

**At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on THURSDAY, 29<sup>th</sup> NOVEMBER, 2012 at 4.45 p.m.**

**Present:-**

Councillor Thompson in the Chair

Councillors Blackburn, Heron, Padgett, Richardson, Scaplehorn, Scott, D. Snowdon, Tate, Tye, Wakefield and Wood.

**Declarations of Interest**

12/02906/VAR – Variation of Condition 2 (Approved Plans) of Planning Permissions 12/00516/FUL (Erection of 23 no dwellings with associated hard and soft landscaping, drainage , services and associated infrastructure and stopping up of highway) to omit two visitor parking bays adjacent to Queensway and also to omit Solar Panels from the scheme at land at Racecourse, Queensway, Houghton-le-Spring; and

12/02907/VAR – Variation of Condition 2 (Approved Plans) of Planning Permission 12/00320/FUL (The construction of 12 no residential dwellings with associated hard/soft landscaping, drainage and mains services and associated access and infrastructure, including stopping up of existing highway) to omit Solar Panels from the scheme at land at Racecourse, Kingsway, Houghton-le-Spring

Councillors Scott, D. Snowdon and Tate declared a Pecuniary Interest as Council appointed Directors of the Board of Gentoo and left the room during consideration of the applications. Councillor Heron also declared a Pecuniary Interest in the applications as his wife had recently been appointed to the Board of Gentoo and left the room during consideration of the items.

**Items for Information**

11/02362/OUT – Eppington Ltd, Land at North Road, Hetton-le-Hole, Houghton-le-Spring

12/02340/FUL – BDW Trading, Elba Park, Former Lambton Coke Works, Lambton Lane, Houghton-le-Spring

Councillors Heron and Tate made open declarations in the above applications as members of Hetton Town Council who were a consultee in the applications.

## **Apologies for Absence**

Apologies for absence were received from Councillors Lauchlan and F. Miller

## **Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report and a supplementary report (copies circulated), which related to Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy report – see original minutes)

### **12/02218/FUL – Change of use of existing material recycling facility to a metal recycling facility, to include siting of two single storey portacabins, boundary treatment to a maximum height of 5 metres and associated works (amended description at land at Monument Park, Washington**

The representative of the Deputy Chief Executive took Members through the key principles of the application, identifying proposals for the site and taking Members through the representations that had been raised and how these had been addressed.

The proposed use of the site does not fall within any particular use but includes uses which were granted consent under the original consents in 2004 and 2006 while the current authorised use is also deemed a sui generis use. Given that the proposed use was not too dissimilar to the authorised use as a material recycling facility it is considered that the principle of the development of the site as a metal recycling facility is acceptable and complies with the Council's adopted policies.

The representative of the Deputy Chief Executive also referred Members to the conditions attached to the application and advised that condition 8 would be reworded to clearly identify that no end of life vehicles would be stored outside of the buildings and that condition 12 would need to be removed as it was not enforceable by the Council and in any event the issue of securely sheeting during transit was a matter dealt with by Road Traffic Legislation.

The Chairman advised that he had a number of proposals to speak at Committee on this application and introduced Mr. Fred Kirkland, on behalf of the Teal Farm Residents Association, Ms. Fiona Monteith-Preston, in objection to the application, and Mr. Mike Foster, on behalf of the application, Van Dalen Metal Recycling and Training, and invited them address the Committee in turn.

Mr. Kirkland spoke in objection of the application and on behalf of the Teal Farm Residents Association, who he had advised had submitted a petition of 246 signatures, took part in a website poll and submitted 35 objections individually through the Van Dalen consultation period. He explained that the residents of Teal

Farm were not objectors by nature of their group and liked to work alongside local companies and agencies to continue to improve their quality of life. He explained to the Committee that this was the seventh waste transfer site application to be submitted in a number of months in the neighbouring area.

