

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 13/02811/FUL Full Application

**Proposal:** **Change of use of the field from agriculture to the keeping of horses and the erection of new 5 box stable block.**

**Location:** Land North Of Over The Hill House High Lane Newbottle Houghton-le-Spring DH4 4NW

**Ward:** Copt Hill

**Applicant:** Mrs Dawn Smith

**Date Valid:** 20 November 2013

**Target Date:** 19 February 2014

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## **PROPOSAL:**

Planning permission is sought for the change of use of a field for the grazing of horses and the erection of a new 5 box stable block on land to the north of Over the Hill Farm, Steadings, High Lane, Newbottle, Houghton le Spring.

The site measures 2.37 ha in area and is surrounded by open countryside that is bounded on two sides by High Lane and the A690. Immediately to the south of the site is a small complex of residential dwellings, the majority of which are converted farm buildings that were granted planning permission by the City Council during 2009. To the east, west and north is open countryside. The site and surrounding land is designated in the UDP (Unitary Development Plan) as Green Belt and is undulating in nature, rising generally from the south to the north.

The site currently has a single storey timber stable block located in its south western corner. This area of land provides shelter for 4 donkeys and 4 horses. It has its own gated entrance to the north west of the field which leads to a private track that provides access to the adopted highway further to the north. Neither the current use of the land for the keeping of horses, nor the existing stable block has the benefit of planning permission from the City Council.

For Members' information it should be noted that there the majority of animal shelters, hard surfacing, land grading changes and use of land for the keeping of horses on the site, and on land surrounding it, appear to be unlawful in planning terms and are currently under investigation by the planning enforcement team.

It is proposed that the existing unauthorised stable block be removed and that a new stable block erected in the north west corner of the site. The applicant states that the new stable is required because the existing stable block is liable to flooding due to the sloping nature of the site. The proposed building consists of 5 stable boxes and measures 18 m long x 3.6 m wide x 3.5 m high and is to be clad in timber with a green 'living' roof. It would be built into the slope of the bank and a retaining wall constructed around the rear of the building to retain the ground and create a level floor. The retaining wall is shown to be 700 mm high and would be of stone gabion construction (enclosed in a metal cage). An area of

concrete hard standing would be created in front of the stables measuring 18 m x 3.5 m.

## POLICY ISSUES

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: 'Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The following UDP policies are relevant to this application;

CN1, CN2, CN3, CN5, CN8, B2, CN22, CN23, EN12, T14.

Draft Core Strategy policies CS7.5, DM7.15 and DM7.17.  
The National Planning Policy Framework (NPPF), which was published in March 2012, of which Chapter 9 is of particular relevance to this application.

The relevant policies of the adopted Unitary Development Plan have been 'saved' under a direction from the Secretary of State. The Sunderland Local Plan Core Strategy and Development Management Policies Draft Revised Preferred Options August 2013 has limited weight, although it is relevant that no objections were received to the pertinent policies in response to the consultation process.

## TYPE OF PUBLICITY:

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## CONSULTEES:

Copt Hill - Ward Councillor Consultation  
Network Management  
Environmental Health  
Environment Agency  
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **31.12.2013**

## REPRESENTATIONS:

Neighbours - no responses have been received in relation to the publicity and consultation exercise that was carried out.

Environment Agency - no objection has been raised to the Flood Risk Assessment report that was submitted as part of the application.

Environmental Health - no objections as it is unlikely that the number of animals proposed would adversely impact upon the residential amenity by virtue of noise or odours. The building should however, be designed so as to mitigate against such impacts.

Network Management - no observations.

Natural Heritage - no observations relating to impact on ecology.

Planning Policy - object (see below).

### **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

CN\_1\_Protecting and enhancing the rural area (general)

CN\_2\_Purpose of the Green Belt in Sunderland

CN\_3\_Control of development within the Green Belt

CN\_5\_Safeguarding the visual amenity of the Green Belt

CN\_8\_Protection of higher grades of agricultural land (Grades 2 and 3A)

B\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

CN\_22\_Developments affecting protected wildlife species and habitats

CN\_23\_Measures to conserve/ improve wildlife corridors

EN\_12\_Conflicts between new development and flood risk / water resources

### **COMMENTS:**

The site lies within the green belt and open countryside. This application relates to the change of use of land from agriculture to the keeping of horses and the erection of a stable building.

There are a number of green belt policy issues that are relevant which warrants careful consideration of the proposed development.

The main issues that the proposal raises are;

1. The principle of the change of use of the land,
2. The protection of high grade agricultural land
3. The appropriateness of the stable building
4. The impact of the development upon the character and visual amenities of the area

#### 1. Change of Use

The proposal includes the change the use of the land from agriculture to paddock for the keeping of horses and donkeys for personal recreational purposes.

UDP Green Belt Policy CN1(iii) seeks to resist development that is inappropriate due to the land use concerned or because it would have a harmful impact on the landscape because of its siting, materials or design. Policy CN5 of the UDP adds that permission will not be given for development which would materially detract from the visual amenity of the Green Belt.

Chapter 9 of the NPPF seeks to protect the green belt from inappropriate and harmful development, and states that the established five purposes that the green belt serves are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve and the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Para 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and permanence. At para. 81 local planning authorities are instructed to plan positively to retain and enhance landscapes and visual amenity. Policies CN2 of the UDP and policy DM7.15 of the emerging Core Strategy reflect NPPF policy.

Para 90 of the NPPF indicates that certain forms of development are not inappropriate provided they preserve the openness of the green belt and do not conflict with the purposes of including land within it. Five types of development are listed but they do not include the material change of use of land. Case law has found that the list is comprehensive and exclusive, from which it is concluded that the change of use of land from agriculture to equestrian use amounts to inappropriate development in the green belt regardless of the impact upon openness, the character and appearance of the area and green belt purposes. Inappropriate development is by definition harmful to the green belt and, in the absence of very special circumstances should not be approved.

## 2. Agricultural Grading

Notwithstanding the above, the site lies within an area of land underlain by Magnesium Limestone to the east of Houghton le Spring, This provides some of the highest quality agricultural land in Tyne and Wear and it is understood that the land has recently been surveyed and has an agricultural land classification grading of 3a.

Policy CN8 of the adopted UDP states that development which results in the irreversible loss of the best and most versatile agricultural land (grades 2 and 3a) will not be permitted unless it can be demonstrated that no other site exists upon which the development could reasonably be located. Para 112 of the NPPF requires local authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Policy DM7.17 of the draft Core Strategy reflects the provisions of the NPPF by stating that, when considering development proposals or change of use which would result in the irreversible loss of agricultural land, consideration will be given to a) the quality of the agricultural land being considered, preference being for the use of poorer quality land (grades 3b-5)'e) the feasibility of restoration to an equivalent grade of agricultural land. Where the above cannot be adequately satisfied, planning permission will not normally be granted.

The proposal will have an impact upon grade 3a agricultural land by virtue of the stable building itself as well as the proposed concrete hard standing in front of it.

However, it is acknowledged that the bulk of the land will be given over to paddock.

