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## **SUPPLEMENTARY REPORT ON APPLICATIONS**

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### **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**

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|----|--|
| S1 | Hawthorne House (VAR), Blackthorn Way, Sedgeleth Industrial Estate, Houghton le Spring |
| S2 | Hawthorne House (FUL), Blackthorn Way, Sedgeleth Industrial Estate, Houghton le Spring |
| S3 | Plot 2, Mandarin Way, Pattinson Industrial Estate, Washington                          |

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<b>Number:</b>	S1
<b>Application Number:</b>	11/03333/VAR
<b>Proposal:</b>	Variation of planning application 07/00603/SUB (Construction of industrial unit with associated car parking and loading facilities for the purposes of recycling and waste transfer station) for the removal of Condition 16 which prevents the recycling, treatment or disposal of clinical waste on site.
<b>Location:</b>	Hawthorne House, Blackthorn Way, Sedgeleth Industrial Estate, Houghton le Spring

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Further to the report on the main agenda to Committee, issues relating to noise and types and frequency of vehicles that will visit the existing premises have been given further consideration.

#### Implications of Item S2 (09/04568/FUL)

Please note that an additional full planning application has been submitted in tandem, please see item S2 (09/04568/FUL). Item S2 seeks permission to erect an extension to the existing unit in order to accommodate and undertake the entire applicant's proposed clinical waste treatment business.

However, as condition 16 applies to the site as a whole this variation of planning permission has been submitted in preparation of the determination of item S2 (09/04568/FUL). This will, should Members be minded to approve, enable the appropriate consideration for clinical waste to occur within the proposed extension, as this will partly be built on land within the red line boundary of the 07/00603/SUB approval, which of course is subject to the existing parameters of condition 16.

Consequently, for the purposes of considering this proposal the clinical waste process has been viewed in the context of operating within the existing premises, and not within the proposed extension, which is the applicant's intention, as this will be considered via the consideration of item S2 (09/04568/FUL).

#### Noise considerations

Unitary Development Plan (UDP) policy EN5 states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential areas or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation

measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Pollution Control (Environmental Health) requested evidence from the applicant to ascertain the anticipated noise levels at the nearest noise sensitive receptors, which in light of the recent SIG Combibloc outline residential planning approval (Ref. 11/01612/OUT) is just over a 100m away. As a consequence the applicant commissioned and submitted a noise impact assessment (Apex Acoustics, Report Ref 2955.1). Please note that as part of this noise assessment other noise sensitive properties were represented i.e. the nearest existing residential property in Avenue Vivian.

In view of the Heat Disinfection Unit (HDU) equipment being bespoke the manufacturer could not provide the requested specific sound power levels. Consequently, Pollution Control (Environmental Health) agreed a suitable methodology with the noise consultants whereby the internal noise level was set at a modelled level in order to enable the noise breakout and impact to be calculated. It was agreed that the modelled internal noise level should be set at the Health and Safety 'The Control of Noise at Work Regulations' (2005) upper exposure action value of 85 dB(A). Therefore with the modelled internal noise level and for Pollution Control (Environmental Health) to be satisfied that the development proposal would not be detrimental, it was a requirement that the rated noise impact should not exceed the background noise level by more than 5 dB.

With the above agreed methodology the existing noise environment was measured between the hours of 02:00 and 03:00 hours on the 25 January 2012 to represent the background noise levels at what is considered to be the quietest point during the proposed operational hours.

The submitted noise report concludes that the potential noise impact of the proposed facility would comply with the limits set by Pollution Control (Environmental Health), i.e. the rating level at the nearest noise sensitive property was calculated to be only 3 dB above the measured background noise level, which is of "marginal significance" according to British Standard 4142: Method for rating industrial noise affecting mixed residential and industrial areas. Furthermore, should it be the case that the internal noise level within the proposed facility is below 85 dB(A), then the noise impact is likely to be commensurately lower.

Nevertheless, in recognition of the fact that the noise assessment was predicated on a modeled internal noise level, it is considered necessary that the actual internal noise level is measured and validated at the point the equipment is commissioned in order to ensure that details of any necessary mitigation can be approved and implemented before the plant becomes operational which, if Members are minded to approve, could be required as a condition.

In conclusion, and on the basis that the submitted noise assessment indicates that the plant will only be of "marginal significance" at the pertinent noise

sensitive locations, allied to the incorporation of the above condition and the limiting of hours of delivery, the proposal is considered to be on balance acceptable in respect to noise impacts, in accordance with policy EN5.

#### Types of vehicles and frequency of deliveries

Further information has been supplied by the agent, acting on behalf of the applicant, in respect to the types of vehicles transporting the clinical waste and the anticipated amount of deliveries.

The current waste treatment/recycling facility generates 20 vehicle movements per day and it is anticipated that there will be 25 to 30 traffic movements involved in the treatment of clinical waste. Consequently, should this occur within the existing building, which is not the applicant's intention, part of the existing waste treatment/recycling operation will be displaced by the clinical waste operation, with the potential for a corresponding reduction in deliveries. Furthermore, the types of vehicles used to transport the clinical waste will consist of double deck box vans, with a length of either 9.4m or 12m, and a smaller box van with an overall length 8.5m, the latter enables access to smaller establishments such as cottage hospitals and clinics, which are considered relatively modest in terms of what could be expected to frequent industrial estates.

It is therefore considered that the frequency of deliveries is acceptable given the industrial estate setting of the application site, while the types of vehicles visiting the premises in conjunction with the condition limiting the hours of delivery, will satisfactorily mitigate the operational impact of the clinical waste treatment and ensure the development proposal accords with policies EC12 and EC15 of the UDP.