He then went on to put forward the representations on behalf of the residents, which included:-

- that metal waste transfer sites, or 'scrap yards', were by definition unsightly and bad neighbours, information that was based on historical data which showed that they continually brought with them complaints from neighbouring residents of noise, theft, accidents and fires;
- the noise assessment that had been carried out and had been undertaken on data from the current plant in South Shields and did not take into account the environment of the new site. At the current site there was a 60 foot high building which muffled the noise coming from the development;
- the proposed site would be reduced further in size with room for 12 car park spaces to be included, which were not shown on the original submission;
- there was a height restriction of 5.3 metres due to overhead power cables, yet there would be cranes on site with a jib of 12 feet to grab and move vehicles around which would not comply with these restrictions;
- the Wetlands Wildlife Trust was a site of specialist scientific interest and was only 200 yards from the estate, the ground water and overflow from the site had not been tested to ensure any toxins were being fed into the water supply at the wetlands centre;
- 7:00am start would be earlier than any other business on the industrial estate and was not fair on local residents who may work shifts.

The Chairman welcomed Ms. Monteith-Preston who also spoke in objection to the application stating that she had lived on the Teal Farm Estate for 17 years and despite the lack of local amenities they had enjoyed living there knowing that the site would be further developed in the future. She explained that over the years they had seen developments and were keen to see more of a village and residential feel to it with the development of more housing, shops and a local pub.

Ms. Monteith-Preston advised that her main concerns were in relation to the following:-

- there had been an increase in litter due to the new units which had been unsightly but residents had persevered with it for the development to be completed;
- hazardous waste from this site with the storing of heavy metals, batteries, tyres and fluids which could be of both a health and fire risk to local residents;
- potential toxins from the site could have health implications on residents or other nearby agencies, such as the Wetlands Trust;
- this development may put off potential buyers of new properties being built in the area;

- Van Dalen had recently ran a campaign from their South Shields depot inviting householders to bring unwanted metal to their scrap yard for cash payment, which would see an increase in queuing, waiting traffic and could encourage theft to local properties;

Councillor Padgett then spoke, advising that some of his issues had been raised by both objectors, but raising the following issues / questions:-

- Would the site have its own sewage system and not a combined one?
- Had all measures been taken to ensure that during high rains no overflow or toxins would be washed in the Wetlands Trust or to the ancient hamlet in Low Barmston, which neighboured the development?
- The possibility of illegal parking in the area, if double yellow lines were in place would there be the resource to police it?
- The increase in noise in the area to the neighbouring residents, especially if granted a 7:00am operating hours;
- The rise in the level of traffic, and if there was any way in which traffic could be directed to access the site via the Sunderland Highway;
- There was history in the area of having a lot of issues with waste transfer sites and this was a further similar application which could create even more problems for residents.

The representative of the Deputy Chief Executive took this opportunity to address each of the issues raised.

Councillor Wakefield asked if any research had been undertaken with the current site in South Shields and was advised that there had been discussions with the planning enforcement team and environment health, who both had no issues or complaints raised with them.

With regards to highway issues in the area, the Highways Officer advised that parking restrictions had been put in place to help alleviate from the overspill of Waterview Park and has appeared successful, as double yellow line schemes tended to be self enforcing as drivers would not park on them. He also advised that Pattinson Road was part of the network of roads into the Washington area and it would not be expected that restrictions would be placed on that road but he was aware that following a review a reduction in the speed limit was to be put in place.

Councillor D. Snowdon referred to the site visit the Committee had undertaken to this site and commented that whilst they had been there they had found it increasingly difficult to speak to and hear one another because of the noise from the surrounding units and this development would only increase the noise and compound issues.

Councillor Tye commented that he thought this particular facility was well suited for the site, given that the previous application had been of a similar venture, and was in keeping with the rest of the industrial estate and the related works upon it. He commented that he genuinely believed that ELV sites were completely different to the way scrap yards were operated in previous years and following the challenging questions he had posed to the applicant on the site inspection he felt that all relevant measures would be in place to ensure they were a good neighbour to residents.

The Chairman then invited Mr. Pollard to speak on behalf of the applicant. Mr. Pollard advised that the relocation of the business would see a number of benefits including increasing targets for recycling and increasing employment opportunities by increasing staff by another 5 positions than those they already had in South Shields. He explained that Van Dalen had carried out a number of consultation exercises, including distributing newsletters, holding public exhibitions and continuing to respond to representations and queries from residents, and consulting external agencies such as Northumbrian Water and the Environment Agency.