### 3. Appropriateness of the Proposed Stable Building

The land is subject to policy CN3 of the Council's adopted UDP, wherein it is provided that new development is by definition inappropriate unless it is for purposes including 'essential facilities for outdoor sport or recreation'. This may include 'small stables' provided that the openness of the green belt is preserved'. This wording reflected the provisions of the now revoked (PPG2) Planning Policy Guidance Note 2.

However, the NPPF removed references to 'essential' and 'small scale' but at para. 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the green belt. Exceptions to this include provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it. Whether this proviso can be met may be judged by looking at the size and scale of structures and their impact upon the character and appearance of the surrounding area.

The proposed structure will be a sizeable building of 18m by 3.6m by 3.5m high, clad in timber with a 'green' roof. It will be built into the slope of the land using a small retaining wall of approximately 0.7m so that the south facing elevation will rise to 3.8m. The excavations and the proposed area of hard standing to the front of the building determines that the whole development will cover an area of at least 9m by 22m. The application site is located within a large open area of agricultural land which slopes gently away from the village of Newbottle and towards the A690, one of the major routes into the city of Sunderland. The site is highly visible along this route and from numerous nearby and distant vantage points.

The positioning of the building in the open fields on an elevated location away from the established group of buildings at Over the Hill House and Over the Hill Farm would render it a highly visible feature in the landscape. Together with the excavations, retaining walls and hard standing, the proposed development would erode the openness of the area and reduce the rural character by giving it a harder, less green and more built up appearance. As the proposed building is not considered to preserve the openness of the countryside, as determined by para 89 of the NPPF, it is inappropriate development in the green belt, which is by definition harmful to the green belt and should not be approved except in very special circumstances.

The applicant has recently provided an additional statement to support the application, which will be summarised as part of a Supplement Report, which will be circulated to Members' prior to the meeting. However, in the absence of any very special circumstances that would outweigh the harm that the development would have by reason of inappropriateness and upon the openness of the green belt, for the reasons given above, the proposal is considered to be unacceptable in principle and contrary to the NPPF, policies CN1, CN2, CN3 and CN5 of the UDP, and CS7.5 and DM7.15 of the draft Core Strategy.

#### 4. Impact of the Development upon Visual Amenity

As detailed above, the building will be a highly visible and obtrusive feature within the landscape from a number of public viewpoints and across large distances. Although few details have been given, the use of the land as a paddock could include associated paraphernalia such as jumps, feeding stations, and indeed muck heaps have been declared, which would add to the visual impact upon the landscape. Although attempts have been made to blend the building into the landscape by incorporating a green roof and setting the building into the slope of the land by 0.7m, it is not considered that this is sufficient to mitigate the likely harm. It is therefore considered that the visual amenities of the green belt will be injured by the development contrary to policies CN1, CN3, CN5 and B2 of the UDP and the development is considered to be unacceptable.

Of particular note is that there are a plethora of similar unauthorised structures in the vicinity of the application site. There is little doubt that, should this application be successful, it will set a precedent for such similar development in the area. The cumulative impact of numerous such structures clearly has a great impact upon the openness of the green belt and has resulted in a significant degradation of the quality of the landscape to the detriment of the visual amenities of the area.

To conclude, it must first be established if the change of use of the land from agriculture to use for the keeping of horses is acceptable in principle. Para 90 of the NPPF provides that the change of use is inappropriate. Further, the proposal involves the loss of grade 3a agricultural land. The change of use is therefore considered to be unacceptable. Notwithstanding this, the next step is to determine whether or not the built development is appropriate in the green belt. The NPPF determines that, if the building does not preserve the openness of the green belt and conflicts with the purposes of including land within it, it is considered to be inappropriate. Inappropriate development is by definition harmful to the green belt. Further, the impact of the development can be demonstrated to be detrimental to the visual amenities of the area. There appear to be no very special circumstances that would outweigh the harm, by inappropriateness and any other harm, to the green belt (para 88 of NPPF).

Consequently, it is considered that the proposal is contrary to national and local policy as detailed above and should be refused.

Therefore in light of the above and notwithstanding the information contained within the additional documentation received by the applicant in support of the application, it is considered that the proposal represents an inappropriate form of development. Therefore, in order to allow proper consideration of the recently received statements from the applicant and agent that support their application and to ensure that well thought out reasons are given, to any recommendation made, a further report will be circulated prior to the Committee meeting.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 13/03039/VAR Variation of Condition

**Proposal:** **Variation of condition 9 (temporary 3 year permission) attached to planning application 10/03624/FUL (Change of use from agricultural merchants depot to a storage and vehicle maintenance facility.), to extend the change of use for a further 3 years.**

**Location:** B.M. English And Son Former NCB Workshops Hetton Lyons Industrial Estate Hetton-le-Hole Houghton-le-Spring DH5 0RH

**Ward:** Hetton  
**Applicant:** J Murphy And Sons Ltd  
**Date Valid:** 6 November 2013  
**Target Date:** 5 February 2014

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### **PROPOSAL:**

Consent is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 9 (temporary 3 year permission) attached to planning application ref. 10/03624/FUL (change of use from agricultural merchants depot to a storage and vehicle maintenance facility) to extend the change of use for a further 3 years at former NCB Workshops, Hetton Lyons Industrial Estate, Hetton-le-Hole, DH5 0RH.

This application seeks to vary condition 9 attached to planning application ref. 10/03624/FUL, which proposed a change of use from an agricultural merchants depot to a storage and vehicle maintenance facility for J. Murphy and Son, a construction company with operations throughout the UK. As Members may recall, the application was approved at the Development Control Sub-Committee (Hetton, Houghton and Washington) meeting of 1st February 2011, subject to the terms of condition 9, which limited the permission granted to a period of 3 years expiring in February 2014. The current application seeks to extend the permission for a further three years, up to February 2017.

The current and previous applications relate to a compound within the established and extensive Hetton Lyons Industrial Estate, which is located to the south-east of Hetton-le-Hole town centre. The compound, which is rectangular in shape, has an area of 0.5ha and is situated in the southern part of the estate. Its southern boundary, which abuts the B1285 Colliery Lane, forms the southern boundary of the estate. On the opposite side of Colliery Lane are the dwellings of Lyons Avenue and the recently erected properties of Lyons Gardens, whilst to the north, west and east are further compounds and buildings of the industrial estate.

The boundary to Colliery Lane is formed by a wall of approximately 3 metres in height, but the north, east and west boundaries are defined by palisade fences. Vehicular access to the compound is taken from Colliery Lane via gates at the



south-west corner of the site. A large corrugated steel building with a footprint of 61.4 metres x 22 metres occupies the eastern side of the compound and abuts the eastern, southern and northern boundaries of the site. A second building once stood on land in the centre of the compound, but this has recently been demolished. There are currently no other structures standing within the compound, which has simply been covered with concrete and aggregate.

