

**Development Control (Hetton, Houghton & Washington)  
Sub-Committee**

**31 January 2013**

---

**SUPPLEMENTARY REPORT ON APPLICATIONS**

---

**REPORT BY DEPUTY CHIEF EXECUTIVE**

**PURPOSE OF REPORT**

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

**LIST OF SUPPLEMENTARY ITEMS**

Applications for the following sites are included in this report.

Houghton, Hetton  
& Washington

S1	Nissan (UK) Ltd, Washington Road, Usworth, Washington
S2	Land to the south of Washington Leisure Centre, Washington
S3	Land Adjacent To Dean Croft Bungalow, Warden Law, Houghton-le-Spring, DH5 8LX
S4	2 Woodbine Cottages, Springwell, Gateshead, NE9 7PR
S5	Land off Pattinson Road, Pattinson Industrial Est., Washington

---

Number:	S1
Application Number:	12/02959/FUL
Proposal:	Erection of 2,160 square metre storage building
Location:	Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland

---

Further to this item's Agenda report additional information has been received from the applicant's ecologist detailing the type of mitigation methods that should be employed in the construction of the proposed development in order to reasonably mitigate adverse impacts on biodiversity.

By way of an over view bare ground, in the form of hardstanding, dominates the siting of the proposed storage building, whilst the habitat surrounding the application's site boundary is considered to be of low ecological value. It is therefore, on balance, not considered that a scheme of landscaping is required in order to ensure the scheme is acceptable. This is in recognition of the fact that there is no ecological habitat being directly lost as a consequence of the development.

Furthermore, in light of there being no evidence of protected species being present it is considered that the only mitigation required is in respect to securing an appropriate working methodology when constructing the proposed building. The methodology should ensure that any mammals that could potentially use the site are appropriately safeguarded. Consequently, should Members be minded to approve, an appropriate condition should be included.

Additionally, in recognition of the site previously accommodating an industrial use, colleagues in Pollution Control (Environmental Services) have advised that standard land contamination conditions be included on the approval, should Members be so minded.

In conclusion, and as reported in the Agenda report, the proposal is acceptable in principle and is not considered to represent a form of development which will have a materially adverse impact on ecological, visual amenity and highway safety considerations. It is therefore recommended that the application be approved subject to the following conditions.

**Recommendation:** Approve subject to condition

1. Three Years
2. Accordance with Plans
3. Ecology re-survey after 2 years
4. Submission of ecological working methodology

5. Land contamination 1
6. Site characterisation
7. Remediation scheme
8. Implementation of remediation scheme
9. Unexpected contamination

---

Number:	S2
Application Number:	12/03106/LP4
Proposal:	Relocation of existing skate park to consist of skate ramps and new concrete base. Reinstatement of the site of existing skate park to grass. Stopping up of existing footpaths and creation of new footpaths.
Location:	Land to the south of the Washington Leisure Centre, Washington New Town, Washington

---

As set out on the main report to Committee, the main issues to consider in the consideration of the proposal are:

1. Principle of development
2. Arboricultural and ecological considerations
3. Highway engineering and surface water considerations
4. Visual amenity considerations

1. Principle of development

The majority of this 11.50 hectares site is governed by Unitary Development Plan (UDP) policy WA35. This policy identifies the area for community and leisure related uses. Policy L1 is also considered relevant as this requires the City Council to enhance the quality of life for residents and visitors by providing a range of recreational, sporting, cultural and community facilities, whilst also ensuring that existing parks are maintained and upgraded in line with modern requirements and nature conservation considerations. In recognition of the fact that the Park performs a function as an urban green space, strategic policy B3 is considered relevant. It will therefore be necessary to ensure the proposal does not have an adverse effect on amenity and nature conservation.

As reported on the Agenda the alterations to the existing pedestrian routes have been designed, in part, to improve access between Albany, Biddick and the Galleries Shopping Centre. In addition, the formation of more gentle grades, in conjunction with the widening of the paths for shared use for cyclists and pedestrians, provides for more inclusive access to the community overall.

Moreover, it must also be noted that the skate park is now a well established recreational facility and that this proposal is simply seeking to relocate and consolidate this within the park. As a consequence the proposed location has been chosen in view of the need for continued natural surveillance and to replicate the play value of the existing facility, which will help to ensure that the community will continue to benefit from this resource.