He advised the Committee and residents in attendance that the applicants understood that proposed schemes such as these did raise local concerns but felt that those representations made had been addressed through full consultation and as evaluated in the report and did not warrant objection to the application. He explained that the applicant intended to address a number of existing problems already noted on site and once operational would continue to be regulated by the relevant agencies, whilst working with residents to alleviate any issues that may arise.

When asked how many vehicles it would be expected would be stored on one site at any one time, Mr. Pollard advised there were 2/3 areas on site that were set aside which would hold one day's assets.

With regards to members of the public delivering scrap, the applicant advised that from 3<sup>rd</sup> December, 2012, cash sales for scrap were no longer legal and payment had to be made via other methods and advised this had been brought in to reduce stolen metals being sold. He also advised that no member of the public would be granted access to the site on foot and that it was aimed at homeowners and small tradesmen to help them off load scrap materials safely.

Having fully discussed the application and Members queries having been answered, Councillor Padgett, seconded by Councillor D. Snowdon, moved that the application be refused. The Solicitor advised that before the motion could be put to the vote the proposal for refusal had to be submitted with clear and unambiguous planning reasons for refusal.

At this juncture, Members requested to hold a short adjournment whilst they discussed their options and proposals.

Following the adjournment, it was agreed that the motion to refuse the application be withdrawn and having been put to the vote, with eight Members in favour, two against, one Member abstaining and one Member non-voting due to arriving late to the meeting during discussion of the item, it was:-

1. RESOLVED that the application for the proposed change of use be approved for the reasons as set out in the report and subject to the fifteen conditions therein.

**12/02556/REM – Approval of reserved matters (in connection with outline planning approval 11/01612/OUT) for 158 dwellings (including 10% affordable home) and associated landscaping and infrastructure at SIG Combibloc Limited, Blackthorn Way, Sedgely Industrial Estate, Houghton-le-Spring, DH4 6JN**

The representative of the Deputy Chief Executive presented the report advising that this decision would ordinarily be taken under delegated powers but that due to the level of local interest it had been submitted to the Committee for decision. She also reiterated that the principle of the development had already been agreed and was not for discussion at this meeting as it was only the approval of reserved matters that decision was being sought for.

The Chairman welcomed Mr. Chaudhury who had requested to speak on the application in objection and Mr. Foster, on behalf of the applicant. The Chairman advised that he had also had notification from Councillor Ellis that she would like to speak on behalf of the residents.

Mr. Chaudhury thanked the Committee for the opportunity to address them and raised the following issues:-

- The boundary fencing and bushes had been put in place when the site had been occupied by a factory and provided privacy and limited the noise levels coming from the site;
- Prior to the fence being in place there had been a series of break ins, removing the security fencing could see this increase again;
- Would residents be compensated for their loss of view?
- There was wildlife in abundance in the shrubs that were to be removed, such as hedgehogs which were legally protected, so removal of the landscaping would be illegal;
- The bund and landscaping could remain and still give developers substantial land to plot their development without that strip of land;
- The issues around privacy, security and local ecology needed to be addressed before the development was carried out.

Councillor Ellis spoke to the Committee primarily around her concerns over the ecology and wildlife of the local area and how it may be in jeopardy if not dealt with in a correct manner. She referred to the wording within the supplementary report from the Council's Natural Heritage Team where they stated that it was unlikely that bats and newts used the earth mound as habitat, as there was no measurement as to whether they did or not. The report stated that bats would use the area for foraging activities so she felt it was important that a level of the vegetation was left. She also explained that the newts were described as great nested newts, which were a protected species along with the hedgehogs that were present.

Councillor Ellis referred to the method statement and the areas where it was expected that a site diary be kept and filled in as wildlife is found and spotted around the site and commented that she did not think workmen on the site would be concerned over this and pay attention to filling it in as and when necessary.

