

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/

Janet Johnson
Deputy Chief Executive

1.

Washington

Reference No.: 11/01182/VAR Variation of Condition

Proposal: Variation of condition 3 attached to planning application 92/0740 (Modernisation of waste-reprocessing station and erection of warehouse) to allow business activity between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays (amended description following request from applicant for revision to proposed hours of operation, 23/02/2012)

Location: Holystone Waste Management Ltd Wilden Road Pattinson South Washington NE38 8QA

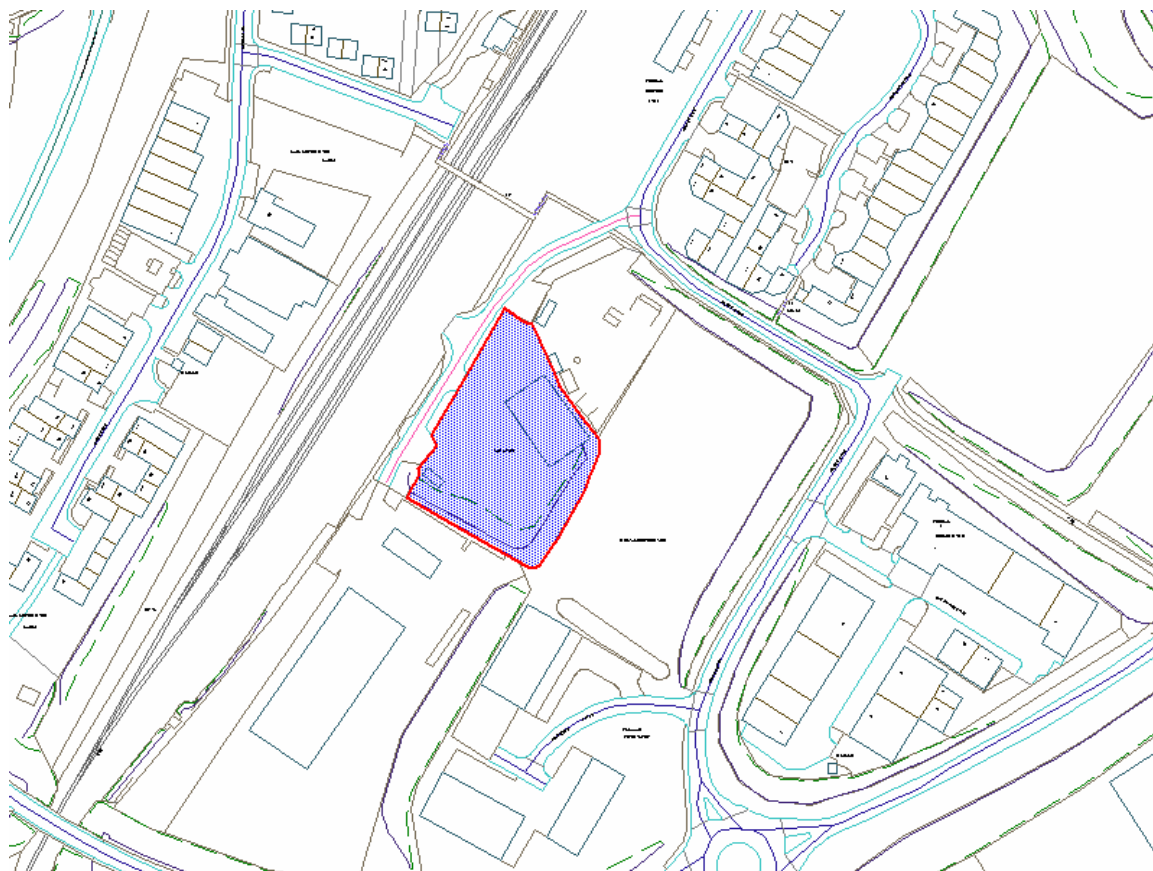
Ward: Washington East

Applicant: Impetus Waste Management Ltd

Date Valid: 18 April 2011

Target Date: 13 June 2011

Location Plan



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PROPOSAL:

Planning permission is sought to vary condition 3 attached to planning application 92/0740 (Modernisation of waste-reprocessing station and erection of warehouse) to allow business activity between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays at former Holystone Waste Management, Wilden Road, Pattinson South, Washington, NE38 8QB.

Site description

The proposed variation of condition affects an established waste management facility situated within the extensive Pattinson South Industrial Estate in Washington. The station occupies a roughly rectangular compound with an area of approximately 5860 sq. metres and features a large single-storey building used for segregating waste with a footprint of 800 sq. metres. A small, brick-built two-storey office building stands adjacent to its entrance and there is also a weighbridge at the site. The remainder of the compound appears to be used for the storage and sorting of material. The surroundings of the compound are generally industrial and commercial in character, with the nearest residential properties (those of Barmston Court) situated approximately 120 metres to the north.

The compound is bordered by Wilden Road to the north-west, from which vehicular access is taken, and the grounds of industrial/commercial businesses in all other directions. The boundary to Wilden Road takes the form of a 2 metres high palisade fence with a 4 metres high close-boarded timber fence behind, whilst the north-eastern and south-western boundaries are defined by 2 metres high fencing. The compound is enclosed by a belt of trees on its south-eastern side, which extends along the south-western boundary inside the fence. A 4 metres high earth embankment has been built up inside the compound adjacent to the south-east and south-west boundaries.

The existing operations at the site are relatively simple. The site is served by vehicles of various sizes from a variety of sources, which are weighed at the weighbridge before tipping their loads of waste into one of five bays in the aforementioned single-storey building, after which the vehicles leave the site. Between and during tipping, an on-site loading shovel heaps and organises the waste piles within the bays, after which the waste material is loaded onto large trailers for final disposal off the site.