Planning permission was granted for the use of the compound subject to this application as an agricultural merchant's depot in 1985 (application reference SD/1285/85DM). Approval was given subject to a series of conditions restricting the extent of the activities to be undertaken at the site to those detailed in the application and limiting the hours of operation of the business to between 07.30 and 19.30 Monday to Friday and 07.30 and 17.30 on Saturdays. The conditions were considered necessary to prevent nuisance to the amenity of the dwellings to the south of the site.

As noted earlier, Members resolved to approve the 2010 application (ref. 10/03624/FUL) to permit the change of use of the compound to a storage and vehicle maintenance facility for J. Murphy and Sons. Since the approval, the site has been used to serve the company's cable engineering services contract, which involves Murphys assisting in the repair of high voltage cable faults across the North East. These works are usually carried out during 'normal' working hours, but due to the reactive and time-critical nature of the contract, operatives are required to be able to attend cable faults on a 24-hour basis and so round-the-clock access to the site is requested.

The aforementioned large building to the east of the yard is used for garaging and plant and vehicle maintenance, whilst some items and materials (e.g. lengths of ducting, stone, sand, boards and barriers, construction and demolition waste, non-hazardous and hazardous waste and fuel) are stored externally in designated areas. Vehicles enter the compound via the existing access from Colliery Lane and the interior provides parking facilities and a vehicle manoeuvring area.

The use of the compound as a storage and vehicle maintenance facility falls into the same use class (B8 - storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) as its previous use as an agricultural merchants depot. Consequently, planning permission would not normally have been required for Murphys to use the site for the purposes proposed by the 2010 application. However, the restrictive conditions of the 1985 approval, particularly the limit on the activities permitted at the site and the restrictions on hours of operation, conflicted with Murphy's requirements for the site. Murphys therefore elected to submit a planning application with the aim of obtaining a fresh permission to use the site for their desired purposes without the current restrictions.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Northumbrian Water  
Hetton - Ward Councillor Consultation  
Network Management  
Environmental Health  
County Archaeologist  
Hetton Town Council

Final Date for Receipt of Representations: **23.12.2013**

## **REPRESENTATIONS:**

Public consultation

One letter of representation has been received, from the occupier of 10 The Lyons, which stands opposite the entrance to the compound. The objection was received after the expiry of the public consultation exercise.

The letter raises the following concerns:

- objects on the basis of noise, pollution and disruption to adjacent housing;
- the business operates 24 hours per day, 7 days per week and vehicles are waiting to access the compound during the night;
- queues form on the main road (Colliery Lane) in front of the objector's property
- heavy plant vehicles are noisy;
- the use has made the area busier and the large vehicles are frightening to the objector's children;

The issues raised by the objector are considered in detail in the following section of this report.

Northumbrian Water

No comments to make.

County Archaeologist

Has advised that there is no objection to the extension of the change of use, but notes that an archaeological watching brief, required by conditions 6 and 7 of the approval of application ref. 10/03624/FUL, has not been undertaken. It is presumed that the development has not been implemented, in which case, it is requested that conditions 6 and 7 are again imposed in respect of any new permission granted in order to record any surviving evidence relating to Hetton Lyons Colliery.

## **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

EC\_4\_Retention and improvement of existing business and industrial land

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

HA\_1\_Retention and improvement of established industrial / business areas

B\_2\_Scale, massing layout and setting of new developments

B\_13\_Sites and monuments of local importance affected by development

B\_14\_Development in areas of potential archaeological importance

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

## **COMMENTS:**

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should always seek to secure a good standard of amenity for existing residential dwellings and should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The planning system should also seek to conserve heritage assets in a manner appropriate to their significance.

The relevant guidance of the NPPF detailed above feeds into policies EC4, HA1, EN5, B2, B13, B14 and T14 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

The main issues to consider in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the proposed development on visual amenity;
3. the impact of the proposed development on residential amenity;
4. the impact of the proposed development on highway and pedestrian safety;
5. the impact of the proposed development on a site of potential archaeological importance;

### 1. Principle of the proposed development

The development site is allocated as an area of existing business and industrial land to be retained and improved on the proposals map of the City Council's adopted Unitary Development Plan (1998). The proposal is therefore subject to the requirements of policy EC4 of the UDP, which provides a list of acceptable primary uses in business and industrial estates; this list includes class B8 (storage and distribution) of the Use Classes Order, into which the proposed use of the compound will fall.

Policy HA1 provides a list of acceptable uses within business and industrial estates in the Houghton-le-Spring and Hetton areas. In line with the guidance of policy EC4, uses falling into classes B1, B2 and B8 of the Use Classes Order are considered to be appropriate within Hetton Lyons Industrial Estate.

The use of the compound for storage and vehicle maintenance was considered to be appropriate at this location in 2010, when Members resolved to grant planning permission for the initial change of use from an agricultural merchant's depot. This decision established the acceptability of such a use at this location and there are not considered to have been any changes to local or national planning policy which would cause the use to no longer be appropriate. The use of the site is therefore considered to remain compliant with the requirements of policies EC4 and HA1 of the UDP and the continuation of the use of the compound for storage and vehicle maintenance is therefore considered to be acceptable in principle.

## 2. Impact of proposed development on visual amenity

Policy B2 of the UDP requires new development to respect the visual amenity of the locality and the continuation of the use does not raise any concern in this regard.

The site layout submitted with the application also indicates that barriers and signage are to be stored adjacent to the boundary with Colliery Lane. Should the equipment stored in this area be higher than the wall, it could appear as rather unsightly when viewed from Colliery Lane, to the detriment of the visual amenity of the locality. In order to prevent such a situation, Members may recall that it was resolved to impose a condition on the approval of application ref. 10/03624/FUL (condition no. 3) which restricted the height of materials and equipment stored within 5 metres of the boundary with Colliery Lane to no more than the height of the boundary wall (3 metres).

It is recommended that, in the event Members are minded to grant planning permission for the continuation of the use of the compound, such a condition is imposed on the approval. Subject to the imposition of such a condition, it is considered that the proposed development will not have any adverse impact on the visual amenity of the locality, in accordance with the requirements of policy B2 of the UDP and the NPPF.

## 3. Impact of proposed development on residential amenity

Policy B2 of the UDP also requires that new development respects the amenity of nearby residential properties, whilst 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, 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. Further guidance in relation to noise issues is provided by British Standard 4142, which advises on noise generation and the levels likely to lead to complaint, and British Standard 8233, which provides guidance on suitable noise levels for dwellings.

The continued use of the compound does not raise any concerns regarding a loss of privacy or, subject to the aforementioned condition restricting the height of equipment and materials stored adjacent to the boundary, loss of outlook in relation to the dwellings on the opposite side of Colliery Lane.

Members may recall that in determining the initial planning application to change the use of the compound in 2010, consideration was given as to whether the proposed use of the site would generate levels of noise which would be detrimental to residential amenity, particularly given the requirement for the compound to be accessed outside normal working hours to allow staff to pick up equipment for emergency call-outs. The noise from the engines of vehicles entering and leaving the yard during in unsociable hours could, it was considered, have resulted in a significant nuisance to those living nearby.