Members raised concerns over the provision of school places in the area for any families moving into the development and also referred to problems regarding flooding in the area due to heavy rainfall and asked if these issues had been considered. The representative of the Deputy Chief Executive advised that on both issues the relevant technical experts had been consulted and no issues had been raised at the relevant time but repeated that this application was purely to look at the reserved matters as described earlier.

The Chairman then invited Mr. Foster to speak to the Committee on behalf of the applicant who advised that the bund and fencing could not be left as was as it restricted the development but advised them that the developers took the ecology of the site very seriously and a full survey of the area to be removed would be inspected carefully. If any species were found then the relevant works would be carried out to ensure they were removed correctly.

With regards to privacy and security issues, he advised that no designs were final as yet and one property had been repositioned already, he did inform residents that the new properties would be lower than those in Avenue Vivian though. He also explained that if necessary they could increase the height of the boundary fence to 2.2 or 2.4 metres, which they had the power to do.

In response to one of the Members who sought clarification on the siting and appearance of the affordable housing, Mr. Foster explained that they would be interspersed throughout the site and not look any different to any of the other houses on the development.

In relation to any concerns around noise, dust and dirt from the site. Mr. Foster advised that the developers would do all they could during the build to try and ensure they were good neighbours.

Members having been advised that the publicity in connection with the application did not expire until 4 December, 2012, it was:-

2. RESOLVED that the application be delegated to the Deputy Chief Executive to approve the application subject to any necessary conditions; or in the event of any additional representation being received, which raised issues not already addressed, refer the application back to the next available Committee meeting for determination.

**12/02629/FUL – Erection of 26 no residential dwellings, comprising of two storey 2, 3 and 4 bedrooms and associated works at land adjacent to Springwell Road, Springwell Village, Gateshead**

Members advised that they had met on site to discuss the proposals for improving the road network for safety and access to the development and Mr. Foster commented that a series of works had been agreed to improve the safety of junctions and other potential options for the roads.

Members having fully considered the application, it was;-

3. RESOLVED that the application be delegated to the Deputy Chief Executive to either:- approve the application, subject to the satisfactory signing of a Section 106 agreement by 17 December, 2012, or such other date as agreed by the Deputy Chief Executive, and subject to any necessary conditions; or:- refer the application back to the Committee should all outstanding matters not be satisfactorily resolved and a section 106 agreement not be signed by 17 December, 2012, or such date as agreed by the Deputy Chief Executive.

**12/02906/VAR – Variation of Condition 2 (Approved Plans) of Planning Permission 12/00516/FUL (Erection of 23 no dwellings with associated hard and soft landscaping, drainage, services and associated infrastructure and stopping up of highway) to omit two visitor parking bays adjacent to Queensway and also to omit Solar Panels from the scheme at land at Racecourse, Queensway, Houghton-le-Spring, DH5 8EJ**

Members having fully considered the application, it was:-

4. RESOLVED that the application be granted approval for the reasons as detailed in the report and subject to the twelve conditions as set out.

**12/02907/VAR – Variation of Condition 2 (Approved Plans) of Planning Permission 12/00320/FUL (The construction of 12 no residential dwellings with associated hard/soft landscaping, drainage and mains services and associated access and infrastructure, including stopping up of existing highway) to omit Solar Panels from the scheme at land at Racecourse, Kingsway, Houghton-le-Spring, DH5 8DW**

Members having fully considered the application, it was:-

5. RESOLVED that the application be granted approval for the reasons as detailed in the report and the twelve conditions as set out.

**Items for Information**

Members having considered the report, it was:-

6. RESOLVED that a site visit be undertaken to application 12/01125/OUT – Mr. Colin Ford, land at Coal Bank Farm, Weardale Street, Hetton le Hole

**Town and Country Planning Act 1990 – Appeals**

The representative of the Deputy Chief Executive advised that there had been one appeal received between 1<sup>st</sup> and 31<sup>st</sup> October, 2012, which was expected to be withdrawn, and it was:-

7. RESOLVED that the appeals received be received and noted.

(Signed) G. THOMPSON,  
Chairman.