Given the above the proposed development is considered to accord with the predominant land use policy associated with the site, namely WA35, it is therefore acceptable in principle. Nevertheless, given the need to ensure that nature conservation and amenity are not adversely affected, as required by policies L1 and B3, the following sections of this report assesses the development proposal in further detail.

## 2. Arboricultural and ecological considerations

The site lies within a wildlife corridor and is governed by UDP policies CN18, CN23 and CN17. CN18 seeks to ensure the protection of wildlife habitats or creation of new and/or alternative wildlife habitats through development schemes. CN23 seeks to employ measures to conserve and improve the environment using suitable designs to overcome any potential user conflicts, avoid development which would adversely affect the continuity of corridors and where, on balance, development is acceptable because of wider plan objectives ensure appropriate habitat creation measures are taken to minimise its detrimental impact. Lastly policy CN17 encourages the retention of trees in all new development where possible.

### - Arboricultural considerations

The application submission has been supported by 'Pre-development Tree Details' and 'Arboricultural Impact Assessment' (AIA) reports. The first report was undertaken in order to provide details of the individual trees and groups of trees that could be affected by potential development. This survey work then provided the information going forward to inform the AIA. This is the document which provides the necessary advice to ensure appropriate tree retention and protection is achieved in the proposed development.

The submitted AIA explains that the development proposal will necessitate the removal of trees within what has been classed as 'Group 2'. Group 2 is classified within Category B primarily for its landscape value i.e. the trees that are present in numbers and as such have moderate quality. However, arboriculturally many of the individual trees within the group are of average condition and some are poor specimens with suppressed form and crown dieback common. Furthermore, the area surveyed as Group 2 is only a small section of a much larger block of structural planting that would be retained. Consequently the AIA considers that the loss of Group 2 should not be overly significant when compared to the extent of the plantation that will remain; additionally post-development planting would enhance the immediate area.

It is therefore considered that should Members be minded to approve the application a condition should be included which requires the submission of an Arboricultural Method and Tree Protection Statement in order to protect those trees that are to remain during the course of constructing the development. Furthermore a tree replacement condition should also be incorporated, thereby according with the recommendation of the AIA and mitigating for the loss of Group 2. In conclusion with the imposition of these

conditions the proposed development is considered to be on balance acceptable and in accordance with policies CN17, CN18 and CN23.

- Ecological considerations

An extended Phase 1 survey of the land has been submitted in support of the planning application. The purpose of the survey was to map those habitats present within the site, to record any evidence indicating the presence of protected species and to identify where habitats are potentially suitable for such species. This information was then used to assess the value of the site in terms of habitats and protected species in order to ensure a robust assessment of the potential ecological impacts.

During the survey no evidence confirming the presence of protected species was recorded, although habitats were considered to have in general terms the potential to support bats, badger and locally common birds. Regarding bats the site was considered to be of only local importance, while given the high level of disturbance and its urban location results in their being only a low risk of badger being present or affected by the proposal. Moreover in view of the relatively small size of the site, particularly in terms of the availability of breeding habitats, limits the area's ornithological importance.

Nevertheless, in order to minimise the risk of protected species being adversely affected, or a net decrease in biodiversity value of the site following the implementation of the proposal, various mitigation measures have been suggested by the Phase 1 survey. These include timing of vegetation clearance and works commencing and finishing on site, while a method statement is also considered necessary in order to minimise the residual risk of disturbing species such as badger.

In conclusion, as the proposed skate park will result in the loss of only a small area of habitat of relatively limited ecological value, an extensive habitat/creation scheme is not considered necessary. However, where possible, efforts should be made to ensure the proposals enhances the ecological value of the site and as such Section 7 of the Phase 1 survey provides further detail on the mitigation, compensation and monitoring required. Colleagues in the Local Planning Authority's Built and Natural Heritage Team have assessed the Phase 1 survey and consider the proposal to be acceptable on condition that Section 7 is conditioned should Members be minded to approve.

It is therefore considered that on balance the proposed development is considered to be in accordance with policies CN18 and CN23 and acceptable in respect to its impacts on ecology.