A detailed noise impact assessment was submitted with the initial application (another copy has been submitted with the current application) to establish the likely levels of noise to be generated by the proposed use of the yard.

The report considers that noise is most likely to be generated by the diesel engines of road-going LGV (large goods vehicles) visiting the site to pick up equipment, but that the impact of development activities over evening and night-time periods on the nearest residential dwellings will be negligible. The propagated noise levels are 'less than significant' when assessed against the baseline noise using the guidance of BS4142 and are considered to be acceptable at the nearest noise sensitive premises. The report suggests there is no reason to restrict or withhold planning permission based on the grounds of noise nuisance, but it does recommend the imposition of a condition requiring the retention of the 3 metre high wall to Colliery Lane, for this provides an excellent barrier to low-level noise sources.

The City Council's Environmental Health section has considered the proposal to continue the use of the compound for storage and vehicle maintenance and, having had regard to the findings of the noise assessment, has offered no objections to the application.

It is acknowledged that the letter of objection received from the occupier of 10 The Lyons has raised concerns in relation to noise and disturbance generated by the use of the compound, caused by large vehicles entering and exiting the site and waiting outside during the night, and queues of large vehicles forming on the road outside.

The applicant, J. Murphy and Sons, has responded in writing to the concerns raised by the objector by advising that it is not aware of any traffic build-up outside of the yard and that the only time vehicles would need to wait outside would be during 'out of hours' operations, when the main gates are locked for safety reasons. The response also advises that Murphys drivers are trained and monitored and that none of its vehicles at the Hetton Lyons yard have been involved in any traffic incidents. It also notes that vehicle movements have not increased during the three years in which operations have been carried out for the site, although it is admitted that as activity is often reactive, there can be peaks and troughs of vehicle movements.

The concern of the objector in relation to vehicles engines 'ticking over' has been noted by Murphys and procedures will be put in place to ensure vehicles enter the yard more quickly after normal working hours.

Notwithstanding the comments provided by Murphys, it should be noted that this is the only objection received in response to public consultation, whilst the Environmental Health team has confirmed that it has not received any complaints

in relation to the operation of the site in the three years it has been occupied by J. Murphy and Sons. Nor have there been any complaints made to the Council's Development Management Compliance team in relation to the operation of the site.

Given that only one representation has been submitted in relation to the current planning application, and as there have been no complaints recorded by either the Environmental Health or Development Management Compliance teams, it would appear that the compound has been used for the purposes of storage and vehicle maintenance without causing undue detriment to the amenity of the residential dwellings in the vicinity of the site by virtue of noise and disturbance, in accordance with the requirements of aforementioned policies B2 and EN5 of the UDP and the core principles of the NPPF.

However, whilst the use of the yard to date is not considered to have resulted in any significant detrimental impact on residential amenity, the applicant has advised that the compound may be used to serve any new contracts Murphy's is awarded and that additional activity at the yard outside normal working hours could be necessary. This was also the case in relation to the initial change of use application in 2010.

In determining the 2010 application, Members resolved to impose a condition requiring the applicant to submit details of any use of the yard between the hours of 20:00 and 07:00 which was not detailed in the supporting letter submitted with the application to the City Council, in order to ensure that any additional use of the compound in the future would not lead to unacceptable disturbance to nearby dwellings. Any new activity proposed between these hours can then be assessed by the Council and appropriate measures taken to ensure the amenity of neighbouring residents will not be unduly affected, including, of course, the option of refusal.

It is recommended that, in the event Members are minded to grant planning permission for the continuation of the use of the compound, such a condition is again imposed on the approval.

#### 4. Impact of proposed development on highway and pedestrian safety

Policy T14 of the UDP states that new development must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of off-street parking.

The City Council's Network Management team has assessed the proposals and has no objection to the proposed development and has no concerns in relation to the operation of the site since 2010. It is therefore considered that allowing a continuation of the use of the compound will not negatively impact upon highway and pedestrian safety, in accordance with the requirements of policies T14 and T22 of the UDP.

#### 5. Impact of proposed development on site of potential archaeological importance

The proposal site is within an area of potential archaeological importance and as such, policies B13 and B14 of the UDP are of relevance. These state that where development affects such a site, the City Council will require an archaeological

assessment/evaluation to be submitted. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

As noted in the 'Representations' section of this report, the County Archaeologist has recommended a condition requiring a watching brief of any excavations at the site, presuming that the planning permission granted in 2010 has not been implemented. This is evidently not the case, as Murphy's have been operating the site since planning permission was granted. However, Murphy's have confirmed that it was not necessary to undertake the hard surfacing works proposed in relation to the initial application and that no ground breaking or excavation has been carried out to warrant an archaeological watching brief being carried out.

It is suggested that the condition requested by the County Archaeologist is again imposed in the event Members are minded to approve the application, so that in the event groundworks are carried out, appropriate archaeological recording can be arranged. Subject to this condition, it is considered that the impact of the proposed development on this site of potential archaeological importance is acceptable, in compliance with the requirements of policies B13 and B14 of the UDP.

## CONCLUSION

The proposed use of the land for storage and vehicle maintenance is considered to remain appropriate within the established industrial estate of Hetton Lyons and to comply with the list of acceptable uses in such locations provided by policies EC4 and HA1 of the UDP. The proposal to extend the permission granted by the approval of application ref. 10/03624/FUL for a further three years is therefore considered to be acceptable in principle. In addition, it is considered that the impact of the continuation of the use on visual amenity is acceptable, in accordance with policy B2 of the UDP.

The implications of the continuation of the use of the site in relation to residential amenity, in particular the generation of noise and disturbance during evening and night-time hours, have also been carefully assessed. The site would appear to have been operated in a manner which is generally sensitive and considerate to the amenity of nearby residential dwellings for the past three years, given that only one representation has been submitted to the Council in respect of the operations at the site in the time it has been occupied by Murphys. It is therefore considered that the impact of the use on the amenity of neighbouring residential dwellings is acceptable and that approving a continuation of the use of the site for a further three years will not result in nearby properties experiencing levels of noise or disturbance as a result of the use of the yard which would be of detriment to their living conditions. As such, the proposal is also considered to be compliant with the requirements of policies B2 and EN5 of the UDP.

The proposals do not raise any concerns regarding potential archaeological remains at the site, subject to the condition requiring an archaeological watching brief to be arranged in the event excavations are necessary, and so the application also accords with policies B13 and B14 of the UDP and nor does the proposal raise concerns in relation to highway and pedestrian safety, in compliance with policies T14 and T22 of the UDP.

The proposal is also considered to comply with the requirements of the core principles of the National Planning Policy Framework and its overarching aim to deliver sustainable development.

It is accordingly recommended that Members approve the proposal to continue the operation of the site for a further three years, subject to the following conditions:

**RECOMMENDATION: Approve**

**Conditions:**

- 1 This permission shall be granted for a limited period of three years from the date hereof and the permitted use of the site shall be discontinued at or before the expiry of the period specified in this permission unless the permission is renewed, in order to review the situation in light of experience of the impact of the use on the amenity of nearby residential properties and to comply with policies B2 and EN5 of the Unitary Development Plan.
  