Site history

The use of the compound for the management of waste material is longstanding. In 1992, an application (reference 92/0740) to modernise the waste processing station and erect a warehouse was granted planning permission subject to condition 3, which limits the hours of operation to between:

- 08:00 and 18:00 Monday to Friday;
- 08:00 and 12:00 on Saturday;
- at no time on Sundays and Bank Holidays.

A second application to 'modernise' the site, which included the erection of the aforementioned office building, was granted approval in 1995 (application reference 95/1455).

Planning permission was granted for the large single-storey processing building in 1999 (application reference 99/00814/FUL), whilst the acoustic fence to the Wilden Road boundary was approved in 2002 (application reference 02/00271/FUL).

Members may also recall that a recent application proposing the erection of an extension to the existing waste segregation and storage building at the site (see app. ref. 11/02809/FUL) was granted approval at the Houghton, Hetton and Washington Development Control Sub-Committee meeting on 29th November 2011.

The site has historically been operated by Holystone Waste Management, but has been occupied by Impetus Waste Management Ltd. since February 2011. Impetus has submitted this planning application.

Proposed variation of condition

The applicant seeks to vary the terms of aforementioned condition 3 of application reference 92/0740 to allow the hours of operation at the site to be extended in order to assist the company in fulfilling contractual obligations. The application originally proposed an extension of the hours of operation to allow activity until 17:00 on Saturdays and between 07:30 and 17:00 on Bank Holidays. However, the applicant has since requested that the application be amended to propose a further extension of the hours of operation, to between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays. No working is proposed on Sundays.

Upon receiving the applicant's amendment request, the application was re-advertised and consultation with neighbouring properties and other internal and external consultees repeated.

The applicant has submitted a statement in support of the application (dated 13th December 2011), which asserts that Impetus Waste Management has, since operating the site, taken additional action to reassure that the proposed modifications to the operating times will have a 'minimal effect' on the local environment. The following measures have been introduced:

- activity will be minimal between 07:30 and 08:00;
- a white noise reversing aid has been fitted to the loading shovel at the site - this device adjusts its audibility depending upon the level of background noise, thus reducing the likelihood of it being heard from a distance;
- rubber stays have been fitted to the end of the weighbridge, to dampen any noise created by the weighbridge hitting the concrete ramps at either end;
- regular consultation and dialogue with the Environment Agency, who issue and regulate permits for waste transfer facilities;
- consultation letters have been sent to 'local people', asking that they engage with Impetus and raise any issues or concerns which could be dealt with in a mutually agreeable manner;
- Impetus operates an 'open door policy', whereby local residents are welcome to make contact with the company at any time.

The statement also notes that the proposed Saturday working is unlikely occur every Saturday; most likely, the site will operate on Saturdays after a Bank

Holiday in order to allow the company's municipal customers to catch up with their workload.

The company also suggests that since taking over the site, it has received very little negative feedback and that a lot of effort has been expended into its operation.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Street Scene (Environmental Service)
City Services - Network Management
Environment Agency
Street Scene (Environmental Service)
City Services - Network Management
Environment Agency

Final Date for Receipt of Representations: **20.03.2012**

REPRESENTATIONS:

Neighbours

Two letters of representation, from the occupiers of 45 and 46 Barmston Court, and a petition with 61 signatures (all residents of Barmston Court) have been received in response to the consultation exercise carried out in respect of this application.

The letter from 45 Barmston Court objects to the proposal on the grounds that the existing operations at the site are already noisy, smelly, dusty, dirty and attract flies and that extending the hours of operation will only serve to increase the time the nearest residents are subjected to these nuisances.

Similar concerns are raised by the objector residing at 46 Barmston Court. The letter also suggests that the activity at the site is already taking place beyond the hours specified by the existing planning condition and that there is no guarantee that the requested hours of operation would be adhered to if the application is approved.

The reasons given on the petition for objecting to the application are:

- increased noise levels;
- increase in dust, which is already high;
- infestation of flies, which are already at a level which prevents opening of windows.

The impact of the proposed extension of opening hours on the amenity of the nearest residential dwellings to the application site is given full consideration in the 'Conclusion' section of this report.

The period for receipt of representations does not expire until 20th March 2012. Details of any further representations received prior to the date of the Committee will be reported on a Supplement to the main report.

Consultees

Environment Agency

The Environment Agency raised no objection to the hours of operation originally proposed by the application, but noted that the proposed change to the hours of operation will have implications on the operator's Waste Permit, which it issues and regulates. A condition of the permit would need to be varied if planning permission for the extended hours of operation is granted. The applicant is also advised to contact the Environment Agency with regard to transfer of the permit.

The Environment Agency was consulted again upon receipt of the applicant's request to amend the application. No further comments have yet been forthcoming, but it is anticipated that a response will be received prior to the meeting of the Sub-Committee. Details of any further comments received from the Environment Agency will be reported on a Supplement to the main report.

Strategic Director of City Services (Environmental Services)

The City Council's Strategic Director of City Services (Environmental Services) has recommended that the applicant appoints 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 survey should determine the levels of noise generated by the operations at the site and indicate whether the recorded levels will be of detriment to the amenity of the nearest residential dwellings. The Strategic Director of City Services (Environmental Services) must be satisfied that the noise generated during the extended hours of operation will not exceed the background noise (LA90) by 5dB(A) as an absolute maximum to preclude complaints of nuisance or disturbance.

The applicant has submitted a noise survey, received on 22nd February 2012, in accordance with the above advice. The content of the survey and its conclusions and recommendations are still being considered by the Strategic Director of City Services (Environmental Services). Details of any comments received from the Strategic Director of City Services (Environmental Services) in relation to the survey or any other issues raised by the application will be reported on a Supplement to the main report.

