Sunderland City Council

Development Control
(South Sunderland & City Centre) Sub-Committee

SUPPLEMENT

Number:	S1
Application Number:	08/03827/FUL
Proposal:	**Erection of 16 Residential Units with associated parking and landscaping with stopping up of highway and change of use to private residential. (amended description).**
Location:	Site of former Eagle Public House, Portsmouth Road, Sunderland

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Further to the main agenda report information is still awaited regarding the identification of which parking bays belong to which residential dwelling and confirmation that access can be taken over land that falls outside the ownership of the applicant. In addition, work is still being undertaken on the preparation of a Section 106 Agreement in respect of equipped children's play and it is therefore anticipated that a recommendation will be made on a report to be circulated at the meeting.

RECOMMENDATION: Director of Development and Regeneration to Report

Number: S2

Application Number: 08/04526/FUL

Proposal: **Erection of an industrial building and installation of 9MW biomass plant to generate electricity from reclaimed timber.**

Location: Land at Hudson Dock East, Barrack Street

Further to the report on the main agenda to committee, archaeology, residential amenity, noise, air quality and ground contamination issues have been given further consideration.

Archaeology Considerations

The County Archaeologist considers that the submitted archaeological desk top study is inadequate as it does not incorporate all of the information resources needed in such a report. However, two previous reports have been undertaken for South Dock/Port of Sunderland and Sunderland Town Moor, which have provided the County Archaeologist with useful information and the ability to provide an adequate response to the application consultation.

Therefore, if Members are minded to approve, a full and detailed archaeological desk based assessment is required, to a specification provided by the County Archaeologist. Such an assessment may then recommend archaeological trial trenching and/or a watching brief. With the imposition of a condition to this effect on any consent issued the proposal would be in accordance with Unitary Development Plan policy B14 and thereafter is acceptable in respect to archaeology.

Residential Amenity Considerations

The proposed building measures 45m in width, 60.6m in length with an overall height of 14.08m. The proposal also requires a 20m high chimney stack, which will be attached to the proposed building's eastern elevation. It is considered that although the dimensions of the building and stack are significant it must be viewed within the context of the application site.

The proposed building is located at the eastern end of The Port limiting its views in relation to the nearest residential properties, which are approximately 650m away. Therefore it is considered that topography and distance from residential properties adequately mitigates against the size and visual impact of the proposed development. Furthermore and as will be discussed in the following sections of this report, it is considered that the noise and air quality issues are acceptable. As a consequence the proposal is in accordance with the Unitary Development Plan policy B2 and is acceptable in respect to residential amenity.

Noise Issue Considerations

The Applicant has employed a noise consultant, AB Acoustics, to undertake an assessment to quantify the potential impact of noise generated by the operation of the proposed development on surrounding noise sensitive premises.

Snapshot measurements were made at 2 sites representative of the nearby residential locality. As the development is not yet in place, predicted noise levels were used to assess the likely impact of on site operations on such premises. It is understood that the plant will be located within a building, will operate on a 24-hour basis, albeit the plant will be loaded with material for processing during 'normal' hours so that only the generator will run continuously. It is further understood that there will be no site deliveries before 07:00 hrs or after 18:00 hrs.

The methodology contained in British Standard (BS) 4142: *Method for rating industrial noise affecting mixed residential and industrial areas* was subsequently used to assess the impact of the delivery operations and guidance was sought from BS8233: *Sound Insulation and Noise Reduction for Buildings – Code of Practice* in respect of acceptable internal noise levels. The noise consultant has added a +5dB penalty factor to the predicted noise levels as the noise from onsite operations is anticipated to be intermittent. This has demonstrated that provided the general noise level inside the proposed plant does not exceed 95 db(A), sufficient attenuation will be achieved at nearby residential premises to ensure that there will be no significant increase in existing background noise levels and therefore complaints regarding excessive levels of noise from the development would be unlikely.

Therefore, if Members are minded to approve, it is recommended that the following condition requiring that noise from the development shall not exceed the background noise level by more than 5db(A) or, if the noise is tonal, should not exceed the background noise at all at any noise sensitive property and that no delivery shall take place to site before 07:00 hrs or after 18:00 hrs.