- 2 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:  
  
the location plan received 31/10/2013 and the site layout received 31/10/2013.  
  
In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.
  
- 3 Notwithstanding the information submitted with the application, no material, plant or equipment stored or located within 5 metres of the boundary wall to Colliery Lane shall exceed 3 metres in height, unless otherwise agreed in writing with the City Council as Local Planning Authority, in the interests of visual amenity and to comply with the requirements of policy B2 of the UDP.
  
- 4 No activities other than those detailed in the supporting statement submitted with the application (applicant's reference 149901/LOS/11438, dated 26th October 2010, author Mr Andy Hollingworth) shall be carried out at the site between the hours of 20:00 and 07:00 (on any day). Where alternative or additional activities to those detailed in the aforementioned statement are proposed between 20:00 and 07:00 on any day, precise details of the activities to be undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to those activities being undertaken. All approved activities shall then be carried out strictly in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority, in order to ensure any new activity at the site will not result in harm to the amenity of neighbouring residential occupiers and to comply with the requirements of policies B2 and EN5 of the UDP.



- 5 Notwithstanding the submitted details, the existing boundary wall to Colliery Lane shall be retained in its current form and height unless otherwise first agreed in writing with the Local Planning Authority, in order to maintain an effective screen and noise barrier and comply with the requirements of policies B2 and EN5 of the UDP.
- 6 No works involving the disturbance of ground (including laying down hardstanding) shall commence until an appropriately qualified and experienced archaeologist has been appointed to undertake a programme of observations of groundwork, including the recording of items of archaeological interest and archaeological finds in accordance with a specification provided by the County Archaeologist. The appointed archaeologist shall be present at all relevant times (as detailed in the County Archaeologist's specification) during the undertaking of groundwork for the development with a programme of visits to be agreed in writing with the County Archaeologist prior to groundwork commencing, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and, if necessary, emergency salvage undertaken in accordance with the requirements of policies B13 and B14 of the City Council's adopted UDP.
- 7 No works involving the disturbance of ground shall commence until a written archaeological report of the results of observations of the groundwork pursuant to condition 6 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains at the site have been suitably recorded and to accord with the requirements of Planning Policy Statement 5 and policies B13 and B14 of the adopted UDP
- 8 The areas indicated on the submitted site plan for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the use hereby approved commences. The areas shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.

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**Reference No.:** 13/03037/VAR Variation of Condition

**Proposal:** **Variation of condition 2 (plans) of previously approved application 12/00333/FUL (Residential development comprising of 170 houses with associated access, parking and landscaping, to include public open space. Stopping up of highways and change of use to residential) for minor material amendment comprising substitution of house types at plots 8 and 9, reconfiguration of highway, dwellings (reduction of 1no. unit) and garages at plots 24-26, 31-32 and 33-38 and replacement of 2no. semi-detached dwellings with 3no. terraced dwellings at plots 126 and 127, all within Area D.**

**Location:** Land North Of Station Road/North West Of Pattinson Road And Adjacent To Barmston Road Washington

**Ward:** Washington East  
**Applicant:** Mr Mark Janney  
**Date Valid:** 8 November 2013  
**Target Date:** 7 February 2014

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### **PROPOSAL:**

Consent is sought under Section 73 of the Town and County Planning Act 1990 to make a 'minor material amendment' by varying condition 2 (list of approved plans) of planning permission ref. 12/00333/FUL, which approved a residential development of 170no. units with associated access, parking and landscaping, including public open space, and the stopping up of highways.

Members may recall that the original application for full planning permission was presented for their consideration at the meeting of the Development Control (Hetton, Houghton and Washington Sub-Committee) on 18 June 2012 when it was deemed to be approved. The decision was formally issued on 15 October 2013 following the signing and sealing of a section 106 agreement.

The current application relates to 'Area D' of the previously approved scheme, which has an area of approximately 3.76 hectares on which consent has been granted to erect 127no. dwellings. The submitted layout includes revised plot numbers to include the dwellings in Phase 1, which is not part of the planning permission which the current application seeks to amend. In particular, the following amendments are proposed.

Plot 8 (now Plot 210) - replace Padstow house type with Barwick

Plot 9 (now Plot 211) - replace Woodbridge house type with Newton

Plots 24-26, 31-32 and 33-38 (now Plots 228-237) - reconfiguration of highway removing previously approved vehicular link between Barmston Road and central estate road and provision of amended layout (reduction of 1no. unit) including creation of cul-de-sac with pedestrian link and revised house types replacing 9no. detached and 2no. semi-detached units with 8no. detached and 2no. semi-detached units (Lincoln x2, Somerton x3, Guisborough x3, Newton and Morpeth)

Plots 126 and 127 (now Plots 269-271) - replacement of 2no. semi-detached dwellings (Newton and Morpeth) with 3no. terraced dwellings (Barwick, Newton and Morpeth)

The submitted layout includes revised plot numbers to include the dwellings in Phase 1, which is not part of the planning permission which the current application seeks to amend.

Each proposed unit would have two-storeys with eaves heights of approximately 5m and maximum ridge heights ranging from 8-8.5m, common features such as gabled roofs and flat-roofed canopies and porches/offshoots and a variety of external materials are proposed, comprising a mix of brickwork, render and window and door surrounds.

The application site is situated within an area currently known as Teal Park Farm, located approximately 2km to the southeast of Washington centre, to the east of the currently unused Leamside railway line and to the northwest of Pattinson Road. The site is cleared of development, having previously accommodated industry, and comprises a significant variation in levels with a generally incline from northeast to southwest. The site is overgrown with grass planting and low-grade shrubbery, which is currently in the process of being cleared. To the northeast of the site beyond the mound of spoil lies Teal Farm, a modern residential estate, which is directly linked to the current application site by a public footway and emergency access. Residential development is currently taking place immediately adjacent to the site (Phase 1 of the current scheme, which includes numerous occupied units), to the south (Teal Farm Gardens, being developed by Bellway Homes) and on the opposite side of Pattinson Road (Teal Farm Village, being developed by Barratt-David Wilson Homes). Demolition House abuts the western extent of the site, which is currently occupied by Allied Security, a car repairs garage exists to the west and industrial units are situated further to the southwest of the site.

Part of the application site is allocated for industrial development on the adopted Unitary Development Plan (UDP) proposals map and, as such, the proposal is partly a departure from the adopted plan. The Town and Country Planning (Consultation) (England) Direction 2009 sets out the power of the Secretary of State to issue directions to local planning authorities requiring consultation with specified persons before granting planning permission. The areas covered by this direction include development within greenbelt, within the vicinity of world heritage sites and on playing fields as well as retail, leisure or office development outside town centres. To this regard, it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009 and, as such, can be determined by the Local Planning Authority.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Washington East - Ward Councillor Consultation

Final Date for Receipt of Representations: **30.12.2103**

## **REPRESENTATIONS:**

The application has been publicised by way of letters to neighbouring properties and site and press notices. The statutory period for the receipt of representations does not expire until 27.01.2014 and one representation has been received from a neighbouring resident to date. Concerns have been raised that parking within the estate is currently inadequate and that the replacement of previously approved detached and semi-detached units with terraced properties would devalue other dwellings within the estate.