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_1_Improvement of the environment

EN_5_Protecting sensitive areas from new noise/vibration generating developments

M_12_Strategic requirements for development/extension of waste disposal/transfer sites

M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- the principle of the proposed variation of condition;
- the impact of the proposed variation of condition on the amenity of the nearest residential dwellings;
- the impact of the proposed variation of condition on highway and pedestrian safety

Principle of proposed variation of condition

The proposals map of the City Council's adopted Unitary Development Plan (1998) identifies the Pattinson South Industrial Estate as an existing area for economic development to be retained and improved. Policy EC4 of the UDP states that such business and industrial land will be retained and improved for a range of uses encompassing offices, research and development and light industry (use class B1 of the Town and Country Planning (Use Classes) Order), general industry (use class B2) and storage and distribution (use class B8). Other uses may be acceptable on an ancillary level to meet the needs of each site whilst applications for uses not specifically listed will be considered on their individual merits.

The existing use of the site as a waste management facility falls is a 'sui generis' use (i.e. a use which does not satisfactorily fall into one of the classes of the Use Classes Order). Whilst this use is not specifically listed by policy EC4, it is considered to be closely related to the general industrial uses which are acceptable in business and industrial estates such as Pattinson South. The proposed variation of condition will not introduce any new activities or operations to the site and so the application is not considered to raise any land use issues. The proposal is therefore considered to be compliant with the requirements of policy EC4.

Impact of proposed variation of condition on residential amenity

The nearest residential dwellings to the proposal site are at 77 and 78 Barmston Court, which stand approximately 120 metres to its north. The petition and letters of representation received from the residents of Barmston Court in response to the consultation exercise carried out in respect of this application assert that the existing operations at the site are noisy, dirty, smelly and dusty. It is also suggested that the site is responsible for the dwellings of Barmston Court being

plagued by flies. The petition and letters of representation express concern that allowing an increase in the hours of activity at the site will only exacerbate these existing issues.

Given the above comments, it is considered that the main residential amenity issue raised by the proposed variation of condition is whether the increase in hours of operation will result in the nearest dwellings suffering an unacceptable increase in nuisance and disturbance from the extended periods of activity at the site.

In this regard, policy EN1 of the UDP states that improvement of the environment will be achieved by:

- (i) seeking to minimise all forms of pollution and;
- (ii) encouraging, assisting or carrying out a wide range of environmental works, including the enhancement of vacant sites and buildings and the reclamation of derelict land.

Policy EN5 of the UDP 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.

In addition to the above, policy M12 of the UDP states that proposals for the construction of waste disposal or transfer facilities will be acceptable if it can be shown that:

- (i) the primary requirement is to deal with waste from the City;
- (ii) the method of disposal is proven, effective and environmentally acceptable;
- (iii) consideration has been given to waste reduction by means of appropriate practical and economic recycling measures

Also of relevance is policy M18 of the UDP, which aims to permit the provision of facilities for the reclamation and recycling of waste materials, subject to the protection of local amenity and other proposals of the plan.

As requested by the City Council's Strategic Director of City Services (Environmental Services), the applicant has commissioned a noise survey and report ('Acoustic Assessment, Impetus Waste Transfer Station, Barmston, Washington', prepared by EMAT Ltd., February 2012), which has subsequently been submitted as part of the planning application. The survey aims to establish the noise levels at the nearest receptors (i.e. the dwellings at 77 and 78 Barmston Court) during typical on-site operations and while the application site is quiet. Measurements were taken on a Sunday to represent the likely background noise conditions on a Bank Holiday. The survey also attempts to factor-in the likely noise emissions from two new sorting machines the applicant intends to install within the building at the site. The noise assessment adopted the methodology set out in British Standard 4142: 'Rating industrial noise affecting mixed residential and industrial areas'.

The report concludes that the site noise experienced at the nearest residential property is of 'marginal significance' when using the ratings set out in BS 4142, even after factoring-in the noise likely to be generated by the new equipment intended to be installed at the site. In addition, it concludes that external noise

levels at the nearest receptors (i.e. 77 and 78 Barmston Court) meets the criteria set by a recent World Health Organisation study into acceptable noise levels for internal and external environments, which have been adopted by BS 8233: Sound insulation and noise reduction in buildings - Code of Practice.

The methodology and conclusions of the survey are, however, still being considered by the Strategic Director of City Services (Environmental Services). Furthermore, a consultation response from the Environment Agency is awaited. These consultation responses are required before a full assessment of the potential impact of the proposed extension of hours of activity on the amenity of the nearest residential properties can be made. Details of any comments received from the Strategic Director of City Services (Environmental Services) and the Environment Agency in relation to the survey or any other issues raised by the application will be reported on a Supplement to the main report.

Impact of variation of condition on highway and pedestrian safety

Policy T14 of the UDP states that all new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety. The City Council's Executive Director of City Services (Transportation) has assessed the proposals in this regard and has raised no objections or recommendations. Accordingly, the proposed extension of hours of activity is not considered to raise any concerns in relation to highway and pedestrian safety, in compliance with the requirements of aforementioned policy T14.

Conclusion

The proposed variation of the condition attached to the approval of planning application ref. 92/0740 to allow an extension to the currently permitted hours of activity at the existing waste management facility is considered to be acceptable in principle and to comply with the requirements of policy EC4 of the adopted Unitary Development Plan (1998). In addition, the proposal does not raise any concerns in relation to highway and pedestrian safety, in accordance with policy T14 of the UDP.

