leading to parking courts with a number of pedestrian accesses running through the site. In addition, the road link in from Windsor Terrace links phases 1a and 1b together giving a sense of legibility and continuity.

An important highways improvement to the scheme since its submission has been the designing out of steps from the pedestrian footways that run through the site. Initially, three flights of steps were evident, which were considered as being problematic, particularly when considering that it is likely that the intended occupants of the dwellings will be the elderly. Due to some adjustments to levels across the site, no steps are now required, resulting in an enhanced level of accessibility for all throughout.

A few matters remain outstanding from the highways perspective however, including concerns relating to the final gradient of the access road from Windsor Crescent and details relating to refuse collection arrangements. The applicant is confident that these matters can be resolved and it is anticipated that revised drawings / details will be submitted prior to the Sub-Committee meeting. Provided such matters are resolved satisfactorily, it is considered that the overall layout, and vehicular access and parking arrangements are acceptable and accord with Policies T14 and T22 of the UDP.

#### Archaeology.

As the County Archaeologist has advised that evidence of medieval ridge and furrow, field or property boundaries may survive, it is considered necessary that a programme of archaeological trial trenching is undertaken prior to the commencement of development. Such a requirement can be imposed via the imposition of conditions and will ensure that any archaeological remains are preserved and recorded, as required under UDP Policy B14.

#### Sustainability.

As mentioned earlier, the proposal aims to incorporate the design principles taken from the "PassivHaus" concept and it is understood to be the first certified Passive House scheme of this scale in the UK. The applicants have advised that the proposal will achieve a code for sustainable homes level 4 rating which is above the minimum requirements for social landlords, which is encouraging. The submission also claims that the scheme will also meet some of the criteria of level 6 such as satisfying the heat loss parameter. In terms of sustainability, the submitted design and access statement asserts that the development has been designed with regard to sustainability issues but there are no specific details as to precisely what measures will be taken. Nonetheless, the proposals, are considered to show a genuine commitment towards creating a sustainable form of development and complying with Policy R1 of the UDP. Regionally, the Regional Spatial Strategy is also placing an emphasis upon achieving higher levels of sustainable construction as set out in Policy 38 which encourages proposals to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes and to encourage and facilitate homeowners and businesses in improving their energy efficiency.

Due to the unique nature of “PassivHaus” it is considered appropriate in this instance to impose a condition requiring certified confirmation that the claimed sustainability measures are actually achieved, should Members be minded to approve the application.

- **Background The Passivhaus concept.**  
The PassivHaus standard was first developed in Germany in 1996 and the benefit of PassivHaus is its simplicity. The homes rely on passive solar gain and air tightness, super high standards of insulation as well as triple glazed, openable windows that are well sealed using a fabric that greatly reduces energy consumption.

To comply with PassivHaus guidelines, buildings must have a mechanical ventilation system installed that provides excellent air quality and highly efficient heat recovery. As a result, the homes technically do not require radiators or any of the associated plumbing, and instead rely on a heater that is integrated into the ventilation system. The PassivHaus standard also requires a quality of build not normally utilised within the UK House Building Industry with stringent controls in place during every stage of construction to maximise thermal performance.

Built with elderly residents in mind, the PassivHaus bungalows will also include solar panels. It is estimated that using the PassivHaus method to construct a house results in an 80% reduction of carbon emissions compared to that of an average home. Energy consumption within buildings that meet the PassivHaus standard is also significantly reduced, with savings estimated to be up to 85%.

## Play Space Provision

Whilst the applicant has indicated that the properties will be best suited to the elderly; they have submitted a statement advising that they wish to not be restricted to such, as the bungalows could well be suited to others individual needs. Taking this into account, as the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. As the submitted scheme does not provide any on-site facilities, the applicant has agreed to make a financial contribution for off-site play provision. It should be noted that there is an existing Section 106 Agreement in place (£54,780) which was entered into for the previous application for 83 dwellings across the whole of Phase I (07/01859/FUL). As such, it is envisaged that the current agreement is amended accordingly to include the new application, prior to the latest date for determination of the application, which is 12 February 2009. Play facilities will be sited at Kirk Lees Park, Houghton Le Spring.