3. Highway engineering and surface water considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. In addition policies T8 and T9 seek to improve facilities for

pedestrians and cyclists respectively. Furthermore, policy EN12, in conjunction with the Environment Agency, requires the Council to seek to ensure that development proposals should not likely impede materially the flow of flood water, or increase the risk of flooding elsewhere.

- Highway engineering considerations

The proposals involve the Stopping Up of existing footpaths via Section 257 of the Town & Country Planning Act (1990). In order to facilitate this process the application has had to include reference to Stopping Up in its description in order to appropriately advertise the implications of the development.

Regarding the consideration of the proposal, and as explained in the first section of this report, the scheme has in part been designed to improve the pedestrian links within the area. The introduction of more gentle grades and widening of footpaths for use by pedestrians and cyclists will benefit both users of the skate park and the Park itself, thereby according with the aspirations of policies T8 and T9. Furthermore, only a minor comment has been received from highway engineering colleagues regarding how the proposed footpath arrangement will tie in to the existing footbridge approach. Accordingly, on the whole the proposal is supported from a highway engineering perspective and is considered to be in accordance with policy T14.

- Surface water considerations

The Town and Country Planning (Development Management Procedure)(England) Order 2010, which is the statutory instrument which, in part, instructs Authorities on which organisations to consult before the grant of permission, states that where development is on land of 1 hectare or more the Environment Agency requires consultation. Therefore, as the application site incorporates modifications to the existing footpath and the creation of new footpaths in conjunction with the reinstatement of the site of the existing skate park to grass, the red line boundary of the application site covers an area of 11.50 hectares.

However, in response the Agency has provided comments in recognition of the fact that the amount built development i.e. the footpaths and skate park, comprises an area of development below the 1 hectare threshold. As a consequence the Agency has provided no site specific comments to the application consultation. Nevertheless, the Agency does have standing advice for any operational development which consists of 1 hectare or less. This advice is primarily focused toward the management of surface water run-off.

In this regard, and even in recognition of the varied topography that exists on site, the proposed works are effectively replacing 'like for like' built development. Moreover the form of development proposed is relatively insensitive to flooding. Furthermore, given the parkland setting the surface water will, in part, be absorbed by the large grassed areas that will remain. Nevertheless, it is noted that a section of the proposed new footpath, which

runs adjacent to the site of proposed skate park, is effectively located in a hollow and as such it is considered appropriate, should Members be minded to approve, to include a surface water drainage condition in order to agree the detail on how surface water drainage will be managed at this particular location.

#### 4. Visual amenity considerations

Policy B2 requires the scale, massing, layout or setting of new developments should respect and enhance the best qualities of the locality and relate harmoniously to adjoining areas.

The skate park is replacing an existing, well used resource within close proximity to the existing site, thereby limiting the development's visual impact on Princess Anne Park overall. The design of the skate park will be the same as it is now and will incorporate the CCTV cameras and columns that exist at present. Furthermore, its location will still benefit from a close visual relationship with the existing Leisure Centre and will still be in close proximity to the Police Station within the Town Centre. It will be located on lower ground and as such should not dominate its immediate surroundings or the wider setting of the Park. In addition substantial tree planting will also act as a back drop to the skate park's location, further off setting its introduction to its new site.

It is therefore not considered that the proposed development will materially impact upon the visual or general amenity of Princess Anne Park, and as such is considered acceptable and in accordance with policy B2.

#### Conclusion

The proposal is considered acceptable and Members are therefore advised to grant consent for the proposed development in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the following conditions.

**Recommendation:** Grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992

1. Three Years
2. Accordance with approved plans
3. Surface Water Drainage - footpath
4. Submission of arboricultural method and tree protection statement
5. Tree replacements
6. Loss of replacement tree(s) replace within 5 years
7. Section 7 (mitigation, compensation and monitoring) – Extended Phase 1 Report



---

Number:	S3
Application Number:	12/03273/FUL
Proposal:	Change of use of agricultural land to kennels and erection of timber building to accommodate 10 dogs. (Retrospective)
Location:	Land Adjacent To Dean Croft Bungalow, Warden Law, Houghton-Le-Spring, DH5 8LX

---

Members may be aware that the site inspection scheduled for Friday 25 January 2013 was cancelled due to adverse weather conditions.