#### Conclusion

The submitted noise assessment has adequately demonstrated the acceptability of the proposed variation of condition 16 while the additional information supplied in respect of the frequency of deliveries and the type of vehicles to be used ensures the proposal accords with relevant UDP policies. Accordingly the application for the treatment of clinical waste at the site is considered to be acceptable in respect to highway engineering, environmental health and public amenity, residential and visual amenity and ecological considerations and as such is recommended for approval subject to the following conditions.

#### **RECOMMENDATION: Approve subject to the following conditions**

##### 1. Noise Survey

Before the use hereby approved is commenced the applicant should appoint a suitably qualified and experienced noise control consultant to undertake a noise assessment in line with British standard 4142:1997

"Rating industrial noise affecting mixed residential and industrial areas." The noise source should be measured when the plant(s) is operated. A background noise survey must be performed during the proposed operating hours. Following analysis and corrections to the data in accordance with BS 4142:1997, the difference between the source and the existing noise level should be determined.

The comparison between the predicted noise level (LAeq) or, if corrected, where necessary for undesirable characteristics, the "rating level" from a development and the existing background noise level (LA90) gives an indication as to the likely acceptability of the development. A difference of +10dB is a positive indication that complaints are likely. A difference of +5dB is said to be of marginal significance. A difference of -10dB is a positive indication that complaints are unlikely and therefore operation of the development should be designed to achieve a small a difference as possible to preclude complaints of nuisance or disturbance. The noise of any externally fitted plant shall not exceed the background noise by more than 5dBA or, if the noise is tonal should not exceed the background noise at all at any noise sensitive property.

The consultant's report together with recommendations for any necessary mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority and any agreed mitigation measures implemented before the use, hereby approved, is commenced, in the order to avoid any undue noise disturbance to noise sensitive receptors and to comply with policy EN5 of the adopted Unitary Development Plan.

## 2. Odour Abatement

No offensive odours originating from the development hereby approved shall be detectable at the boundary of the site (as perceived by the City Council's Environmental Health Officer (EHO)). In the event that offensive odours are detectable by the EHO, a written scheme of odour mitigation measures shall be submitted for the written approval of the Local Planning Authority within one month of the odour complaint being communicated to the site operator (or an alternative timescale to be first agreed in writing with the Local Planning Authority). Once approved the scheme of odour mitigation measures shall be fully implemented in accordance with the approved scheme to a timetable to be agreed in writing with the Local Planning Authority. Once installed the odour mitigation measures shall be maintained and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

In the interest of residential amenity and to achieve a satisfactory form of development on site and to comply with the requirements of policies B2 and EN9 of the adopted Unitary Development Plan.

NOTE: This approval relates solely to the variation of condition 16 of the planning permission granted under reference 07/00603/SUB and does not constitute a reissue of that permission, both approvals run concurrently and should be read in conjunction with one another. The development approved under reference 07/00603/SUB must be carried out in complete accordance with the approved plans and remaining conditions imposed as part of that permission.

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<b>Number:</b>	S2
<b>Application Number:</b>	09/04568/FUL
<b>Proposal:</b>	Extension to existing waste recycling centre to incorporate clinical waste treatment.
<b>Location:</b>	Hawthorne House, Blackthorn Way, Sedgelych Industrial Estate, Houghton le Spring

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Further to the report on the main agenda to Committee, issues relating to noise and types and frequency of vehicles visiting the proposed clinical waste treatment building have been given further consideration.

#### Item S1 (11/03333/VAR)

Please note that this application is closely related to item S1 (11/03333/VAR), and, as explained in the previous report, has been submitted in order to vary condition 16 of the original 07/00603/SUB approval and therefore create the right conditions to appropriately consider the treatment of clinical waste in the proposed extension.

#### Noise considerations

Unitary Development Plan (UDP) policy EN5 states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential areas or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Pollution Control (Environmental Health) requested evidence from the applicant to ascertain the anticipated noise levels at the nearest noise sensitive receptors, which in light of the recent SIG Combibloc outline residential planning approval (Ref. 11/01612/OUT) is just over a 100m away. As a consequence the applicant commissioned and submitted a noise impact assessment (Apex Acoustics, Report Ref 2955.1). Please note that as part of this noise assessment other noise sensitive properties were represented i.e. the nearest existing residential property in Avenue Vivian.

In view of the Heat Disinfection Unit (HDU) equipment being bespoke the manufacturer could not provide the requested specific sound power levels. Consequently, Pollution Control (Environmental Health) agreed a suitable methodology with the noise consultants whereby the internal noise level was

set at a modelled level in order to enable the noise breakout and impact to be calculated. It was agreed that the modelled internal noise level should be set at the Health and Safety 'The Control of Noise at Work Regulations' (2005) upper exposure action value of 85 dB(A). Therefore with the modelled internal noise level and for Pollution Control (Environmental Health) to be satisfied that the development proposal would not be detrimental, it was a requirement that the rated noise impact should not exceed the background noise level by more than 5 dB.

With the above agreed methodology the existing noise environment was measured between the hours of 02:00 and 03:00 hours on the 25 January 2012 to represent the background noise levels at what is considered to be the quietest point during the proposed operational hours.

The submitted noise report concludes that the potential noise impact of the proposed facility would comply with the limits set by Pollution Control (Environmental Health), i.e. the rating level at the nearest noise sensitive property was calculated to be only 3 dB above the measured background noise level, which is of "marginal significance" according to British Standard 4142: Method for rating industrial noise affecting mixed residential and industrial areas. Furthermore, should it be the case that the internal noise levels within the proposed facility are below 85 dB(A), then the noise impact is likely to be commensurately lower.

Nevertheless, in recognition of the fact that the noise assessment was predicated on a modeled internal noise level, it is considered necessary that the actual internal noise level is measured and validated at the point the equipment is commissioned in order to ensure that details of any necessary mitigation can be approved and implemented before the plant becomes operational which, if Members are minded to approve, could be required as a condition.