## CONCLUSION

Taking the above into consideration, the proposal is considered to be a well conceived solution to a problematic site, taking into account the change of levels and providing a nationally unique sustainable housing development. To conclude with respect to the principle of the development, it is considered that the scheme in general complies with the relevant UDP policies, as discussed above. Further it will accord with highway and parking requirements and meet the sustainability aims of the UDP and RSS.

The statutory period for determination of the application does not expire until 12 February 2009 and the revised S106 agreement has not yet been completed, consequently, Members are recommended to delegate the decision to the Director of Development and Regeneration in order to complete the negotiations on the s106 agreement.

**RECOMMENDATION: Delegate to Director Of Development and Regeneration to:-**

- 1) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 12 February 2009 or such other date as is agreed by the Director of Development and Regeneration.
- 2) Refuse permission should the legal agreement not be completed by 12 February 2009 or such other date as is agreed by the Director of Development and Regeneration.

The legal agreement to secure the following:-

Off site play provision at Kirk Lees Park, Houghton Le Spring.

Subject to the following 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, to ensure that the development is carried out within a reasonable period of time.
2. Prior to the commencement of works, the following details shall be submitted to and agreed in writing by the local planning authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.
3. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure (including bin enclosures / garden stores) 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 Unitary Development Plan.
4. No ground works or development work shall take place until a programme of archaeological work (to include evaluation and where appropriate, mitigation) has been completed. This shall be carried out in accordance with a specification(s) provided by the County Archaeologist The archaeological report(s) shall be submitted to and

approved by the Local Planning Authority before the development commences in order to ensure the satisfactory recording of archaeological information from the site and in order to comply with Policy B14 of the Unitary Development Plan.

5. Prior to the commencement of development a plan shall be submitted to and approved in writing by the Local Planning Authority providing details of proposed ground level sections across the site and details of the finished slab levels of each property. Once agreed the development shall be built in complete accordance with these details, unless otherwise agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
6. Prior to development commencing on the site precise details (and samples where necessary) of all surfacing materials to be used on footway areas throughout the development shall be submitted to and approved in writing by the Local Planning Authority, 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 adopted Unitary Development Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces, which shall include details of all proposed hard surfacing, (including the precise layout and location of footways, means of enclosure, lighting columns, bollards and any other street furniture) and planting (including a schedule of the sizes and species of plants), in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
9. No operations shall commence on site in connection with development hereby approved (including soil moving, temporary access construction or any other operations that involve the use of motorised vehicles or construction machinery) until all areas for new tree planting have been plotted onto a site layout plan indicating such tree constraints. These areas shall then be protected from damage (especially soil compaction) by the erection of barriers and / or ground protection. The size and specification of these barriers is to be agreed in writing with the Local Planning Authority prior to its implementation, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.

10. 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 Unitary Development Plan.
11. Unless otherwise agreed in writing with the Local Planning Authority, the construction works required for the development hereby approved (including deliveries made to the site) 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 Unitary Development Plan.
12. 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, siting and organisation of the construction compound and site / sales 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 Unitary Development Plan.
13. Notwithstanding the submitted plans, none of the dwellings shall be occupied until the estate roads have been completed to at least base coarse level in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
14. Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions to the dwellings or other development shall be undertaken within the curtilages of the dwellings 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 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 LPA. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to the appropriate BRE, PassivHaus standard / Code for Sustainable Homes level 4 rating (or an equivalent to be agreed in writing with the LPA), in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan. and Policy 38 of the Regional Spatial Strategy.

**Reference No.:** 08/04634/FUL Full Application

**Proposal:** **Erection of extension to existing Industrial unit, (Eastern elevation) and associated ground works and landscaping.**