However, consultation responses are still awaited from the Environment Agency and the Strategic Director of City Services (Environmental Services), which are required to enable a full assessment of the impact of the proposal on the amenity of the nearest residential dwellings at Barmston Court. It is anticipated that these outstanding consultation responses will be received prior to the meeting of the Sub-Committee. Details of any responses received, together with a recommended decision, will be reported on a Supplementary Report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 11/02221/FUL Full Application

Proposal: **Change of use from permitted health and fitness/retail store to Class A1 non-food retail**

Location: Land At The Peel Centre Glover Washington

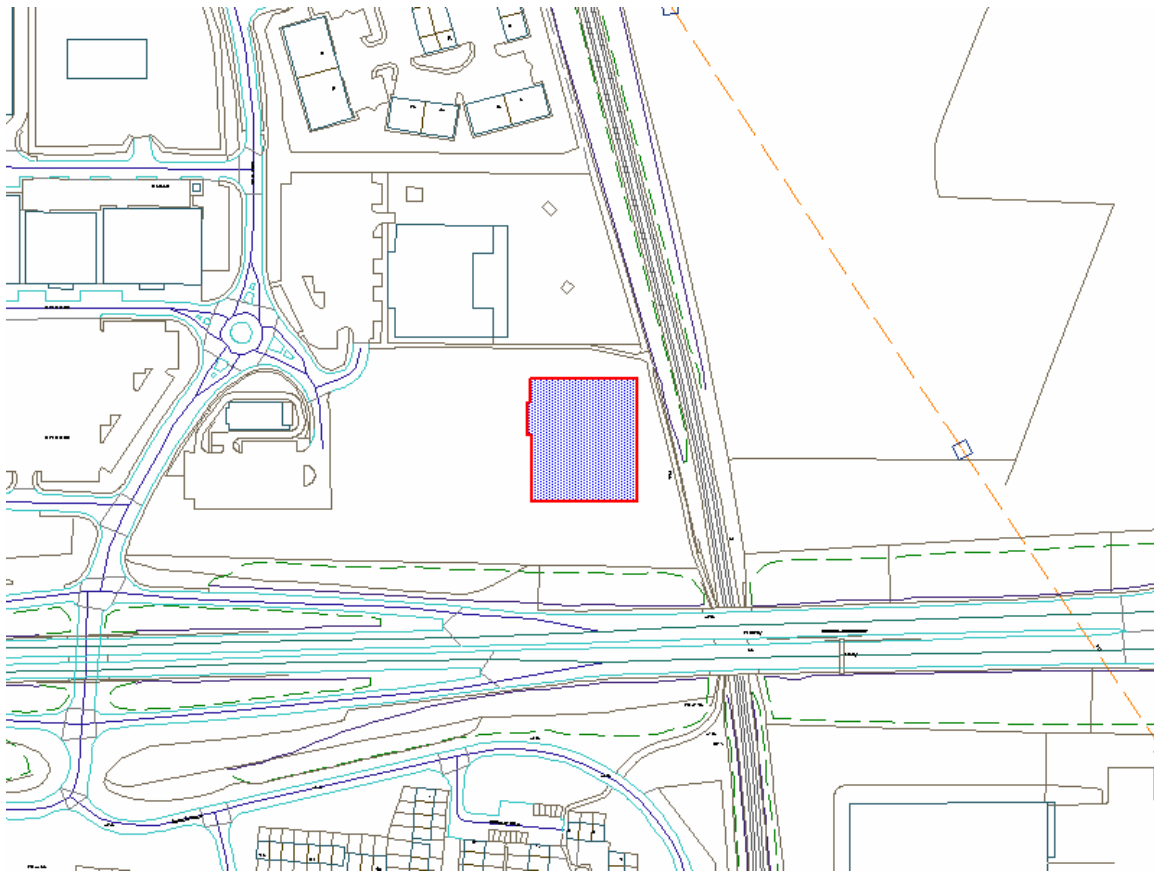
Ward: Washington North

Applicant: Peel Investments (North) Limited

Date Valid: 15 July 2011

Target Date: 14 October 2011

Location Plan



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PROPOSAL:

The proposal currently under consideration relates to the change of use of the consented health and fitness / retail store (Class D2) to non-food retail store (Class A1). The building to which this application relates was constructed for the purposes of a two storey, 5,100 square metre health and fitness club with 1,394 metres of retail floor space to be used in conjunction with the main health and fitness use at first floor level. The building although constructed and leased to JJB Sports has never been occupied for the above consented use. The proposal

will increase the internal retail floor space from 1,394 square metres to 5,100 square metres.

No external alterations are proposed as part of this application.

Back in April 2009 Central Government issued a Direction which replaced a number of previous Directions relating to 'retail' development, development on playing fields, development within the green belt and development in flood risk areas. Under the 2009 Direction, depending upon their size and other caveats, developments falling into one of the above categories may require consultation with the Secretary of State, should the Local Planning Authority be minded to approve the application. However, in the case of retail/shopping development the proposal has to meet one of a number of size thresholds and not be in accordance with one or more provisions of the development plan in force at the time.

In 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 owing to the fact that the application is proposed on 'white' land in the UDP and as such the proposal accords with the saved policies of the development plan.

The application has been advertised by way of neighbour consultations as well as both site and press notices.

The Site

The Peel Centre is an established out of centre retail park located 1.7km to the east of Washington Town Centre at the junction of Spire Road and the Sunderland Highway. The Washington Highway forms the main vehicular connection between the application site and the City Centre which is located approximately 10km to the east. The site provides 300 customer car parking spaces to the front of the store, 18 of which are disabled bays with a 50 bays designated for staff parking.

The Site History

The Peel Retail Park comprises of two distinct phases of development which are detailed below.

Phase 1 relates to a 2.54 hectare site which provides 6,761 square metres of retail floor space across five units.

Phase 2 comprises of a 2.07 hectare site currently occupied by McDonalds and the vacant 5,100 square metre health and fitness club. Phase 2 also has an extant permission for a further 4,239 square metres extension restricted to a range of non-food goods.

NB: Clays Garden Centre falls outside Peels ownership.