In conclusion, and on the basis that the submitted noise assessment indicates that the plant will only be of "marginal significance" at the pertinent noise sensitive locations, allied to the incorporation of the above condition and the limiting of the hours of delivery to be the same as those permitted for the existing waste transfer/recycling operation, the proposal is considered to be on balance acceptable in respect to noise impacts, in accordance with policy EN5.

#### Types of vehicles and frequency of deliveries

Further information has been supplied by the agent, acting on behalf of the applicant, in respect to the types of vehicles transporting the clinical waste and the anticipated amount of deliveries.

The current waste treatment/recycling facility generates 20 vehicle movements per day and it is anticipated that there will be 25 to 30 traffic movements for the proposed clinical waste facility, thereby culminating in a



total of 50 overall for the site. The types of vehicles used to transport the clinical waste will consist of double deck box vans, with a length of either 9.4m or 12m, and a smaller box van with an overall length 8.5m, the latter enables access to smaller establishments such as cottage hospitals and clinics, which are considered relatively modest in terms of what could be expected to frequent industrial estates.

It is therefore considered that the frequency of deliveries is acceptable given the industrial estate setting of the application site, while the types of vehicles visiting the premises in conjunction with the condition limiting the hours of delivery, will satisfactorily mitigate the operational impact of the clinical waste treatment and ensure the development proposal accords policies EC12 and EC15 of the UDP.

## Conclusion

The submitted noise assessment has adequately demonstrated the acceptability of the development proposal while the additional information supplied in respect of the frequency of deliveries and the type of vehicles to be used ensures the proposal accords with relevant UDP policies. Accordingly the application for the treatment of clinical waste at the site is considered to be acceptable in respect to highway engineering, environmental health and public amenity, residential and visual amenity and ecological considerations and as such is recommended for approval subject to the following conditions.

### **RECOMMENDATION: Approve subject to the following conditions**

#### 1. Three Years

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. Plans

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans and supplementary information:

Site Plan, Dwg. No.: 02, Rev No: E, received 25 January 2012

Proposed Site Elevations, Dwg. No.: 01, Rev No: C, received 9 November 2011

Proposed Plans & Elevations, Dwg. No.: 03, Rev No: B, received 9 November 2011

Existing Site Plan, Dwg. No.: 00, Rev No: A, received 22 November 2011

Location Plan received 9 November 2011

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the UDP.

3. Deliveries

No deliveries shall be taken at or despatched from the site outside the hours of 08:00 - 18:00 on Mondays to Fridays, 08:00 – 13:00 Saturdays and at no time on Sundays, Bank/Public Holidays, to ensure that nearby residents are not adversely affected by the development and in the interest of highway safety and to comply with policies B2, EC12, EC15, and T14 of the UDP.

4. Noise Survey

Before the use hereby approved is commenced the applicant should appoint a suitably qualified and experienced noise control consultant to undertake a noise assessment in line with British standard 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas." The noise source should be measured when the plant(s) is operated. A background noise survey must be performed during the proposed operating hours. Following analysis and corrections to the data in accordance with BS 4142:1997, the difference between the source and the existing noise level should be determined.

The comparison between the predicted noise level (LAeq) or, if corrected, where necessary for undesirable characteristics, the "rating level" from a development and the existing background noise level (LA90) gives an indication as to the likely acceptability of the development. A difference of +10dB is a positive indication that complaints are likely. A difference of +5dB is said to be of marginal significance. A difference of -10dB is a positive indication that complaints are unlikely and therefore operation of the development should be designed to achieve a small a difference as possible to preclude complaints of nuisance or disturbance. The noise of any externally fitted plant shall not exceed the background noise by more than 5dBA or, if the noise is tonal should not exceed the background noise at all at any noise sensitive property.

The consultant's report together with recommendations for any necessary mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority and any agreed mitigation measures implemented before the use, hereby approved, is commenced, in the order to avoid any undue noise disturbance to noise sensitive receptors and to comply with policy EN5 of the UDP.

5. Odour Abatement

No offensive odours originating from the development hereby approved

shall be detectable at the boundary of the site (as perceived by the City Council's Environmental Health Officer (EHO)). In the event that offensive odours are detectable by the EHO, a written scheme of odour mitigation measures shall be submitted for the written approval of the Local Planning Authority within one month of the odour complaint being communicated to the site operator (or an alternative timescale to be first agreed in writing with the Local Planning Authority). Once approved the scheme of odour mitigation measures shall be fully implemented in accordance with the approved scheme to a timetable to be agreed in writing with the Local Planning Authority. Once installed the odour mitigation measures shall be maintained and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

In the interest of residential amenity and to achieve a satisfactory form of development on site and to comply with the requirements of policies B2 and EN9 of the UDP.

6. Hours of construction

The construction works required for the development hereby approved 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, unless otherwise first agreed in writing with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the UDP

7. Landscaping

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 indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.

8. Landscaping 2

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 UDP.

9. Materials

Notwithstanding any indication of materials which may have been given

in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

10. Boundary enclosures

Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure 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 UDP.

11. Wheelwash

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 UDP.

12 Scheme of Working

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 cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, unless otherwise first agreed in writing with the Local Planning Authority, 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 UDP.

13 Ecology

Notwithstanding the submitted plans, all works shall be carried out in accordance with sections 5.0 (Mitigation) as set out in the Ecology Report (PlanArch\_Sedgeleth\_Eco1.1) dated 3 November 2011, unless otherwise agreed in writing with the Local Planning Authority, in the interests of nature conservation and to comply with policy CN22 of

the UDP.

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<b>Number:</b>	S3
<b>Application Number:</b>	11/03537/EXT1
<b>Proposal:</b>	Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation 08/03582/OUT. Application for outline planning permission for the erection of a B8 distribution unit (up to 10,000 m2 in size), including detailed permission for means of access, including stopping up and diversion of public footpath and bridleway.
<b>Location:</b>	Plot 2, Mandarin Way, Pattinson Industrial Estate, Washington

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## **PROPOSAL:**

### **THE APPLICATION**

The application under consideration seeks consent to extend the life of a previously approved Outline Planning Permission (reference: 08/03582/OUT).