In response to this, Members are advised that the highway implications of the proposal will be addressed subsequently in this report, however the impact of a proposal on local property values is not, in itself, a material planning consideration.

## **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

B\_2\_Scale, massing layout and setting of new developments

T\_8\_The needs of pedestrians will be given a high priority throughout the city.

T\_9\_Specific provision will be made for cyclists on existing/new roads and off road

T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to consider in the assessment of this application are as follows:

- Design, scale, massing and layout; and
- Highway implications.

The statutory period for the receipt of representations does not expire until 27 January 2014; prior to the Sub-Committee meeting but subsequent to the preparation of this report. Therefore, it is anticipated that a further report addressing these matters along with a recommendation will be made on a

supplementary report to the Sub-Committee meeting, which will include a summary of any further representations received in the interim.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 13/03217/VAR Variation of Condition

**Proposal:** **Variation of condition 22 (hours of operation 7am - 7pm) attached to planning application 11/02076/FUL (Redevelopment of campground waste transfer station including: waste reception building, storage facilities, staff site office, visitors centre, wind turbine, car parking and associated infrastructure and landscaping.) to allow opening hours to be extended up until 7.30pm.**

**Location:** Campground Refuse Disposal Works Springwell Road  
Springwell Gateshead NE9 7XW

**Ward:** Washington West  
**Applicant:** SITA UK  
**Date Valid:** 15 November 2013  
**Target Date:** 14 February 2014

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#### **PROPOSAL:**

Consent is sought under Section 73 of the Town and County Planning Act 1990 to vary condition 22 of planning permission ref. 11/02076/FUL, which approved the redevelopment of the Campground waste transfer station including a waste reception building, storage facilities, staff site office, visitors centre, wind turbine, car parking and associated infrastructure and landscaping. The condition in question reads as follows:

'The development hereby approved shall not be operated for the purposes of waste transfer, including the delivery to or export of waste from the site, outside of the following hours:

07:00 - 19:00 on any day and shall not operate at any time on 25 December of any year.

For the avoidance of doubt a security presence may operate at any time on any day at the site.

Unless otherwise first agreed in writing with the Local Planning Authority and in the interest of residential amenity and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.'

The current application proposes an extension in the allowed operating hours by 30 minutes to 07:00 - 19:30 daily. The applicant has set out in the accompanying Planning Statement that the proposed extension of permitted operating hours is desired in order to receive materials from Household Waste Recycling Centres (HWRCs), such as that immediately adjacent to the site, which are typically permitted to operate until 20:30 but often close at 20:00. Therefore, the

proposed extended closing time would allow HWRCs to empty their containers in preparation for the following day.

The original application for full planning permission was presented at the meeting of the Planning and Highways Committee of 24 January 2012 wherein Members resolved to approve.

The application site is rectangular in shape measuring 2.45ha located within the designated Tyne and Wear Green Belt adjacent to the settlement of Wrekenton, Gateshead (although the site lies within the administrative boundary of Sunderland). Access to the site is taken from a dedicated, unadopted, roadway accessed from the B1288 (Springwell Road). The site comprises a number of large vacant buildings and areas of hardstanding and is currently undergoing redevelopment.

The site is bounded to the north by an existing narrow belt of mature trees beyond which are residential properties. Immediately south of the site is a household waste recycling centre (HWRC) which is operated by Gateshead Metropolitan Borough Council (GMBC). Beyond the HWRC is an area of open land and Springwell Quarry. To the east is a recreational ground (football pitch), beyond which is agricultural land. To the south and south east of the site the land is safeguarded for mineral resources.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Environmental Health  
Gateshead MBC  
Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **30.12.2013**

#### **REPRESENTATIONS:**

Further to the publication of the application by way of letters to neighbouring properties and site and press notices, two representations has been received from neighbouring residents wherein the following concerns are raised:

The proposed extended operating hours would adversely impact the environment and quality of life for nearby residents in respect of the generation of additional traffic, noise, odours and litter.

'Loss of amenity - contrary to Town and Country Planning Act' (although how it is perceived that the proposal would compromise amenity is unclear and no reference is made to any particular section of the Act).

The proposed extended opening hours would result in further intrusion into the Green Belt by means of additional industrial activity [given that no physical

development is proposed it is not considered that the proposal would have any significant impact on the Green Belt, having regard to the relevant local and national Green Belt policies).

Further comments are made in respect of the validity of the information supplied by the applicant and the Council's decision in approving the original planning permission which the current proposal seeks to vary. It is also claimed that operations on site are contrary to current European directives, although no particular directive or section of such is specified, and that the proposal is not in the public interest.

In respect of the above points, Members are advised that the current application relates solely to the operating hours of the premises and does not invite or allow re-assessment of any other issues discussed and resolved in the determination of the original application.

Gateshead Council recommends that, given the sensitivity of the site to local residents, condition 22 is not varied until such a time that it can be clearly demonstrated that there will be no adverse impact on residential amenity from the general operation of the facility.

The Council's Environmental Health section confirmed that it has no objection to the proposed extension of operating hours, having regard to the noise assessment which was submitted with the original application.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

### **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\_5\_Designation of new conservation areas

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

### **COMMENTS:**

The main issues to consider in assessing this application are the impact of the proposed extended operating hours on:

- residential amenity; and
- the local highway network.

#### Residential Amenity

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.



Policy B2 of the adopted Unitary Development Plan (UDP) reflects the above, stating that 'the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, policy EN5 of the adopted Unitary Development Plan is concerned with noise and vibration and states that, 'where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential 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'.

An assessment has been undertaken by the applicant with respect to potential noise and vibration impacts associated with the proposed development, which was submitted with the original application, and has been supplied in support of the current application.

The likely impact of vibration from operations and activities on site has been considered to be negligible and therefore has been scoped out of the assessment. This approach is considered to be reasonable as it is not proposed to install any equipment or machinery on site which would create vibration of any magnitude.

A noise assessment has been undertaken in accordance with BS 4142:1997 'Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' to determine the likely noise impact of the development on the occupants of residential premises.

The assessment concludes that the noise levels associated with the development are acceptable and are unlikely to cause complaint from the occupiers of nearby residential properties and has been undertaken using reasonable assumptions about the operation of the site to model the likely noise impact that the site will have upon noise sensitive receptors.

The noise assessment which accompanied the original application included background noise measurements taken between 18:45 and 19:15. It is not considered that background noise is likely to be materially different between 19:15 and 19:30, so the conclusions of this report are considered to be applicable to the current proposal. Similarly, it is not considered that the proposed increase in the operational hours of the facility from 19:00 to 19:30 would pose any materially greater impact on the local environment or living conditions of neighbouring residents.