Planning History

In 2003 outline planning consent was sought for an extension to the existing retail park (Phase 1) to provide in the region of 5,760 square metres of non-food retail

floor space with associated access and car parking. The application was referred to the Secretary of State, in line with planning legislation at that time, and the application was subsequently approved in 2004 following a Call-In Inquiry. Condition 13 of this permission restricted the range of A1 goods that could be sold from the site, whilst condition 14 limited the total gross floor space to a maximum of 5,760 square metres. Condition 13 reads as follows:-

`The Use Class A1 development hereby permitted shall not be used for the retailing of any of the following goods without the prior written consent of the Local Planning Authority:

- a) Food and drink (excluding the ancillary sale of food and drink for consumption on the premises);
- b) Fashion clothing (excluding gardening/DIV overalls and protective clothing);
- c) Fashion accessories;
- d) Footwear (excluding gardening/DIV protective footwear);
- e) Jewellery and watches;
- f) Cosmetics and toiletries;
- g) Pharmaceutical products;
- h) Books, newspapers and magazines (excluding gardening/DIV books and magazines);
- i) Toys (excluding garden toys and outside play equipment);
- j) Sports goods (including walking and climbing equipment);
- k) Computers and computer games;
- l) Camping equipment;
- m) Videos, DVDs, CDs, audio cassettes and records;
- n) Musical instruments;
- o) Stationery and greetings cards;
- p) Florist;
- q) Travel agency;
- r) Cameras and photographic equipment;
- s) Household / personal telecommunications equipment"

In 2007, an application (ref: 07/02384/VAR) was made under Section 73 for the variation of condition 13 of the outline consent. The application sought to revise the wording of the original condition 13 to enable the items listed in condition 13 to be sold where they are ancillary to the main product being sold at the premises. In addition, sportswear, sports goods and camping equipment were included in the above list. The revised wording of condition 13 reads as follows:-

`The Use Class A1 development hereby permitted shall not be used for the retailing of any of the following goods, except where ancillary to the main product range, without the prior written consent of the Local Planning Authority:

- a) Food and drink (excluding the ancillary sale of food and drink for consumption on the premises);
- b) Fashion clothing (excluding gardening/DIV overalls protective clothing and sportswear);
- c) Fashion accessories (excluding sportswear);
- d) Footwear (excluding gardening/DIV protective footwear and sports footwear);
- e) Jeweller, and watches;
- f) Cosmetics and toiletries;
- g) Pharmaceutical products;
- h) Books, newspapers and magazines;

- i) Toys (excluding garden toys and outside play equipment);
- j) Camping equipment;
- k) Videos, DVDs, CDs, audio cassettes and records;
- l) Musical instruments;
- m) Stationery and greetings cards;
- n) Florist;
- o) Travel agency;
- p) Cameras and photographic equipment;
- q) Household/personal telecommunications equipment.

The above application was approved at the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee on 31.07.2007. The approval of this application effectively issued a fresh consent for the development, enabling the occupation of Phase II of the retail park by 'out of centre' retail warehouse occupiers.

A reserved matters application (ref: 07/02808/REM) for Phase II of the Peel Retail Park was submitted shortly after the submission of the above and related to the detailed submission of information relating to:- the siting, design and external appearance of the buildings and means of enclosure, details of all walls, fences, barriers and other means of enclosure, details of lighting and landscape treatment (hard and soft), provision of a surfaced footway to the west of Spire Road including footway improvements to the eastern boundary of the site, creation of a 272 space car park (max) and remediation of contaminated land. This application was approved at the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee on 04.09.2007.

Finally, the building subject of this application was granted planning permission on 6 September 2007 for the erection of a two storey health and fitness club with an element of retail use which was intended to be used in conjunction with the main use of the building (ref: 07/02812/FUL). This consent effectively substituted the largest of the units approved as part of the Phase 2 extension to the retail park, increasing the size of unit E from 1431 square metres to 5,110 square metres. To date, this use has never been implemented.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **16.09.2011**

REPRESENTATIONS:

One letter of objection has been received from the agent acting on behalf of The Galleries. The main grounds for opposing the development will be assessed when the application is considered in detail at a later meeting.

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_14_Accessibility of new developments, need to avoid congestion and safety problems arising

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

S_1_Provision of enhanced shopping service, including local provision, based on existing centres.

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

COMMENTS:

All matters relating to this application remain under consideration. However, Members are advised that the application raises a number of issues that have city-wide implications. In particular:

a) The application is accompanied by a planning and retail statement and additional supplementary information undertaken on cumulative comparison impact as required by policy EC14.4 (Supporting evidence for planning applications for main town centre uses) of Planning Policy Statement 4, which examines the potential effects of the proposed development upon other existing retail centres, in particular Washington Town Centre / The Galleries. Although the retail impact assessment submitted remains under consideration by the Local Planning Authority, it is considered, at this stage, that the eventual findings of the submitted statement and supplementary information will have implications for the wider Washington area, including the designated Town Centre, and beyond.

b) The application is accompanied by a sequential test as required by policy EC14.3 (Supporting evidence for planning applications for main town centre uses) of Planning Policy Statement 4 to establish that there are no other available sites capable of accommodating the proposed development, which would be preferable in terms of its location either within, or on the edge of, an existing centre. The sequential test submitted includes the examination of sites that lie within Washington Town Centre, namely the Western Car Park. Again, like with the impact information detailed above, it is considered that the eventual findings of the submitted sequential test, which remains under consideration by the Local Planning Authority, is likely to have implications for the wider Washington area, including the designated Town Centre, and beyond.

c) Decisions on retail planning applications impact on the City's capacity to sustain further future retail development beyond the area of Houghton, Hetton and Washington.

Consequently it is considered essential that this planning application be determined by a Committee with city-wide responsibility for planning matters and accordingly, Members are recommended to refer the application to Planning and Highways Committee on the grounds of its city-wide significance, for consideration at a meeting to be held once all considerations relating to this development have been made to the satisfaction of the Local Planning Authority.