The application has been submitted on behalf of Bericote (Ryton) Ltd, a company which specialises in Industrial and warehousing developments. The development proposal forms the second phase of development of this area of Pattinson North Industrial Estate.

Members may recall that phase 1, for the erection of an ASDA recycling centre (08/00129/FUL) was approved, subject to conditions, following the 01 April 2008 meeting of the Sub Committee.

### **THE APPLICATION SITE**

In terms of location, the application site lies adjacent to the phase 1 plot which has been developed for a new ASDA recycling unit, at the eastern end of Pattinson North Industrial Estate. This lies beyond the current terminus of Mandarin Way on the opposite side of Barmston Lane.

The application site is triangular in shape and is bounded to the north by the A1231, the west by Barmston Lane and by open countryside to the east. Low Barmston Farm House lies at its southern most tip.

The site is currently undeveloped land, with existing tree planting to its northern boundary with the A1231, and along its eastern boundary. Two gas easements are also known to cut across the site, one running along Barmston Lane itself and the other running diagonally through the site from the north west to south east. The site is bounded on three sides by both private and public rights of way.

The original application proposals (approved in 2008) and which this application replicates, were the subject of pre-application discussions with various Council departments as well as key interest groups and local residents. The scheme as submitted takes into account, as far as possible, the comments raised by interested parties during those discussions.

### **PROPOSED DEVELOPMENT**

This application seeks outline permission to develop a Storage / Distribution unit (Use Class B8) of 8 -10,000m<sup>2</sup> with associated office and infrastructure. Due to the potential issues that were known to be associated with the site, the details of the means of access is the main subject of consideration at this stage, with the details of the precise location and arrangement of the building and infrastructure to be reserved for determination via a subsequent Reserved Matters application.

As well as detailing the new access arrangements, the proposal also makes provision for new public rights of way within and around the application site. It should be noted that these elements of the proposal will also involve amendments to individual's private rights of way along Barmston Lane, which leads to the hamlet of Low Barmston Farm to the South East. Should planning permission be approved an application under S.247/248 of the Planning Act will need to be made, which will involve a separate consideration of the merits of the proposed diversions / additions and will involve additional public consultation, following which a final decision on the diversions will be made. For clarification; from a planning perspective, the issue of whether the change, alteration or loss of a right of way is acceptable by individuals is not for consideration at this stage. This application simply established the principle of development of the application site for the development proposed.

### **PRINCIPLE OF THE EXTENSION OF TIME FOR IMPLEMENTATION**

Planning permission 08/03582/OUT was granted on 12 December 2008. Condition one of (outline) planning approval 08/03582/OUT required that:

*Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.*

*(Imposed pursuant to the provision of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004).*

The time period for submission of reserved matters in connection with outline planning approval 08/03582/OUT has expired (11 December 2011), In effect therefore outline planning permission 08/03582/OUT has lapsed.

Consent is now sought to extend the time limit for submission of reserved matters and extend the life of the outline planning permission.

Communities and Local Government Guidance on Greater flexibility for planning permissions allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This measure was introduced, temporarily due to current economic conditions and has been in place since 1 October 2009.

The original planning consent (08/03582/FUL) was granted on 12 December 2008, i.e. the consent has now lapsed, but as the application to extend the time limit for implementation was made prior to this consent lapsing (on 28 November 2011), the Local Authority retains jurisdiction to issue an extension of time if it sees fit.

The CLG guidance advises Local Planning Authorities to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly, whilst taking into account whether development plan policies and other material considerations have changed significantly since the original granting of planning permission.

Paragraph 30 of the CLG guidance allows where necessary, Local Planning Authorities to impose such conditions as they see fit, including different conditions to those originally imposed, where necessary.

For ease of reference for Members, the issues that were considered in reaching the decision to issue the previous approval (08/03582/FUL) are set out below and are updated where necessary.

#### **PROPOSAL:**

The issues that were considered in connection with the original 08 planning approval were:

- Access.
- Acceptability of the movement in and around the site by the various users from a highways perspective.
- Principle of having a B8 warehouse / distribution unit in this location.

#### **ACCESS**

The proposed access arrangements are as follows:-

- The creation of a 5 arm roundabout.
  - (i) The southern arm leads from Mandarin Way;
  - (ii) To the west, two arms link in, one from the recently completed ASDA recycling facility and the other from the northern section of Barmston Lane. A pedestrian / cycle way (3m wide) and a separate 3m wide bridleway run from the northern side of this towards the next arm of the roundabout (site entrance). At this point there is a horse



pen (corral) for horses to pass through, in order to control horse movements.

(iii) The northern arm of the roundabout leads into the new site, which would be subject to a Reserved Matters application for B8 development. Leading from this is a further horse corral which leads into a similar arrangement as described above, leading towards the eastern arm of the roundabout and towards Low Barmston Farm.

(iv) To the east, an arm leads to the south eastern section of Barmston Lane that heads towards Low Barmston Farm.

- The creation of new sections of cycleway / bridleway along Barmston Lane as described above and also a new section running along the entire length of the eastern boundary, joining into the existing C2C route that runs along the northern edge of the site, parallel with the A1231

### **BUILT DEVELOPMENT**

In terms of the size, the indicative plans submitted show that the building would be

- Between 12m and 15m in height.
- Width approximately 130m
- Length approximately 280m

The proposed development could generate in the order of 100 to 125 jobs, depending upon the eventual end user of the building.

The application was accompanied by supporting information including an ecological / biodiversity report, ground condition survey and transport assessment.

It should also be noted that Low Barmston Farmhouse a Grade II Listed Building lies to the immediate south east of the site.