In addition, mitigation against noise in the form of a noise barrier has been assumed within the assessment, to take the form of an acoustic fence to be positioned on the north-western boundary of the application site. Condition 14 of the original planning permission (ref. 11/02076/FUL) requires the carrying out of a noise assessment within three months of the date of waste transfer operations commencing to ensure that the predicted noise levels associated with the operation of the site does not exceed the existing background noise level by more than 5dB(A) and that, where noise levels are found to exceed the existing background noise by more than 5dB(A), further noise attenuation must be provided.

## Highway Implications

Paragraph 75 of the NPPF 75 states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The current proposal does not alter the previously approved access arrangements, however has the potential to increase the overall number of vehicle movements associated with the site per day.

The Transport Assessment which was supplied with the original application anticipates that there will be 236no. two-way traffic movements associated with the facility per day (202no. operational vehicles and 34no. visitor/staff vehicles). As set out previously in this report, the proposed extended operating hours are intended, primarily, to receive waste from Household Waste Recycling Centres (HWRCs) and, as such, the applicant anticipates that it is unlikely that there would be more than 4no. additional vehicles visiting the site daily within the additional 30-minute period. This assumption is considered to be reasonable and, on this basis, it is not considered that the proposal would result in a significant intensification in the use of the site or local highway network.

In addition, condition 23 of the original planning permission for the facility sets out routes which Heavy Goods Vehicles must follow to access and egress the site, namely:

- Route 1 (to west/south) via Wrekenton Long Banks (B1295) and A1 interchange
- Route 2 (to west/north ) via Wrekenton Long Banks (B1295) and Durham Road (A167)
- Route 4 (to east/south) via Leam Lane (B1288) and Northumberland Way (A195)

## Conclusion

For the reasons set out above, it is not considered that the proposal to extend the operating hours of the facility would compromise the amenity afforded to local residents or the free passage of traffic, in accordance with paragraphs 17 and 75 of the NPPF and policies B2, B5 and T14 of the adopted UDP. It is therefore recommended that Members approve the application, subject to the conditions set out below.

## **RECOMMENDATION: Approve**

### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission

was granted 26.01.2012 to ensure that the development is carried out within a reasonable period of time.

- 2 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:

Location Plan (1:25 000 Scale) Drawing Number SI1003/01 received 24 June 2011.

Site Layout Drawing Number SI1003/3/03 Revision 2 received 24 June 2011.

Topographical Survey and Planning Application Boundary Drawing Number SI1003/3/02 Revision 1 received 24 June 2011 received 22 July 2011.

Site Sections Drawing Number SI1003/3/11 Revision 2 received 24 June 2011.

Traffic and Pedestrian Management Drawing Number SI1003/3/08 Revision 2 received 24 June 2011.

Visitors Centre Internal Layout Drawing Number SI1003/3/07 received 24 June 2011.

Visitors Centre Elevations Drawing Number SI1003/3/06 Revision 1 received 24 June 2011.

Ad Hoc Building and Sweepings Bay Plans and Elevations Drawing Number SI1003/3/05 received 24 June 2011.

Boundary Fence and Gates Details Drawing Number SI1003/3/13 received 24 June 2011.

Weighbridge and Gatehouse Details Drawing Number SI1003/3/12 received 24 June 2011.

Topographical Survey and Planning Application Boundary Drawing Number SI1003/3/02 Revision 1 received 22 July 2011.

Roof Plan Drawing Number SI1003/3/10 Revision 2 received 24 June 2011.

Site Office/Welfare facilities Layout Drawing CTF Submission Drawing Number 500 Revision 2 received 22 July 2011.

Landscaping Drawing Number SI1003/3/09 Revision 3 received 24 June 2011.

Waste Reception Building Elevations Drawing Number SI1003/3/04 received 24 June 2011.

Existing Site Views Drawing Number SI1003/3/23 Revision 1 received 22 July 2011.

Route Location and Features Plan drawing Number App12.5 (Dated December 2010) received 24 June 2011.

Campground Waste Transfer Station and Visitor Centre Technical Appendices (Dated June 2011) received 24 June 2011.

Campground Waste Transfer Station and Visitors Centre Supporting Statement (Dated June 2011) received 24 June 2011.

Proposed Waste Transfer Station and Visitors Centre Campground, Wrekenton Addendum Report received 11 October 2011.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 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 adopted Unitary Development Plan.
- 4 No development or demolition shall take place until a scheme of working has been submitted to the written 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, the approved scheme shall be implemented as approved, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and EN1 of the adopted Unitary Development Plan.
- 5 Before the development hereby approved is commenced, or any demolition works undertaken, details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 and EN1 of the UDP.
- 6 No development other than site preparation works shall be commenced until an updated Ground Investigation Report including remediation objectives that have been determined through risk assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the updated report shall include:
  - updated site conceptual model risk assessment of the site
  - remediation strategy, to include the following:
    - Monitoring information and risk assessment of ground gas
    - An indication of quantified concentrations of dioxins and furans
    - Management strategy for soils during construction
    - Investigation of free phase hydrocarbons and mitigation measures necessary to prevent risk to users of the site
    - Risk assessment for combustibility of ground and a management plan for ground combustibility during construction.

In order to achieve a satisfactory form of development on site and to comply with the requirements of Policy EN14 of the adopted Unitary Development Plan.
- 7 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.

- 8 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.
- 9 The development shall not commence (other than for site investigation works) until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development hereby approved shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the adopted Unitary Development Plan.
- 10 No materials, waste or equipment shall be stored on the site outside of the buildings and designated storage areas, as defined on the approved plan(s), in the interests of visual amenity and to comply with policies B2 and EN1 of the adopted Unitary Development Plan.
- 11 Before any development commences on site precise written details of an Ecological Method Statement for use by site contractors shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Method Statement shall then be adhered to at all times by contractors working on the site unless any variation to the statement is first agreed in writing by the Local Planning Authority. In order to protect the ecology of the site and to comply with the requirements of Policy CN22 of the adopted Unitary Development Plan.
- 12 Before any development commences on site precise written details of an Ecological Management Plan for the site including a plan showing the precise location of, and specification for, the following features:
  - pond
  - scrub and grassland (broomrape)
  - bat roost units
  - lighting scheme for the site

shall be submitted to and approved in writing by the Local Planning Authority.

The Ecological Management Plan shall also include a long term maintenance schedule for the ecological mitigation measures approved as part of the development, including details of cut and rake regimes for grassland areas and a pond monitoring and clearance programme. Details of links between the proposed ecological enhancement features and the wider area shall also be included within the plan.

Once approved the details, timetables and ecological enhancement measures contained in the Ecological Management Plan shall be strictly adhered unless any variation to the approved Ecological Management Plan is first agreed in writing.

In order to protect and enhance the ecology of the site and to achieve a satisfactory form of development and to comply with the requirements of Policies CN22 of the adopted Unitary Development Plan.

- 13 The Ecological Enhancement/Mitigation Measures set out in appendix 10.1, appendix 10.2 and appendix 10.3 of the Technical Appendices dated June 2011 and those set out in section 10 of the Supporting Statement dated June 2011 shall be fully implemented in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority. In the interest of protecting and enhancing the ecology of the site and to comply with the requirements of Policy CN22 of the adopted Unitary Development Plan.