**Location:** Heyrod Construction Ltd Rainhill Road Stephenson Ind Est Washington

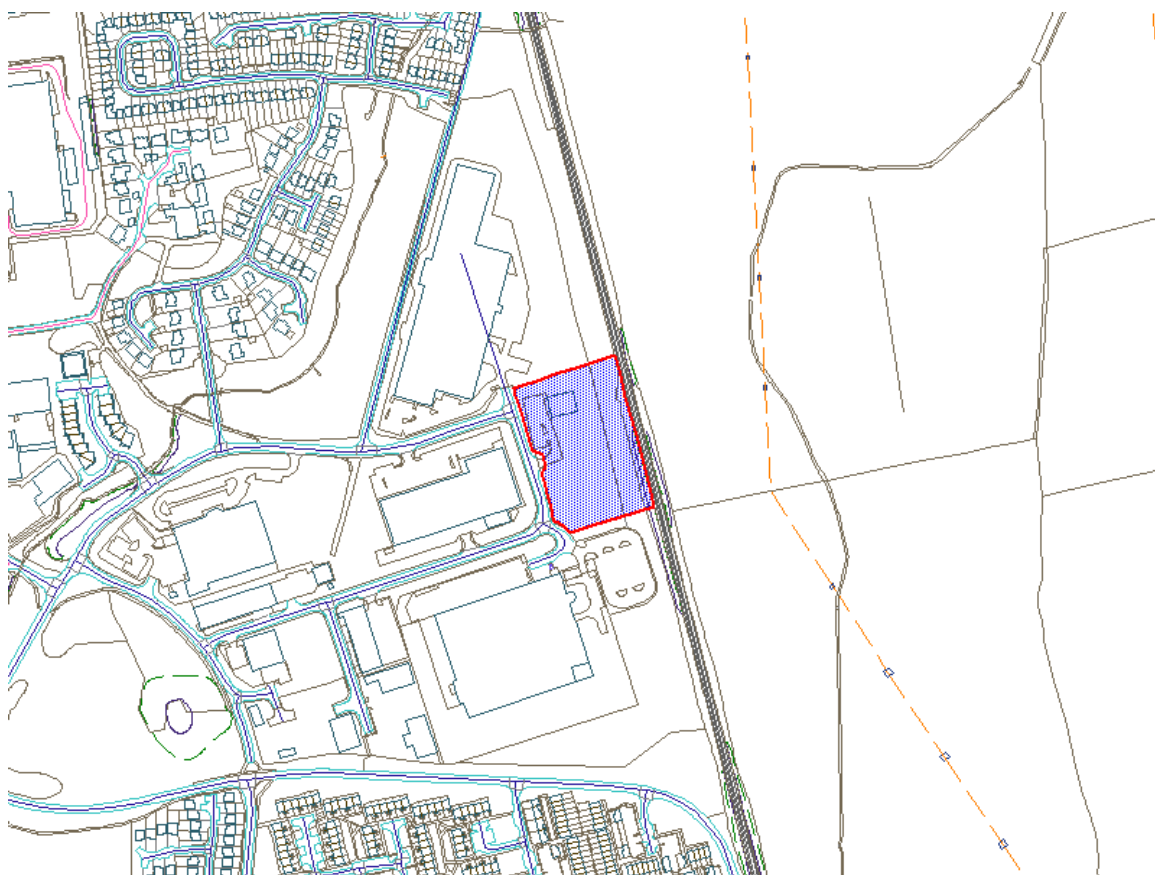
**Ward:** Washington North

**Applicant:** Heyrod Construction Ltd

**Date Valid:** 10 December 2008

**Target Date:** 4 February 2009

### 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 2008.

### PROPOSAL:

Members may recall a planning application for the erection of a 725 sq m extension to the east of the existing factory unit extending 42 metres to the east (06/02020/FUL refers), the scheme also allowed for the provision of an additional 37 car parking spaces. The application was withdrawn by the applicant to allow further consideration as the recommendation was to refuse to grant planning permission for the following reasons.

1 The proposal would result in the loss of mature trees in a strategic screen planting area to the detriment of visual amenity and contrary to policies CN16, CN17 and WA17 of the adopted UDP.

2 The proposal will result in the loss of trees which act as a screen between Stephenson Industrial Estate and the adjacent Green Belt resulting in a loss of visual amenity from the Green Belt contrary to policy CN5 of the UDP.

A subsequent application (07/01064/FUL) for the erection of a 807 sq m extension to the existing factory unit in the form a metal clad steel framed construction matching the design and form of the existing factory which would extend in a north south direction from the existing building parallel to the adjacent Leamside line was granted planning permission on 24 April 2007.

The current proposal involves the erection of an additional 664 sq.m for storage extending 36 metres to the east with no additional car parking provision indicated. The red line has been altered to include a further 10 metres to the east as it is understood English Partnerships have sold on additional land to the applicant. However this land forms a bund with substantial tree planting.