Air Quality Considerations

The applicant has provided an Air Quality Assessment of the plant to be installed. The assessment uses *Process Guidance Note 1/12(04) - Secretary of State's Guidance for Combustion of Fuel Manufactured from or Comprised of Solid Waste in Appliances between 0.4 and 3MW Rated Thermal Input* as the basis for the assessment. The predicted emissions from the Biomass Plant are compared with the Emission Limits set down in the Guidance Note and the process methods used to achieve them and also Emission Limits set down in the Waste Incineration Directive (WID). The Air Quality Assessment states that emissions from the Biomass Plant will comply with all of the Emission Limits.

Ambient Air Quality is also mentioned briefly in the Assessment. The Assessment correctly identifies that Sunderland City Council does not have any Local Air Quality Management Areas. However, it cannot be assumed that air quality objectives are not at risk of being breached without further investigation. Local Air Quality Management Technical Guidance Document (LAQM.TG09) provides a method to assess PM10 (Particulate Matter) and NOx (NO nitric oxide, NO2 nitrogen dioxide and N2O nitrous oxide) emissions from plant burning biomass in 50kW to 20MW units to determine whether the source requires further assessment. This assessment was carried out using information supplied by the applicant and the results concluded that further assessment will not be necessary as the Air Quality Objectives are not at risk of being breached.

However, to ensure adequate dispersal of pollutants it is important that the proposed stack height of 20m submitted by the applicant is adhered to as this was the figure used in the above assessment. Pollutants that are emitted via a stack require sufficient dispersion and dilution in the atmosphere to ensure that they ground at concentrations that are harmless. Therefore, if Members are minded to approve, it is recommended that a condition stipulating that the exhaust stack from the biomass pyrolysis plant shall be at least 20 metres in height measured from ground level.

Finally, it is understood that the plant to be installed is a 9MW biomass pyrolysis plant and as such, will fall under the regulatory remit of the Environmental Permitting Regulations 2007, specifically Part 1 of Schedule 1. Consequently, the biomass plant will require a permit to operate, which due to the thermal output rating will fall under Environment Agency Control and be subject to the controls of the Integrated Pollution Prevention and Control (IPPC) regime. During the application process for a permit, Sunderland City Council's Community and Cultural Services Department will be consulted and therefore afforded a further opportunity to provide comments.

Contaminated Land Considerations

It is apparent that the proposed site has previously accommodated an industrial activity that may have resulted in contamination of the land and as such further information is required to determine the condition of the land.

Consequently a comprehensive desktop study and site investigation should be carried out to ascertain whether the land is contaminated. The survey should be completed in accordance with a recognised code of practice for site investigations i.e. BS 10175:2001 *Investigation of potentially contaminated sites. Code of practice* or DETR Contaminated Land Research Reports, however the developer should note that Inter-Departmental Committee on the Redevelopment of Contaminated Land (ICRCL) Guideline Values have been withdrawn and should no longer be used.

Furthermore, 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. Moreover, no works other than investigation works shall be carried out on the site prior to the receipt of written approval of any remediation strategy by the authority. The responsibility for the safe development of the site rests with the developer.

Conclusion

The proposed Biomass Plant is considered acceptable in terms of archaeology, noise, air and contaminated land issues subject to the imposition of relevant planning conditions. However, in light of the Environment Agency objection relating to the absence of any evidence to demonstrate that the flood risk Sequential and Exception Tests have been applied it is envisaged that this issue will be resolved to allow a report to be circulated at the Committee Meeting.

RECOMMENDATION: Director of Development and Regeneration to Report

Number:	S3
Application Number:	08/04691/FUL
Proposal:	**Installation of a mezzanine floor to the existing store.**
Location:	Asda Superstore, Leechmere Road, Sunderland

Further to the main agenda report revised highway information is still awaited relating to the proposed car parking and service arrangements at the store. It is anticipated that these will be submitted in advance of the meeting and a recommendation will therefore be made on a report to be circulated at the meeting.