For this reason, it is recommended that consideration of this application be deferred until such time as it is possible to re-arrange the site visit.

**Recommendation:** Defer

---

Number:	S4
Application Number:	12/00014/SUB
Proposal:	Erection of two storey detached property (resubmission).
Location:	2, Woodbine Cottages, Springwell, Gateshead

---

As stated in the main report, it is considered that the principle of the proposed development is acceptable, as is its impact on visual amenity, the character of the locality, highway and pedestrian safety and trees and ecology. Furthermore, the implications of the development in respect of potential land contamination are also acceptable. The proposal therefore accords with the requirements of policies EN10, B2, H22, T14, T22, CN17 and EN14 of the City Council's adopted Unitary Development Plan.

In addition, the proposed development is not considered to result in harm to the amenity of the majority of dwellings surrounding the application site. However, its impact on the amenity of the dwelling of 'Moorgate', the detached bungalow occupying higher ground to the rear of the development site, was still being considered pending the receipt of a drawing showing a section through the application site. The current occupier of 'Moorgate' has objected to the proposal on the basis that the new dwelling would overlook the property's garden and living room windows.

The requested drawing of a section through the development site, which would show the proposed new dwelling in relation to surrounding land levels and thus illustrate the relationship between the proposed building and 'Moorgate', has not yet been submitted. It is anticipated that the requested drawing will be received prior to the Committee meeting and a final assessment of the affect of the proposal on the amenity of 'Moorgate', together with a recommended decision, will be reported at the Sub-Committee meeting.

**Recommendation:** Deputy Chief Executive to Report

---

Number:	S5
Application Number:	12/03113/FUL
Proposal:	Erection of 39 no. dwellings (Use Class C3), landscaping, parking and associated highway works.
Location:	Land off Pattinson Road, Pattinson Industrial Estate, Washington

---

Further to the main report the main issues to consider in connection with this application are:

### **Principle of Development**

The application site is allocated on the Unitary Development Plan proposals map as land to be used for employment purposes; the application under consideration is therefore a departure from the plan. However, the previous approval of planning permission 10/03726/HYB established the acceptability of residential use on the wider site, this application seeks permission to extend the approved residential use into the north western corner of the site.

It is therefore considered that the proposed use of the application site as residential is acceptable and will complement the previously approved residential scheme which is currently under construction.

### **Design and Appearance upon Visual Amenity**

The proposed development is of a very similar appearance to the scheme approved by planning reference 10/03826/HYB and will appear as a part of that scheme when both are complete. On this basis it is considered that the proposed development is acceptable and unlikely to have any detrimental impact upon the visual amenity of the area.

### **Impact upon Residential Amenity**

The proposed development site is located to the east of Pattinson Road and is removed from any existing residential development by that road. The houses approved by planning reference 10/03726/HYB are under construction to the south and east of the application site. It is therefore considered that the 39 houses proposed will not have any impact upon the residential amenity of any existing residential occupier.

However, in this instance it is considered necessary to consider the residential amenity of those who will occupy the dwellings proposed, particularly in terms of potential odour and noise issues.

### **Odour**

The application site is located to the south west of Washington Sewage Treatment works and an objection to the proposed development has been

received from Northumbrian Water (NWL) on the basis that the area of land proposed to be developed is currently allocated for employment/industrial uses and in Northumbrian Water's view the replacement of these uses with further housing in this particular location could give rise to future occupiers of the houses proposed being impacted by odour issues. NWL further states that:

"NWL must be allowed reasonable freedom to perform its statutory and strategic duties and responsibilities i.e. to treat the waste produced by the residents and businesses of Washington as a whole, without undue or unnecessary constraint or interference resulting from proposals to locate inappropriate and odour sensitive development such as housing in close proximity to the Washington Sewage Treatment Works. Responding to such complaints already has significant implications and costs on the operational efficiency of the works and its ability to perform its main strategic and statutory functions".

Whilst the concerns of NWL are noted, planning approval 10/03726/HYB approved housing development in closer proximity to the NWL treatment works than those proposed by this application.