RECOMMENDATION: Refer to Planning and Highways Committee

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 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:

Insert Here : Plan Nos, dates received and drawing title

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 Prior to the operation of the approved unit, a delivery and staff parking management plan shall be submitted to and agreed in writing by the LPA. Such a plan shall include details of a co-ordinated delivery schedule and instructions on the use of staff parking areas and once agreed shall be implemented throughout the life of the development, unless otherwise agreed in writing with the LPA, in order to provide adequate and satisfactory provision for vehicle manoeuvres and to comply with policy T22 of the UDP.
- 4 Prior to the occupation of the unit details of a scheme to control the access to the rear service road shall be submitted to and agreed in writing with the LPA. Once agreed, such a scheme shall be implemented and maintained as such thereafter, in order to provide adequate and satisfactory provision for vehicle manoeuvres and to comply with policy T22 of the UDP.
- 5 No unloading or loading of vehicles to the front of the premises shall take place at any time, in order to provide adequate and satisfactory provision for vehicle manoeuvres and to comply with policy T22 of the UDP.
- 6 No materials or equipment shall be stored on the site outside the buildings except in pre-defined areas agreed in writing with LPA prior to the occupation of the building. Once agreed, such areas shall be maintained as such thereafter, in the interests of visual amenity and in order to provide adequate and satisfactory provision for vehicle manoeuvres, to comply with policies B2 and T22 of the UDP.

- 7 Before the use hereby approved is commenced the details of the space and facilities for bicycle and motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until those spaces and facilities have been provided in accordance with the agreed details. These facilities shall then be retained and permanently reserved for motorcycle and bicycle parking in the interests of highway safety and in order to comply with Policy T14 of the UDP.
- 8 Any jibs, mechanical arms, grabs, buckets or similar attachments as well as any loads being hoisted by any cranes or other types of heavy lifting gear used during the operation of the site shall be regulated so that there is no over sail of the adjacent railway airspace in the interests of public safety and in order to comply with Policy T14 of the UDP.
- 9 Before the use hereby approved is opened for trading the occupant shall prepare and submit to the Local Planning Authority a Unit Green Travel Plan based on the format contained in the agreed Site Green Travel Plan. The Green Travel Plan shall be agreed in writing by the Local Planning Authority and the requirements of the agreed Plan shall be implemented by the operator in order to ensure access to the site by alternative modes of travel and to accord with policies T1 and T2 of the UDP.
- 10 Notwithstanding the submitted plans, the provision for car parking within the application site shall not exceed 272 spaces in order to ensure a sustainable form of development and to comply with policy T22 of the approved UDP.

Reference No.: 11/02678/OUT Outline Application

Proposal: **Erection of a 9,292 sq.m food superstore on stilts, together with undercroft car parking, petrol filling station and associated works**

Location: Phase 1 The Peel Centre Spire Road Glover Washington

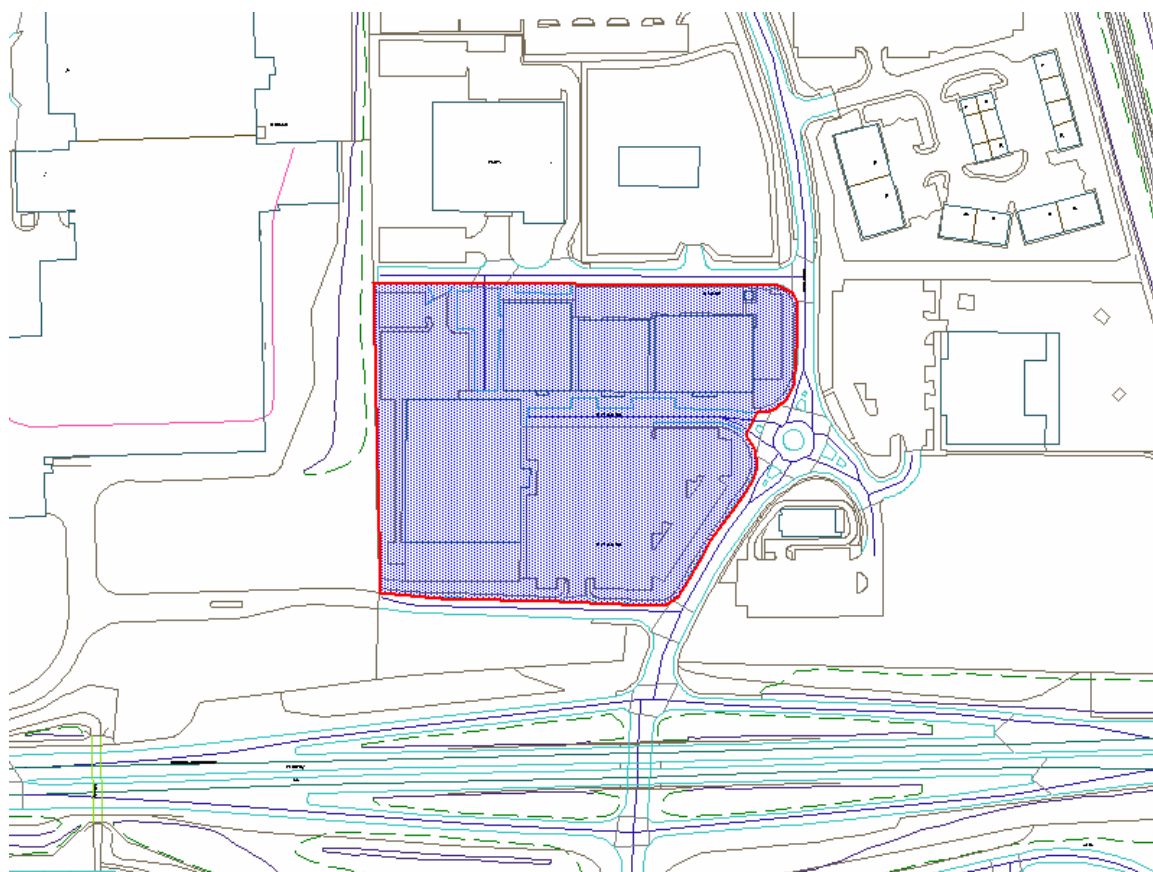
Ward: Washington North

Applicant: Peel Land And Property Investments Ltd

Date Valid: 9 September 2011

Target Date: 9 December 2011

Location Plan



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PROPOSAL:

The proposal currently under consideration relates to the erection of a 9,292 square metre food superstore on stilts, together with undercroft car parking, petrol filling station and associated works on Phase 1 of the Peel Centre, Spire Road, Glover, Washington. The application is in outline, with all detailed matters reserved, except for access. The superstore would have a total sales area of 5,520 square metres (excluding checkouts) divided between convenience goods

of 3,418 square metres sales area and comparison goods of 2,102 square metres sales area.