Members visited the application site on 21.11.08

### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

The period for publicity remains in force

### **CONSULTEES:**

Environment Agency

County Archaeologist

SUSTRANS

## **REPRESENTATIONS:**

To summarise, the main concerns raised in response to consultation undertaken in 2008 were:-

- A roundabout is excessive and unacceptable and would alter the rural character of Barmston Lane.
- The roundabout junction would be dangerous for horses and their riders.
- The development would affect the private rights of access of the residents of Low Barmston Farm
- Un-neighbourly development-particularly due to the proposals orientation and the perceived increase in vehicles.
- The development would create pollution:- particularly noise and light.
- The proposal if approved could lead to parking problems, with workers parking vehicles along the length of Barmston Lane, which is an unadopted road.
- The proposal would have an adverse effect on wildlife and habitat such as hedges.
- The proposal could contribute towards flooding.

In response to consultation carried out in connection with the application currently under consideration three letters of representation were received and the following additional grounds for objection were raised:

- Scale of building is inappropriate in this location and will dwarf adjacent dwellings.
- The weight of feeling against this application was not considered fully last time the proposal was granted permission.
- Effect upon the setting of a Listed Building (Low Barmston Farm House).

The additional grounds for objection received in connection with the planning application under consideration remain under consideration and will be reported in full on an additional report to Members at the Committee meeting.

## **CONSULTEES**

The following responses were received as a result of the consultation process.

### **Northumbrian Water**

No Objections.

### **Environment Agency (EA)**

No objection to the proposed development subject to the inclusion of a condition on any approval granted requiring all development to be carried out in accordance with the submitted flood risk assessment and mitigation measures as required.

### **County Archaeologist**

No objection to the proposed development providing that conditions are attached to any approval granted requiring:

- Archaeological excavation and recording to be undertaken prior to any development commencing;
- Production of a archaeological post excavation report; and
- Publication of the report required (above) in an approved archaeological journal.

### **Sustrans**

Welcomes the proposal for the introduction and realignment of cycle routes as shown on the submitted plans.

### **Cyclist Touring Club**

Welcomes the improvements to the existing cycling network and requests that all works are designed to a high standard to reduce future maintenance costs.

### **English Partnerships**

Supports the application.

These are considered and discussed where appropriate in the comments section below.

### **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\_11\_Measures to protect the archaeological heritage of Sunderland (general)

B\_15\_Developments causing large scale ground disturbance (currently undeveloped areas)

CN\_15\_Creation of the Great North Forest

CN\_17\_Tree Preservation Orders and replacement of trees

CN\_18\_Promotion of nature conservation (general)

EC\_2\_Supply of land and premises for economic development purposes

EC\_3\_Support for new and existing economic activity

R\_1\_Working towards environmentally sustainable development

T\_1\_Promote the development of a varied, balanced, integrated & sustainable transport system

T\_2\_Promote the role of public transport, improving quality, attractiveness and range

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

B\_10\_Development affecting the setting of listed buildings

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

T\_13\_Criteria influencing proposals for highways improvements including new road construction.

The abovementioned policy considerations remain unchanged from the time of the original grant of planning permission in 2008.

**COMMENTS:**

The key issues to consider in relation to this proposal are:-

- Principle of the operational use of the site.
- The highways implications.
- Environmental Considerations (including flooding, noise and light pollution)
- The impact upon wildlife on site.
- The potential archaeological implications to the site.
- The affect on the setting of a Listed Building.
- The appearance and layout of the development.
- Sustainability.

**PRINCIPLE OF LAND USE**

In terms of land use, the development has to be considered against the following UDP policies:

WA1.7 Pattinson North.

Guidance provided in this policy promotes uses including offices, research and development, light industry, general industry, warehouses and storage (B1, B2, and B8).

EC4 Land for Economic Development.

Guidance provided in this policy supports the retention and improvement of employment, and acceptable primary uses for these sites include offices, research and development, light industry, general industry, warehouses and storage (B1, B2, and B8).

The proposed development is considered to support the aims of the policies within the adopted UDP by supporting economic growth through introducing new employment opportunities if approved. As such, in land use terms the principle of a warehouse development is considered appropriate.

**HIGHWAY CONSIDERATIONS**

In considering the highways implications for the site, consideration has to be given to Policies T14 and T22 of the adopted UDP which require that new development should have adequate parking facilities and not give rise to traffic congestion or highway safety problems. T13 of the UDP encourages highway improvement works which will facilitate the movement of industrial traffic in existing and proposed industrial areas, whilst improving conditions for pedestrians and cyclists.

## I. Introduction of a roundabout.

In general terms, a roundabout has always been the preferred option of the Councils highway engineers for the head of Mandarin Way, once all the available plots had been built out, in order to allow the free-flow of traffic, particularly larger commercial vehicles visiting the companies situated on the industrial estate. The introduction of a roundabout would allow for such vehicles to turn around in the highway without having to perform awkward reversing manoeuvres or having to be solely reliant on being allowed to manoeuvre around in the goods yards of the business located here. From that perspective, it is clear that the proposed roundabout has its benefits. However, this has to be balanced against the concerns raised by residents which relate primarily to how the roundabout proposes to link Mandarin Way to Barmston Lane.

At present, Barmston Lane is a small, privately owned and maintained road which provides the sole means of access to the properties that are located at Low Barmston Farm.

Currently, residents of the area enjoy private access rights granted by the owner of the lane, English Partnerships. Residents are concerned that these access rights could be lost. However the proposal, if approved would create a closer and more direct route to the adopted road network of the City for the residents, who would thereby benefit.

Nonetheless, some users of Barmston Lane consider that the proposals produce a number of problems, particularly,

- The possibility of horses bolting across the roundabout into the path of commercial vehicles.
- The potential conflict between traffic visiting the industrial estate / site and vehicles accessing Low Barmston Farm.
- Possible problems of parking occurring along the length of Barmston Lane that will remain unadopted from the eastern arm of the roundabout onwards, towards Low Barmston Farm.