The proposed extension is a metal clad steel framed construction which matches the design and form of the existing factory. The proposal would extend eastwards from the existing building into the above planted area which runs parallel to the adjacent Leamside line screening the industrial estate from the Green Belt which extends from the railway line. The planted area is mounded to a height of approximately 3 metres.

The current proposal involves the removal of the entire mounded planted area which measures approximately 26 metres X 140 metres, a total area of 3,640 square metres.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Director Of Community And Cultural Services  
Environment Agency

Final Date for Receipt of Representations: **08.01.2009**

## **REPRESENTATIONS:**

Highway Engineers.

The following issues have been raised:-

The Leamside line is located immediately to the east of the proposal, and is to be protected from development and maintained as a public transport corridor / strategic multi-user route in accordance with the UDP.

Appropriate turning and manoeuvring facilities should be provided within the development boundary, to allow vehicles to access the workshop and storage areas and then exit in a forward gear.

There appears to be a used footpath on the top of the mound. There are currently no claimed public rights of way within the site boundary. 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, and also Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map. This in effect is a warning to the developer that statutes exist to allow the footpath to be claimed as a right of way by members of the public.

Planning Implementation Manager.

The tree-covered embankment to the east of the site forms a continuous screen along the Stephenson Industrial Estate. This forms an effective screen to the Estate when viewed from the area of Greenbelt to the east.

There are concerns that the proposal will punch a gap in that screen which will make the new building a prominent feature on the edge of the Green Belt. It is suggested the building be relocated further to the west of the site to retain more of the embankment. Should the development take place it would probably be more effective to retain the lower part of the embankment and preserve the existing trees in this section.

Environment Agency.

No objections.

Arboricultural Officer.

Trees are growing to the East of the existing Heyrod building on top of a raised bund. The area beyond is Green Belt, the trees appear to be part of a strategically planted tree belt separating the industrial area from the Green Belt. Viewed from the Green Belt area to the east they provide an effective screen that is a characteristic of the quality landscaping originally planted by the Washington Development Corporation. Collectively the tree belt provides an excellent screen and amenity to what would otherwise be considered unsightly industrial sprawl.

The proposal calls for the removal of the bund and the removal of trees identified T5 to T139 and Group 1. Effectively this will remove just about every tree on the site and will expose the industrial site and buildings that are currently screened so effectively.



The proposal to replace the existing strategic planting with a line of semi mature replacements cannot possibly screen a site that currently has a significant tree belt that is 4 to 5 rows of trees deep. Add to this the height of the bund and it is clear the planting mitigation can never provide effective screening of the industrial area from the Green Belt.

## **POLICIES:**

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

CN\_5\_Safeguarding the visual amenity of the Green Belt

CN\_16\_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN\_17\_Tree Preservation Orders and replacement of trees

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

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

T\_22\_Parking standards in new developments

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

WA\_17\_Provisions for maintaining the environmental identity of Washington New Town

WA\_26\_Identification of Strategic multi-user routes and their protection from development

## **COMMENTS:**

The key issues to consider in determining this application are:-

The principle of the use.

Highways/Parking.

Scale, massing, layout and setting.

Effect on the adjacent tree belt and consequential views from the Green Belt.

The Principle Of The Use.

The site lies within the Stephenson Industrial Estate and as such is on land which is allocated for industrial purposes in the UDP. As such, an extension to an existing industrial unit is considered as being acceptable in principle and appropriate in this location.

Highways.

The highways arrangements are as per the existing on site arrangements. It is recommended however, that the provision of turning and manoeuvring facilities within the site are provided should planning permission be granted.

## Scale, Massing Layout And Setting.

The size and location of the proposed extension is not considered as being acceptable due to the orientation of the proposal.

The position of the extension follows the line of the existing building and runs in an easterly direction towards the Leamside railway line which runs across the entire eastern end of the site and forms the boundary of the Green Belt.