RECOMMENDATION: Director of Development and Regeneration to Report

Number: S4

Application Number: 09/00303/FUL

Proposal: **Erection of a new school to replace existing school. New school to have new sporting facilities, car parking and full range of educational teaching requirement. Existing school to be demolished. (Resubmission)**

Location: Academy 360 Portsmouth Square Sunderland

Further to the report on the main agenda to committee, highway, landscaping, ecology, energy and bin store issues have been given further consideration.

Highway Considerations

In general the layout is considered satisfactory and the provision of parking is acceptable, as it provides for 106 staff spaces, 13 disabled and 11 visitor parking bays, in addition to a car/bus drop off area.

Nevertheless, the General Layout and Landscaping Arrangement drawings still show a dot-mini roundabout at the main entrance to the School, at the junction with Portsmouth Road / Portsmouth Square. This is considered to be inappropriate as it does not provide for commodious vehicle movement about the junction and does not appear to comply with current Department for Transport junction design guidance. Consequently, if Members are minded to approve, it is considered necessary to incorporate a condition which requires the agreement of a suitable junction, which shall then be implemented before the replacement school is brought into use.

Furthermore, it is also considered appropriate to provide a suitable pedestrian route from the 106 staff car park via a separate pedestrian gate. This will provide a suitable pedestrian access to the proposed school from this car park, especially in light of there being only vehicular gates shown on the submitted drawing. Therefore, if Members are minded to approve, it is considered necessary to impose a condition which requires the agreement of boundary enclosures to enable the agreement of an appropriate entrance gate(s).

The vehicular access to and from the bin store is via an area allocated as a car / bus drop off area. Refuse collection will need to be arranged outside of normal school hours, as there is the potential for the access to the school to be restricted

for short periods. Sufficient space should be maintained to allow a refuse wagon to reverse into this area from the access road. Consequently, as this issue is essentially an operational concern, and if Members are minded to approve, it can be addressed via a management plan condition.

In accordance with normal policy, a Travel Plan will be required to ensure that car travel to and from school is limited as far as possible. Although a formal Transport Assessment is not required for determination of this planning application, an assessment of the future transport and travel arrangements will be required for preparation of the School Travel Plan and as such an approval can be conditioned accordingly.

Therefore subject to the inclusion of appropriately worded conditions the scheme is considered acceptable in relation to highway and pedestrian safety as it complies with policies T14 and T22 of the UDP.

Landscaping and Ecology Considerations

- Landscaping

The initial submission proposed the use of concrete flag paving as the material on the crossing point on the main vehicular entrance which was considered inappropriate due to the likelihood of cracking. However, the agent initially agreed that concrete flag paving had been used at other schools for similar purposes. Nevertheless, it was recognised that in view of the location, on a main access road, the agent has now proposed that 200 x 100 x 80mm blocks are used, which is considered to be acceptable.

There were other issues raised in respect to the amount of hardsurfacing found in the courtyards within the school. However, the Local Planning Authority recognises that this has been altered in view of access to services, whilst also providing suitable maintenance to gutters etc. Furthermore, there have been other minor modifications agreed via agent correspondence (18 March 2009) which is considered to be acceptable. Therefore if Members are minded to approve appropriate landscaping conditions can be incorporated which enable the finalisation of these agreed changes before a scheme of hardsurfacing is implemented.

In respect to the presence of trees on the site the implications arising from the development have already been assessed in the previous planning application (ref. 07/05269/LAP) and conditioned accordingly. The current proposal is maintaining the same extent of tree removal and works and as such by incorporating similar appropriately worded conditions the proposal is considered acceptable.

- Ecology

A report has been submitted which states that a search had been taken of building cavities of potential bat roosting habitats at the existing Pennywell School. The report highlighted that given the low potential of bat roosting habitats and timing of the proposed demolition, it was considered necessary to undertake a destructive survey of all potential roost sites. The report states that a destructive survey would ensure no past or present occupation of potential roosting sites by bats before they are destroyed or removed to ensure no future occupation by bats prior to demolition.

