

**Development Control (North Sunderland)
Sub-Committee**

24th March 2009

REPORTS FOR CIRCULATION

**REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION
SERVICES**

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

North Sunderland

1. Castle View School Cartwright Road Sunderland

Development Control (North Sunderland)
Sub-Committee

REPORT FOR CIRCULATION

Number:	1
Application Number:	09/00274/LAP
Proposal:	Erection of New Energy Centre and Substation (part retrospective).
Location:	Castle View School, Cartwright Road, Sunderland

Further to the main agenda report the following issues have been raised by the proposed development of an energy centre (combined sub-station and biomass boiler housed in purpose built housing):

- Impact upon visual amenity;
- Impact upon residential amenity – noise;
- Impact upon residential amenity – boiler house emission;
- Anti-climb measures.

The progress on addressing these issues is set out below:

Impact upon visual amenity

In terms of reducing the visual impact of the sub-station and energy centre upon the occupiers of bungalows situated to the east of the development site the following has been agreed:

The developer will provide a fence of increased height of approximately 2.4 metres to the western boundary of St Margaret's Court. The precise details of the fence type and height will be controlled through a condition attached to any planning permission issued in the event that Members are minded to approve the proposed development.

The provision of a higher fence has been agreed following negotiation between the developer, the occupiers of the bungalow properties and Anchor Housing Trust who own the bungalows. All parties are in agreement regarding the provision of a higher boundary fence.

Impact Upon Residential Amenity – Noise

The equipment housed within the energy centre building (transformer, boiler burners and pumps) will generate some minor level of noise when in operation. However, the buildings which enclose the equipment mitigate this noise significantly. For example, during the day (when all elements of machinery inside the buildings will be operating) noise from the energy centre is only likely to be perceptible by someone in the rear garden of the nearest properties purposely listening.

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.

Noise levels at the boundary of the site are to be monitored by a suitably qualified acoustic engineer upon completion of commissioning of the energy centre 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.

Should members be minded to approve the proposed development a condition will be added to any consent granted requiring the submission of the noise level assessment undertaken at the time that commissioning is completed and an analysis of that assessment to be submitted in writing for the written approval of Local Planning Authority. In the event that noise levels are considered to be excessive by the Local Planning Authority an agreed scheme to mitigate noise levels will be required to be implemented and maintained at the site for the lifetime of the development.

Impact Upon Residential Amenity – Boiler Flue

The energy centre uses a combination of gas and biomass (wood pellet) boilers, with an educational solar panel array fixed (flat) to the western roof slope of the building facing away from St Margaret's Court.

In order to vent the boiler housed inside the energy centre 3 ventilation flues (each 1 metre in height) will be located on the roof of the energy centre. The emissions produced by the biomass fuel are known as NO_x (NO nitric oxide, NO₂ nitrogen dioxide and N₂O nitrous oxide).

Although the Biomass fuel to be used is classified as smokeless fuel the applicant has indicated that ash traps will be incorporated into the design of the energy centre to remove any risk of smoke emission from the building.

The biomass boiler to be contained within the proposed development produces 35mg/kwh of NOx. This is below the 40mg/kwh of NOx required in order to achieve 3 BREEAM (sustainability) points and is therefore considered to be acceptable.

Anti-Climb Measures

Concerns were raised by the occupiers of neighbouring properties regarding unauthorised access to the roofs of the proposed buildings by school children using school facilities outside of school hours.

In order to address these concerns the following measures have been incorporated in to the design of the proposed Energy Centre site:

- Fencing (Paladin Security Fencing 2.4 metres high, powder coated grey to match the colour of the buildings) to be erected between the north western corner of the sub-station and the eastern boundary of the existing MUGA (Multi Use Games Area) restricting access to the area between the energy centre and sub-station and MUGA . Gates opening outward will be installed in this fence in order to allow deliveries of biomass pellets to be made to the energy centre.
- Paladin Security Fencing (as above) is to be erected between the energy centre building and the sub-station buildings and between the proposed buildings and the boundary with St Margaret's Court. This will restrict any unauthorised access being gained between the proposed buildings.
- Deterrent planting: 98no. Berberis Stenophylla (spiky evergreen planting) will be planted between the eastern elevation of the energy centre and sub-station and the boundary fence with St Margaret's Court. This will be maintained and pruned as set out in details submitted (plan CVE-SLR-Sk-020).
- All downpipes are to be enclosed by anti-climb sleeves which are semi-spherical sleeves that enclose the down pipes. These prevent use of downpipes as methods by which to gain access to the roof areas of the buildings.

The occupiers of the bungalow properties adjacent to St Margaret's Court and Anchor housing Trust have been involved in the negotiation of the anti-climb measures set out above.

The anti-climb measures proposed are considered to be acceptable in terms of visual amenity and are considered to sufficiently mitigate the risk of unauthorised access to the roof areas of the proposed buildings.

Summary

In view of the above amendments to the boundary enclosures, the incorporation of anti climb and noise attenuation measures and conditions in respect of noise attenuation, it is considered that on balance the proposed development is acceptable and it is recommended that the application be granted consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out below:

Recommendation: GRANT CONSENT in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 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, 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. The external materials to be used in the construction of this development, including walls, roofs, doors and windows shall be of the colour, type and texture as those indicated on the approved plans, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
3. Precise details of the replacement boundary treatment to be erected along the eastern boundary of the development site (to the rear of St. Margaret's Court) shall be submitted in writing to the Local Planning Authority within 2 calendar months of the date of the approval of this development, once agreed in writing by the Local Planning Authority, the replacement boundary treatment shall be erected in full accordance with the approved scheme within one month of that approval. The boundary fencing shall then be retained in accordance with the approved scheme for the lifetime of the development unless first otherwise agreed in writing with the Local Planning Authority. In the interest of visual amenity and to achieve a satisfactory form of development in on site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.

4. Upon the commissioning of the equipment to be used in the energy centre and sub-station hereby approved being complete, a noise assessment, shall be undertaken to determine the noise levels generated by the equipment with particular reference to the noise level in the rear gardens of the bungalow properties to the east of the approved development. A copy of the noise assessment and associated analysis shall then be submitted to and approved in writing by the Local Planning Authority. Where the noise level generated is considered to be unacceptable by the Local Planning Authority, a detailed scheme to mitigate excess noise levels including a timetable for its implementation shall be submitted to the Local Planning Authority within one calendar month of the noise level being deemed unacceptable and approved in writing. The approved mitigation scheme shall then be fully implemented in accordance with the agreed timetable. A repeat assessment of the noise level shall then be undertaken and submitted with a scheme for any further mitigation measures required, for the written approval of the Local Planning Authority, once an acceptable scheme of noise mitigation has been agreed and implemented the approved mitigation scheme shall be retained for the lifetime of the development unless a variation is first agreed in writing with the Local Planning Authority. in order to protect the residential amenity of occupiers of near neighbouring properties and to achieve a satisfactory form of development on the site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.