Looking at each of these concerns in order,

- With regards to horses, substantial provision has been made for upgraded and additional sections of bridleway for horse riders to use, which are considered to be of benefit. Irrespective of whether or not a roundabout is in place, should Barmston Lane and Mandarin Way link in any configuration, there will always be potential for a horse to bolt across Mandarin Way. It is considered that by providing a significant amount of dedicated segregated routes around the site for riders that if a horse were ever to bolt, by the law of averages it would be unlikely to occur within proximity of the roundabout. It also has to be noted that, for a 60 metre approach either side of the Barmston Lane and Mandarin Way intersection at the roundabout, riders would be on their own segregated route leading them away from the central island. As

such, it is considered that the proposal is well conceived and offers a solution that meets the needs of the industrial estate, the future occupants of the site and the riders who frequent the area.

- In terms of conflict arising between vehicles visiting the industrial estate and the residential properties of Barmston Lane, it is considered that the roundabout will act as a traffic calming measure, with vehicles naturally slowing down to drive around the roundabout thus giving all users more time to be aware of each others intentions. In addition, it has been suggested to the developer that a passing place is introduced along the section of Barmston Lane that heads towards Low Barmston Farm, in order to accommodate vehicles who may meet one another heading to and from the roundabout, although such an occurrence is likely to be infrequent. In broader terms, it should be also be noted that the submitted transport plan estimates that overall traffic generation created by the development would represent only a 5% increase on the traffic currently exiting onto the Pattinson Road Roundabout at the opposite end of Mandarin Way.
- With respect to parking along the unadopted sections of Barmston Lane, it is recommended that parking restrictions will need to be introduced, which would be subject to a separate legal procedure. The developer has been made aware of this intention and that he would be liable for all incurred costs. Such requirements as well as the number and arrangement of vehicle parking spaces within the curtilage of the site can be controlled via the imposition of an appropriately worded condition should Members be minded to approve the application.

On balance, it is considered that; the proposed means of access into the site is the most acceptable and appropriate solution, the proposed use will not result in a significant increase in traffic to the area, measures can be put in place to deter vehicles from unnecessarily driving down and / or parking on Barmston Lane and that an adequate provision has been brought forward to accommodate cyclists / horse riders needs. As such the proposal is considered to meet the requirements of UDP policies T13, T14 and T22.

## II. Affects upon Barmston Lane.

In addition to the actual highways effects as described above, residents have also expressed concern at how the proposal would alter the character of the approach to their properties. Whilst this is undeniable, once residents have exited the roundabout they still have an 80 - 100 metre stretch of Barmston Lane before the hamlet is reached. In addition to the proposal creating a dedicated separate route for cyclists and equestrians, it should also be noted that this remaining section will be further improved by the application proposals which indicate additional landscaping and tree planting along its length. Consequently, it is not considered that the character of Barmston Lane as it approaches Low Barmston will be affected to an unacceptable degree and therefore the scheme complies with the highways objectives of UDP policies T13 and T14.

To conclude, it is considered the access details are acceptable and generally in accordance with Policy T14 of the UDP subject to further minor revisions being submitted.

### **FLOOD RISK**

The Environment Agency has been consulted regarding this application and has confirmed that they are satisfied that the proposed development will not create any problematic issues relating to flooding. The Environment Agency has further confirmed that it has no objection to the proposed development subject to the inclusion of a condition on any approval granted requiring all development to be carried out in accordance with the submitted flood risk assessment and also requiring the mitigation measures detailed in the flood risk assessment to be fully implemented as a part of the development proposed.

### **NOISE**

Planning Policy Guidance Note 24 considers the implications of development on noise sensitive areas. Similarly, UDP Policy EN5 requires assessment of, and proposed mitigation of significant increases to noise resulting from a development. In considering whether the development will create any adverse noise effects, the manner in which the building is going to be operated has to be examined.

The initial indication is that the proposals will not create noise levels that are excessive in comparison to the existing background noise levels of general industrial warehousing activities which are prevalent in the immediate surrounding area. In addition the site is parallel with the busy A1231 which itself creates a level of background noise.

The indicative layout plan shows that the building is orientated in such a manner that it “backs onto” the existing residential development in the locality, so this in itself will provide a degree of sound protection. However, in order to ensure that noise originating from the development proposed is not problematic the Executive Director of City Services: Pollution Control has advised that an assessment of the site in relation to the likely noise impact on the nearby residential premises should be undertaken and submitted as a part of any future application for Reserved Matters.

The assessment undertaken will be required to fully consider the implications of the development in terms of background noise levels and noise likely to be generated on site and indeed from additional traffic associated with the site. Details of any mitigation measures required to ensure that such noise does not adversely impact on residential premises will also be required for submission.

It is therefore advised that if Members are minded to approve this application a condition be imposed on any approval granted requiring the submission of a noise assessment and any necessary mitigation measures as part of any future full or reserved matters application.

## **GROUND CONDITIONS/CONTAMINATION**

The 2008 application was accompanied by a geotechnical assessment which concluded that the site is stable and will not require any unusual foundation solutions. The report also confirmed that there is no contamination issue on this site. However it is considered prudent to include a condition on any approval granted requiring that in the event that any unexpected contamination is found during development/excavation works, a written method statement detailing how the contamination found will be dealt with by the developer is submitted for the written approval of the Local Planning Authority.

## **AIR QUALITY**

An assessment of the potential impacts of the proposed development upon air quality in the locality of the development site has not been undertaken at this stage. However, following consultation with the City Council's Executive Director of City Services: Pollution Control, it is considered that such an Air Quality Assessment should be submitted to support any future application for Reserved Matters in connection with this proposed development. Therefore should Members be minded to approve this application, a condition requiring the submission of an Air Quality Assessment will be attached to any approval granted.