There is a 3 metre high mound and belt of mature trees some 26 metres wide which forms part of strategic planting in the former New Town area. This screens the industrial estate from the Green Belt in accordance with policy CN5 of the UDP which states:-

CARE WILL BE TAKEN TO ENSURE THAT THE VISUAL AMENITIES OF THE GREEN BELT WILL NOT BE INJURED BY PROPOSALS FOR DEVELOPMENT WITHIN, OR CONSPICUOUS FROM, THE GREEN BELT.

11.37 The appearance of the Green Belt may be further enhanced by ensuring strict control of the form and footprint of the development within or adjoining its boundary. Much of the Green Belt comprises attractive landscape (e.g. the rolling countryside to the south of Burdon village, the river valley and the extensive plain of the magnesian limestone escarpment) and therefore where development is permitted, its design will need to take account of potential impact on the wider landscape. The visual amenities of the Green Belt should not be injured by proposals which, although not prejudicial to the purposes of the Green Belt, might be inappropriate by reason of their scale, siting, materials or design.

It is considered that the loss of such a significant area of trees in such a fragmented manner is not considered acceptable as such and could set a precedent for other planted areas which may come under pressure from development. This concern is exacerbated by the proposal to remove such a large swathe of planting to reveal developments which whilst not within the Green Belt are visible from within it. In this respect the proposal is contrary to policies CN16, CN17 which states:-

CN16 THE CITY COUNCIL WILL SEEK TO RETAIN AND ENHANCE EXISTING WOODLANDS, TREE BELTS AND FIELD HEDGEROWS. IT WILL UNDERTAKE AND ENCOURAGE PLANTING OF NEW TREE BELTS AND WOODLANDS, IN THE MAIN OF NATIVE SPECIES, IN ORDER TO:

- (i) EMPHASISE AND ENHANCE THE BREAKS BETWEEN SETTLEMENTS IN ACCORDANCE WITH POLICY CN6;
- (ii) SOFTEN THE HARD VISUAL EDGE OF THE URBAN AREAS;
- (iii) ENHANCE THE MAIN TRANSPORT CORRIDORS, EMPLOYMENT AREAS AND WILDLIFE CORRIDORS (EXISTING AND PROPOSED);
- (iv) FURTHER GREEN THE URBAN ENVIRONMENT (WHERE POSSIBLE);
- (v) PROVIDE SHELTER BELTS TO SCREEN UNATTRACTIVE FEATURES, WHILST RETAINING AND ENHANCING PANORAMIC VIEWS;
- (vi) ASSIST IN THE CREATION OF THE GREAT NORTH FOREST, ALSO THE ENHANCEMENT OF THE GREEN BELT.

CN17 THE CITY COUNCIL WILL ENCOURAGE THE RETENTION OF TREES WHICH MAKE A VALUABLE CONTRIBUTION TO THE CHARACTER OF AN AREA BY THE MAKING OF TREE PRESERVATION ORDERS AND

REPLACING TREES IN HIGHWAYS AND OTHER PUBLIC AREAS, WITH SPECIES WHICH HELP MAINTAIN THE CHARACTER OF THE LOCALITY. THE RETENTION OF TREES, HEDGES AND LANDSCAPE FEATURES IN ALL NEW DEVELOPMENT WILL BE REQUIRED WHERE POSSIBLE.

The proposal is also contrary to policy WA17 of the UDP which states:-

WA17 THE CITY COUNCIL WILL SEEK TO MAINTAIN THE ENVIRONMENTAL IDENTITY OF WASHINGTON NEW TOWN BY:

- (i) PROTECTING LANDSCAPED AREAS AND OPEN SPACE FROM DEVELOPMENT;
- (ii) REQUIRING NEW DEVELOPMENT TO ACHIEVE AND MAINTAIN THE HIGH STANDARD OF LANDSCAPING WITHIN THE NEW TOWN;

#### CONCLUSION.

The proposal is not considered to be acceptable. As such Members are recommended to refuse to grant planning permission for the reasons set out below.

#### **RECOMMENDATION: Refuse**

##### **Reasons:**

- 1 The proposal would result in the loss of mature trees in a strategic screen planting area to the detriment of visual amenity and contrary to policies CN16, CN17 and WA17 of the adopted UDP.
- 2 The proposal will result in the loss of trees which act as a screen between Stephenson Industrial Estate and the adjacent Green Belt resulting in a loss of visual amenity from the Green Belt contrary to policy CN5 of the UDP.