Back in April 2009 Central Government issued a Direction which replaced a number of previous Directions relating to 'retail' development, development on playing fields, development within the green belt and development in flood risk areas. Under the 2009 Direction, depending upon their size and other caveats, developments falling into one of the above categories may require consultation with the Secretary of State, should the Local Planning Authority be minded to approve the application. However, in the case of retail/shopping development the proposal has to meet one of a number of size thresholds and not be in accordance with one or more provisions of the development plan in force at the time.

In 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 owing to the fact that the application is proposed on 'white' land in the UDP and as such the proposal accords with the saved policies of the development plan.

The application has been advertised by way of neighbour consultations as well as both site and press notices.

The Site

The Peel Centre is an established out of centre retail park located 1.7km to the east of Washington Town Centre at the junction of Spire Road and the Sunderland Highway. The Washington Highway forms the main vehicular connection between the application site and the City Centre which is located approximately 10km to the east. Phase 1 of the Peel Centre, as it currently exists, comprises five retail warehouse units, totalling 6,762 square metres. Four of the retail warehouse units are occupied by Homebase, Carpetright, Wynsors Shoes and Doxford Carpets. Unit 2, which was formerly occupied by Allied Carpets, is vacant.

Planning History

The Retail Park was built following the grant of outline planning permission for "the erection of non food retail development with car parking, service area, fast-food unit and petrol/diesel station" on the 9 August 1988 (ref. 87/88). The permission contains no conditions that restrict the goods that can be sold. Nevertheless, the permission was subject to a Planning Agreement, dated 8 August 2008, made pursuant to Section 52 of the Town and Country Planning Act 1971, as amended by a subsequent Deed of Revocation, dated July 2006. The Planning Agreement prohibits the sale of convenience goods and a range of non-food goods, but it does exclude clothing and shoes, or electrical items. Moreover, the Deed of Revocation allows for the sale of sports goods.

Of importance, however, is that the Planning Agreement and the Deed of Revocation both confirm that the Section 52 Agreement does not prohibit the right to develop any part of Phase 1 of the Peel Centre site in accordance with any later planning permissions.

As a consequence, the Planning Agreement does not apply to the development at Units 1 and 2, which are authorised by permissions 06/04039/FUL and 08/0291/FUL. These permissions authorise the sub-division of Units 1 and 2 through a package of internal and external works which are to be carried out in accordance with the approved plans. Thus, provided the sub-divided works are carried out in accordance with the approved plans, the Section 52 Agreement would not apply and the sub-division units would be unrestricted A1 retail. This has been confirmed by Certificates of Lawfulness issued in October 2009 (ref 09/03289/CLP and 09/03287/CLP).

The Planning and Retail Statement (August 2011) submitted by the agent acting on behalf of the applicant explains at paragraph 3.11 that "The 2006 and 2008 permissions created a 'new chapter' in the history of units 1 and 2" and that "Peel has undertaken works to implement both of the permissions".

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environment Agency
City Services - Network Management
Street Scene (Environmental Service)
The Highways Agency
Northern Electric
North Gas Networks
Northumbrian Water
Nexus
North Gas Networks
Business Investment
North East Chamber Of Commerce
Force Planning And Police Architectural Liaison Officer
Association Of North East Councils
Gateshead MBC

Final Date for Receipt of Representations: **01.12.2011**

REPRESENTATIONS:

A large number of representations has been received to the application, all of which will be considered in the detailed report to the Planning and Highways Committee.

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_14_Accessibility of new developments, need to avoid congestion and safety problems arising

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

S_1_Provision of enhanced shopping service, including local provision, based on existing centres.

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

COMMENTS:

Members are advised that the application raises a number of issues that have city-wide implications. In particular:

a) The application is accompanied by a planning and retail statement and additional supplementary information undertaken on cumulative comparison impact as required by policy EC14.4 (Supporting evidence for planning applications for main town centre uses) of Planning Policy Statement 4, which examines the potential effects of the proposed development upon other existing retail centres, in particular Washington Town Centre / The Galleries. Although the retail impact assessment submitted remains under consideration by the Local Planning Authority, it is considered, at this stage, that the eventual findings of the submitted statement and supplementary information will have implications for the wider Washington area, including the designated Town Centre, and beyond.

b) The application is accompanied by a sequential test as required by policy EC14.3 (Supporting evidence for planning applications for main town centre uses) of Planning Policy Statement 4 to establish that there are no other available sites capable of accommodating the proposed development, which would be preferable in terms of its location either within, or on the edge of, an existing centre. The sequential test submitted includes the examination of sites that lie within Washington Town Centre, namely the Western Car Park. Again, like with the impact information detailed above, it is considered that the eventual findings of the submitted sequential test, which remains under consideration by the Local Planning Authority, is likely to have implications for the wider Washington area, including the designated Town Centre, and beyond.

c) Decisions on retail planning applications impact the City's capacity to sustain further future retail development beyond the area of Houghton, Hetton and Washington.