## **LIGHTING**

In respect of any effects of lighting on the wider surrounding area and habitat, it is not considered that the proposals will have any significant adverse effects. As there have been significant advances in the field of lighting over recent years, it is considered that the lighting of the site can be undertaken in such a manner that will not spill out into the surrounding area. However, until a detailed site layout is submitted together with lighting details no accurate assessment is possible. Details of the precise positioning, type and design of lighting to be used can be secured via condition and should alleviate any concerns raised in this respect and thereby ensure that the requirements of UDP Policies CN16 and CN18 are met.

## **WILDLIFE AND ECOLOGY**

The proposal is generally considered to be consistent with other developments approved recently in the area, on similar areas of land, most notably the Phase I ASDA site to the west and the Turbine Park Development on the northern side of the A1231. These sites have very similar physical characteristics as the application site in as much as they were open fields with no planting and allocated for industrial purposes in the UDP.

Residents have claimed that numerous species can be seen in the area, including bats, kestrels, owls, sparrow hawks, and badgers. A series of ecological surveys have been undertaken and the 2008 application was accompanied by an ecology report, which confirmed that there are bat roosts in the vicinity.



The development if approved, whilst losing some trees along the boundary with the A1231 to the north, would see the enhancement of the wider area by encouraging additional tree planting around the perimeter of the site, including improvements to the existing hedges either side of Barmston Lane. Whilst the open fields will be lost as a result of the development, this additional planting would improve the overall habitat for breeding birds and foraging bats.

The submitted ecological report suggests that native trees, such as Oaks be planted. It is proposed that Bat boxes be installed around the building and a new water area is also depicted as being created. In general, the proposal is considered to be acceptable in terms of likely impacts upon wildlife and protected species. However, given the period of time that has elapsed since the preparation of the ecology report that accompanied the 2008 application, a condition will be attached to any approval granted requiring that an updated ecological report, including mitigation measures where necessary, is submitted as part of any future Reserved Matters application submitted in connection with the development under consideration.

## **ARCHAEOLOGY**

The County Archaeologist is of the opinion that the new information which has been passed on to them by residents cannot be ignored. Consequently the claims that potential remains of an early hamlet and a post medieval forge may survive on the site need to be examined further.

The developer therefore has been recommended to appoint an archaeologist to undertake an archaeological desk based assessment, in line with the requirements of Policy B11 of the adopted UDP which seeks to protect the archaeological heritage of Sunderland. The assessment will include a search of early mapping to look for evidence of the wagon way, forge and hall. Following this assessment, a geophysical survey and evaluation trial trenching may need to be undertaken.

Under normal circumstances archaeological work should be undertaken prior to determination. However, given that the County Archaeologist initially advised that no archaeological work would be required on the site, pre-determination archaeological work may not be deemed appropriate.

As such, it is concluded that in respect of the potential archaeological implications on the site, that it would be appropriate for conditions to be imposed at this outline stage, which would ensure that the archaeological work is undertaken before any groundworks or development commences on the site, so that in the event of any settlement, wagon way or forge being found during the archaeological work, adequate recording and / or mitigation measures could be undertaken. Consequently it is considered that with the imposition of appropriately worded conditions requiring archaeological excavations and recording to take place; a report to be submitted detailing the findings of the excavations undertaken; and the publishing of that report in an approved architectural journal, the proposal would meet the requirements of Policy B11 of the UDP, which is concerned with the protection of archaeological remains.

## **IMPACT UPON THE HISTORIC ENVIRONMENT (LOW BARMSTON FARMHOUSE)**

As indicated above, the site is located to the north west of Low Barmston Farmhouse which is a Grade II listed building. It was built in around 1840 in a baronial style and constructed in sandstone under a Welsh slate roof. It retains an irregular plan. In 2008 the proposed development was considered against the requirements of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15), which indicated that Grade II listed buildings are of special interest, in architectural or historic terms, warranting every effort to preserve them.

PPG15 has since been superseded by Planning Policy Statement 5: Planning for the Historic Environment, which came in to force on 23 March 2010.

The general aspirations of both policy documents are similar, in that they both aim to protect buildings of historic interest. However, given that this particular area of adopted National Planning Policy has changed since the granting of the 2008 planning approval, the City Council's Conservation specialists have been consulted regarding the application. The comments of the Conservation Team are awaited and it is anticipated that these comments will be available prior to the Committee meeting and will be reported at that point accordingly.

Members should also note that an objection has been received from the occupier of Low Barmston Farmhouse on the grounds that the proposed development is contrary to the requirements of UDP Policy B10 and that the proposed development will have an unacceptable adverse impact upon the setting of the listed building which he occupies.

In order that Members are aware of the considerations that were undertaken in respect of the impact of the proposed development upon the setting of the listed Low Barmston Farmhouse in 2008, these previous considerations are set out for ease of reference below:

### ***Assessment Against the Requirements of PPG15***

*Whilst Grade II listed buildings account for around 94% of all listed buildings PPG15 makes it clear that statutory controls should apply equally regardless of grade. Whilst the proposed development will not impact directly upon Low Barmston Farmhouse, Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that Local Planning Authorities, in considering whether to grant planning permission for development which affects a listed building or its setting, should have special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. This advice is incorporated into Policy B10 of the adopted UDP.*

*Given that the application site shares its boundary with the entire north western boundary of Low Barmston Farmhouse it will clearly have an impact upon its setting and curtilage. It will therefore be important to consider*

*whether this impact affects the properties special interest and have regard to the historic and contemporary setting of the building.*

*Historically, the building has been physically detached from the main grouping of agricultural buildings to the south east and this contextual relationship remains today. The Farmhouse has a tightly defined curtilage formed by stone walls and mature vegetative boundaries, particularly to the northern boundary onto the application site.*

*Whilst historically the Farmhouse would have been set within the wider setting provided by the farmstead itself and surrounding field patterns, this has diminished over time and the functional relationship between these elements removed. The setting of the Farmhouse is now defined by its immediate curtilage and its relationship with the building group to the south east. Historically, as now, the vegetative boundary to the north side provides a distinct physical and visual edge.*