Furthermore it must be considered that complaints relating to the Sewage Treatment Works are not a day to day occurrence and it is not considered that the Sewage Treatment Works has been, nor is, a statutory nuisance. If NWL are employing "best practicable means" of controlling their odours, which they are, then they have defence against prosecution.

It is acknowledged that new housing may well lead to *additional* complaints, but it must also be acknowledged that should an odour problem occur then the *existing* householders (located in Teal Farm) will continue to complain. The problem causing the complaint will still have to be addressed or explained, therefore it is considered that the proposed additional housing may add to the pressure, but not to the need, to address odour problems when they occur.

Based upon the above it is considered that, on balance, a refusal of planning permission on grounds of potential odour issues alone would not be sustainable in this instance.

### Noise

The application is accompanied by a Noise Assessment which assesses the impact of the existing noise climate on the proposed new dwellings. The principal noise source was identified as road traffic on Pattinson Road. The report concludes that in order to protect the future occupiers of the proposed dwellings from potential noise pollution, a scheme of sound insulation works will be required. It is considered that the scheme of noise insulation works proposed by the applicant is acceptable and if Members are minded to approve the proposed development a condition will be applied to any approval granted requiring the installation of sound insulation prior to the occupation of any of the houses.

On the above basis the proposed development is considered to be acceptable in terms of noise impact upon the future occupiers of the proposed dwellings.

### **Highway Access and Car Parking**

Access to the proposed development will be taken from an existing roundabout on Pattinson Road via the access road approved in connection with planning permission 10/03726/HYB. This access is considered to be acceptable.

In terms of the internal highway arrangement of the proposed development, amended plans were received from the applicant on 29 January 2013, these amended plans seek to address minor issues identified by the City Council's Network Management Team, e.g. arrangement of parking spaces, extent of footpath etc. It is anticipated that the consideration of these plans will be completed prior to the meeting of the Development Control Sub-Committee and will be reported at the meeting accordingly.

### **Ground Conditions**

The application is accompanied by a validation report dealing with ground conditions on the proposed development site. The City Council's Environmental Protection (Pollution Control) Team is currently assessing the information that has been submitted. It is considered unlikely that the information will be fully considered prior to the meeting of the Development Control Sub-Committee. Therefore if Members are minded to approve this application it is considered appropriate to apply the standard "ground conditions" conditions to any approval granted which will allow the full assessment of the ground conditions of the site prior to the commencement of development.

### **Landscape**

The application is accompanied by a landscape proposals plan which is considered to be broadly acceptable. However, the amended plans received 29 January 2013 remain under consideration. In the event that Members are minded to approve this application, conditions will be attached to any approval granted requiring the submission of a final scheme of landscaping (this will accommodate any minor modifications required to the landscaping scheme as a result of the updated highway plans) and also a condition requiring the replacement of any planting that dies or is removed within the first five years of the development.

### **Ecology and Habitat**

Given that the application site is a cleared site it is not considered that the proposed development will result in any detrimental impact to any ecological habitat or protected species. The proposed development is considered to be acceptable in this respect.

**Provision of Play Space**

An on site play area is being provided as part of the development approved by planning reference 10/03726/HYB. This play facility will serve both the development previously approved and the one proposed.

**Affordable Housing**

There is no affordable housing provision proposed as part of this development. Negotiations in this respect are ongoing and will be reported at the meeting of the Development Control Sub-Committee meeting.

**Provision of Educational Resource**

The City Council's Children's Services Team has identified a requirement for 5.1 additional school places at either JFK or Barmston Primary School as a result of this development. The applicant has agreed to enter in to an agreement under the provisions of Section 106 of the Town and Country Planning Act to make £71 334.00 available towards the provision of 6 additional school places. Negotiations in connection with this agreement are continuing and it is anticipated that the final agreement will be available in the very near future.

In order to allow the further consideration of plans submitted on 29 January 2013 and to allow finalisation of the legal agreement with minimal delay to the final determination of this planning application, it is requested that Members agree to delegate the final determination of this application to the Deputy Chief Executive who is minded to approve the application subject to any conditions considered necessary and the completion of an agreement under Section 106 of the Act.

In the event that agreement cannot be reached between the Council and the applicant on any outstanding issue, the application will be referred back to the Development Control Sub-Committee for a final decision.

**Recommendation: Delegate to the Deputy Chief Executive**