- 14 Within three months of the date of waste transfer operations commencing at the development hereby approved a noise assessment shall be undertaken to ensure that the predicted noise levels associated with the operation of the site does not exceed the existing background noise level by more than 5dB(A).

The noise levels shall be determined at the nearest noise sensitive premises, the location of which shall be agreed in writing with the Local Planning Authority prior to any noise assessment taking place.

The noise assessment shall be undertaken in accordance with BS4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The background noise levels will be measured at a time to be first agreed in writing with the Local Planning Authority and will be at a time when the background noise level is considered to be at its lowest.

A report containing the results of the assessment shall be submitted to the Local Planning Authority within three months of the assessment being completed. Where noise levels are found to exceed the existing background noise by more than 5dB(A) precise written details of noise attenuation measures to be implemented at the development shall be included in the report for the written approval of the Local Planning Authority. The approved noise attenuation scheme shall then be fully implemented to a timetable to be first agreed in writing with the Local Planning Authority 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 achieving a satisfactory form of development on site and in the interest of residential amenity and to comply with the requirements of Policies EN5 and EN6 of the adopted Unitary Development Plan.

- 15 Before waste transfer operations commence to/from the Waste Transfer building hereby approved, a noise barrier shall be installed at the northern and western site boundary (as detailed within the submitted Supporting Statement (ref: SI1003/9/SS)). The barrier shall be not less than 2.5 metres high and be constructed with a superficial mass of at least 20kg/m<sup>2</sup> and without any significant gaps or cracks. Once installed the noise barrier shall be maintained in position for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the event that the noise barrier becomes damaged or suffers collapse or unauthorised removal it shall be repaired or

replaced, to the aforementioned specifications within 10 days of the damage, collapse or removal occurring unless an alternative timescale is first agreed in writing with the Local Planning Authority. In the interest of residential amenity and to ensure adequate noise mitigation and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

- 16 No offensive odours originating from the development hereby approved shall be detectable at the boundary of the site (as perceived by the City Councils 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 achieving a satisfactory form of development on site and to protect residential amenity and to comply with the requirements of Policy EN9 of the adopted Unitary Development Plan.
- 17 Before the development hereby approved is commenced precise written details of an overnight parking area for site vehicles shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the overnight parking for site vehicles shall be restricted to the area adjacent to the eastern elevation of the Waste Transfer Building hereby approved. In order to achieve a satisfactory form of development on site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.
- 18 All waste transport vehicles entering/leaving the development hereby approved shall either be refuse collection vehicles or else shall be covered/netted to prevent the escape of refuse from the vehicles to the surrounding road network and area. In order to ensure a satisfactory form of development and to comply with the requirements of EN1 of the adopted Unitary Development Plan.
- 19 Before any development commences on site 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 adopted Unitary Development Plan.
- 20 Mobile electricity generators shall not be used on site at any time unless otherwise first agreed in writing with the Local Planning Authority. In the interest of noise mitigation and to ensure a satisfactory form of

development on site and to comply with the requirements of Policy EN5 of the adopted Unitary Development Plan.

21 The demolition and 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.

22 The development hereby approved shall not be operated for the purposes of waste transfer, including the delivery to or export of waste from the site, outside of the following hours:

07:00 - 19:30 on any day and shall not operate at any time on 25 December of any year.

For the avoidance of doubt a security presence may operate at any time on any day at the site.

Unless otherwise first agreed in writing with the Local Planning Authority and in the interest of residential amenity and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.

23 Heavy Goods Vehicles (i.e. commercial vehicles with an operating weight of more than 7.5 tonnes), within the control of the operator of the waste transfer station hereby approved, making deliveries to, or collecting from, the development hereby approved shall follow routes 1, 2 and 4 as shown on drawing number App 12.5 : Route Location and Features Plan, received 24 June 2011, whenever these routes are passable. In the interest of the free passage of traffic and to comply with the requirements of policy T14 of the adopted Unitary Development Plan.



5.

Washington

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**Reference No.:** 13/03279/LAP Development by City(Regulation 3)

**Proposal:** **Change of use from residential to office, temporary for 18 months (Part Retrospective).**

**Location:** 113 Waterloo Walk Sulgrave Washington NE37 3EN

**Ward:** Washington North

**Applicant:** Director Of Health Housing And Adult Services

**Date Valid:** 17 December 2013

**Target Date:** 11 February 2014

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**PROPOSAL:**

The proposal relates to the change of use from residential (C3) to office (B1) at 113 Waterloo Walk, Sulgrave, Washington.

The host unit currently covers two separate floors and includes two bedrooms and a bathroom on the lower level and a living room, dining room and kitchen at the upper level. The proposed conversion seeks to introduce an interview room and meeting room at the lower level, with a waiting / reception area, office area and kitchen at the upper level.

The unit is to be operated by the City Councils Neighbourhood Management Team and staffed by a maximum of 7 people at any one time. It is proposed that the office will be operational between the hours of 08.30 - 22.00 Monday - Sunday.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Washington North - Ward Councillor Consultation

Final Date for Receipt of Representations: **20.01.2014**

**REPRESENTATIONS:**

No representations received.

**POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety  
problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to be considered in determining this application are :-

- i) Principle of the development
- ii) Impact upon Visual and Residential Amenity
- iii) Highway Issues

Principle of the Development.

The area of land subject to the proposal is white land and as such is covered by policy EN10 of the saved adopted Unitary Development Plan (UDP) which states that:

"All proposals for new development (including change of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood."

With reference to the above it should be noted that in relation to residential area, the business use class (B1) covers office, laboratory and industrial uses which can be carried out in a residential area without detriment to amenity.

The proposal accords with the requirements of policy EN10 and is therefore the principle is considered acceptable.

Impact Upon Visual and Residential Development.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

In this regard the proposal seeks no external alterations to the unit and as such the change of use is not considered to be detrimental to current levels of amenity afforded surrounding neighbouring properties.

Highway Issues

Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

In terms of parking, the residential development provides a number of areas of parking which are currently under utilised throughout the day and as such it is considered that the proposal will not lead to conditions prejudicial to highway

safety. The proposal is therefore considered to accord with UDP policies T14 and T22.

## Conclusion

It is considered that the proposed use of the unit as a management office for the residential development is compatible with the surrounding residential properties, providing an on site office for the day to day management of the estate, with minimal disruption to the neighbouring residential units.

Accordingly, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant consent for the proposal.

## **RECOMMENDATION: Grant Consent Under Regulation 3**

### **Conditions:**

- 1 This permission shall be granted for a limited period of 18 months from the date hereof and the use authorised shall be discontinued and the premises reinstated to their former condition at or before the expiry of the period specified in this permission unless the permission is renewed, in order to review the situation in the light of experience and to comply with policy B2 of the UDP.
- 2 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:

Existing Floor Plans received 27th November 2013.  
Proposed Floor Plans received 17th December 2013.  
Location Plan received 22nd November 2013.  
Site Plan received 22nd November 2013.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.