*The wider setting, particularly to the north and north west has changed substantially over time with the building of the A1231, adjacent industrial buildings and car parking areas. The UDP allocation of land to the north for employment purposes (UDP Policy WA1) emphasises this shift away from the former agricultural character of the area and this limits and defines the contemporary setting of the listed building.*

*The application, as submitted, has been devised to maximise as far as possible the distance between the farmhouse and the development, providing a landscaped buffer along the south eastern boundary to ensure that visual intrusion is minimised and that an element of openness remains. Taking into account the known constraints of the site, (gas mains), the indicative layout plan submitted shows that a swathe of land running along the Barmston Lane frontage of the site heading towards the A1231 crossover bridge to the north will remain open in character, as this is to be set aside for landscaping / parking. The precise form that this landscaping / parking will take can be considered at a later reserved matters stage should Members be minded to approve the application but nevertheless it is evident that some distance views that currently exist from the crossover bridge across to the listed building will remain. As such, whilst altering the current situation it is considered that on balance, the proposals do help to emphasise and protect the curtilage of the Listed Building.*

*As such, for the reasons given above it (was considered, based upon Policy in force in 2008 that) the application proposals will not have an adverse effect on the setting of this building and therefore comply with Policy B10 of the adopted UDP.*

## **DESIGN AND LAYOUT**

Although the site is designated in the adopted UDP for industrial purposes, as well as considering the design of the proposal in context with the prevailing industrial buildings to the south / east, the development should also have regard to the non-industrialised areas to the south / west. A purely indicative

layout for the plot has been submitted at this outline stage, in order to give comfort that a building of the size proposed can be located on the site without significant adverse impact. The indicative design and layout of the building is considered to be consistent with the other industrial units in the vicinity. The design and access statement submitted with the application expands upon this indicative plan and sets out a number of design principles that the proposal should adhere to, namely:-

- The building will be positioned to screen the yard area from Low Barmston Farm House: This will reduce the potential for any undue noise or disturbance. Such an arrangement would mean that as the crow flies, Heavy Goods Vehicles would be no closer to the residential properties than they are at present when visiting the neighbouring Scania Trucks site and ASDA Recycling Centre.
- The off set and screening distance between Low Barmston Farm House and the development will be maximised as far as practicable. The plan to be approved as part of this outline already shows a considerable off set resulting from landscaping and PROW zones.
- Elevations will match those of the adjacent service centre as far as practicable in order to ensure that a consistent design approach has been adopted in this area of the Industrial Estate: including:-
  - i) Consistent materials.
  - ii) Consistent colours.

It is considered that such design specifications can be achieved by the use of an appropriately worded condition on any consent granted.

In addition it also has to be taken into consideration that the development is shown as having significant planting around its boundaries, particularly to the sides which face towards Low Barmston Farm, which will provide screening and further sound attenuation, as described in the 'Environment' and 'wildlife' sections above.

With respect to the site boundary, it is anticipated that this would involve a perimeter security fence of some form to be constructed around the entire site. The precise details and positioning of this fencing can be agreed at a later stage via the imposition of appropriately worded conditions.

Overall it is therefore concluded that the proposed development will be unlikely to cause unacceptable landscape and visual impacts. Through the imposition of conditions requiring adherence to the principles as set out in the design and access statement as well as; precise details of the landscaping, the size of and materials to be used for the external elevations of the building and the style of fencing, the visual impact of the building can be minimised. Whilst the details of the building are not being agreed at this stage, it is considered that the indicative plan submitted is a reasonable approximation of

the form the built development will take and that there is adequate room for a development of this size and associated infrastructure.

With the imposition of such conditions should Members be minded to approve the application it is considered that the proposal will comply with policy B2 of the adopted UDP.

### **SUSTAINABILITY**

The development should give appropriate consideration to guidance provided through Policy 38 of the RSS. The guidance provided by this policy aims to encourage planning proposals to:

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;
- b. encourage and promote opportunities for new developments to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice and BREEAM rating.
- c. encourage and facilitate businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set major new developments should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless this is not feasible or viable.

In addition, UDP Policy R1 considers sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage, especially damage which may be irreversible or very difficult to undo.

The application is generally considered to accord with the principle of RSS Policy 38 and UDP Policy R1 as it is on a site that has long been allocated for industrial purposes. In addition, it is considered that measures could easily be incorporated into any design of the building to deliver further additional sustainability measures such as grey water recycling and rainwater harvesting. The indicative layout plans show a water storage facility in the north east corner of the site, which would suggest such measures were being considered at this stage. In order to ensure such features together with a commitment for at least 10% of the energy supply to be from green sources are incorporated in the final design, a condition can be imposed to any consent issued requiring such, should Members be minded to approve the application, which would enable the proposal to comply with the RSS and UDP aims described above.

## **SUMMARY**

Notwithstanding the policies relating to protection of the Historic Environment, including Listed Buildings, the development proposed is considered generally to be in accordance with the policies contained in the adopted Unitary Development Plan and provides further employment opportunities within the City on a site allocated for industrial uses.

Aside from the emergence of new national policy in relation to protection of the historic environment and listed buildings in particular (PPS5) the policy considerations in connection with the development proposed have remained unaltered since the approval of outline planning approval 08/03582/OUT. Similarly there has been no significant alteration to circumstances, or conditions, on or within close proximity to the proposed development site.

However, no recommendation regarding the acceptability or otherwise of this application can be made until the implications of new policy relating to protection of the historic environment and the setting of the listed Low Barmston Farmhouse in particular have been fully considered.

Furthermore, the publicity period for representations to be made in connection with this planning application has not yet expired and the representations received to date remain under consideration.

**RECOMMENDATION: Deputy Chief Executive to Report.**