The result of the searches was that no evidence of past or present occupation by bats was noted in any of the buildings surveyed. The report stated that due to the low potential of the buildings to provide roosting potential it was considered that the impact of the demolition of the surveyed sites is likely to be neutral. Nevertheless, if Members are minded to approve the planning application, an informative should be placed on the decision notice highlighting the developer's responsibility to ensure that all works are carried out in accordance with the The Natural Environment and Rural Communities (NERC) Act 2006, Wildlife and Countryside Act 2006 and Wildlife and Countryside Act 1981 (as amended).

Therefore subject to the submitted tree survey and the inclusion of appropriately worded conditions and informative the scheme is considered acceptable in relation to ecology and landscaping as it complies with policies CN17 and B2.

Energy Centre and Bin Store

- Energy Centre

The energy centre has been re-positioned since the last application (ref. 07/05269/LAP) and is 2.5m closer to the nearest residential property, Number 52 Portsmouth Square. The energy centre is a combined substation and boiler house in a purpose built housing. It will use a combination of gas and biomass (wood pellet) boilers, with an educational solar panel array fixed to the roof, feeding information back to a display panel within the new academy.

The energy centre will generate some noise although this will be minimal. The principal noise sources will be the transformer, the boiler burners and the pumps. However, the noise these items generate will be mitigated by the building enclosing them. At night, when background noise levels are at their lowest and the potential for disturbance is therefore highest, the transformer is likely to be the only plant operating. Given that the transformer building (sub-station) is constructed from traditional blockwork over-clad with metal cladding the acoustic insulation provided by the building is excellent and mitigates the minor amount of noise produced by the transformer.

Nevertheless, if Members are minded to approve, noise levels at the boundary of the site can be monitored by a suitably qualified acoustic engineer upon completion of commissioning of the equipment within the energy centre. In the event that noise levels are found to be excessive additional acoustic screening will be utilised to mitigate the noise level and remove any detrimental impact upon the occupiers of near neighbouring properties.

In order to vent the boiler housed inside the energy centre 3 ventilation flues (maximum of 1.2m in height) will be located on the roof of the energy centre. The emissions produced by the biomass fuel are known as NOx (NO nitric oxide, NO2 nitrogen dioxide and N2O nitrous oxide). Although the Biomass fuel to be used is classified as smokeless fuel, the emissions from the energy centre are still being considered and it is envisaged that this particular issue will be resolved in time to enable a report for circulation.

- Bin Store

In respect to the bin store and cycle storage these have also been re-positioned when compared to the previous planning application (ref. 07/05269/LAP). In respect to the bin store this is now 7.5m from Number 52 Portsmouth Square's front boundary compared to 23m from the 07/05269/LAP application.

The compound itself is a simple rectangle of tarmacadam, with a length of 8.5m and width of 4m, giving a total area of 34m2. It is proposed to enclose the compound by 1.8m weldmesh fencing with a matching double leaf gate having a 4m opening width. When operational the compound will contain a number of wheeled bins for storage of non-recyclable and recyclable waste. The supporting documentation states that it is assumed that the Academy will implement a policy of controlled access, so that refuse vehicles access the site out-of-hours, therefore in recognition of the adjacent residential properties, and highway considerations discussed earlier in the report, this reaffirms the need to incorporate the management plan condition discussed in the highway section of this report.

It is also necessary to incorporate a condition requiring the details of the bin store to be agreed before it is erected so that in conjunction with the management plan and landscaping conditions the visual and residential amenity implications arising from the development are appropriately controlled by the Local Planning Authority.

Therefore subject to the inclusion of appropriately worded conditions the scheme is considered acceptable in relation to visual and residential amenity and complies with policies B2 and EN5 of the UDP.

Conclusion

The proposed replacement school is considered acceptable in terms of highway, landscaping, ecology, energy centre and bin store issues subject to the imposition of the relevant conditions. However, given the ongoing discussions regarding the emissions from the energy centre and due to the fact that Sport England's objection presently remains, it is envisaged that these issues will be resolved to allow a report to be circulated at the Committee Meeting.

RECOMMENDATION: Director of Development and Regeneration to Report