Consequently it is considered essential that this planning application be determined by a Committee with city-wide responsibility for planning matters and accordingly, Members are recommended to refer the application to Planning and Highways Committee on the grounds of its city-wide significance, for consideration at a meeting to be held once all considerations relating to this development have been made to the satisfaction of the Local Planning Authority.

RECOMMENDATION: Refer to Planning and Highways Committee

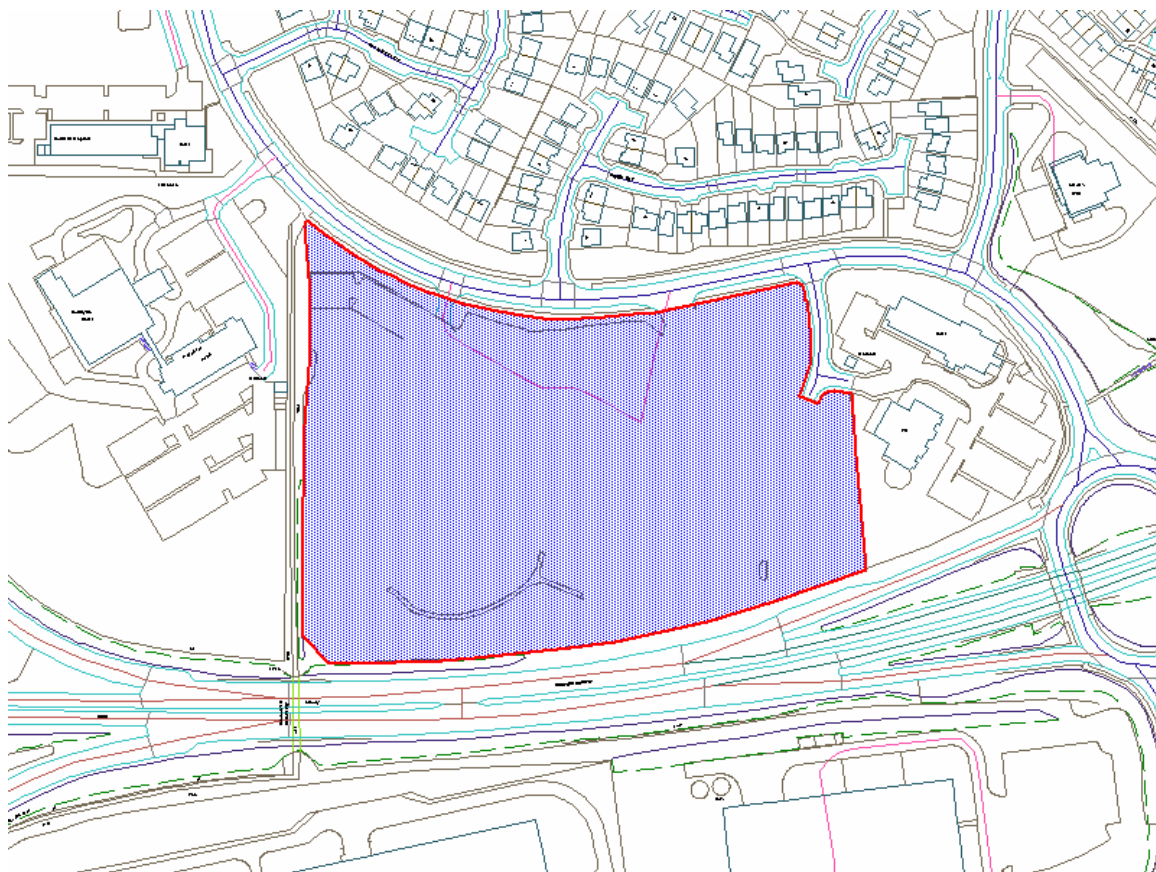
Reference No.: 11/03181/OUT Outline Application

Proposal: Outline application for the erection of 125 houses with associated landscaping and highway works with access to be determined and remaining matters reserved for future consideration .

Location: Site Of Emerson House Emerson Road Emerson Washington

Ward: Washington South
Applicant: Muse Developments Ltd
Date Valid: 4 November 2011
Target Date: 3 February 2012

Location Plan



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PROPOSAL

The application seeks consent for the redevelopment of the site of the former Emerson House offices for up to 125 dwellings and associated landscaping and highway works. The proposal is in outline and seeks consent for the principle of the development and the means of access, all other matters are reserved for

future consideration. It is proposed to provide three points of access to the site, two direct from Emerson Road and one from the access road for the Toby Inn/Restaurant. The two accesses from Emerson Road utilise, while re configuring, the access points of the former Emerson House. In addition a new footpath and cycleway is proposed linking the site to the public footpath to the west of the site.

The site lies to the north of the A195 (Western highway) and west of the A1(M) on the southern edge of the residential district of Ayton. Immediately to the east of the site is the Premier Inn and to the west the Holiday Inn and the Campanile Hotel. Emerson Road forms the northern boundary of the site. The Wear Industrial Estate lies to the south of the A195.

Emerson House was a 1970's office block (Department of Health and Social Security) which was demolished in 2002. A previous application for housing development on the site was refused on grounds related to:

- the unjustified loss of employment land;
- the inadequate evidence in respect of the marketing of the site;.
- the failure to pass the tests in PPS3;
- the impact of noise on the site;
- the detailed design of the scheme.

The application is accompanied by the following documents:

- Ground Condition Desktop Study
- Flood Risk Assessment
- Historic Environment Desk Based Assessment
- Noise Assessment
- Planning Statement
- Statement of Community Involvement
- Travel Plan Framework
- Transport Assessment
- Economic Statement
- Ecological Appraisal
- Employment Land Assessment
- Design and Access Statement
- Summary Document.

The applicant considers that the scheme will deliver a highly successful, sustainable development which will assist the council to meet housing delivery targets.

The submission of the application follows a range of events aimed at involving the local community in the formulation of the proposals, including public exhibitions, meetings with ward councillors, newspaper articles, questionnaires delivered door to door and a dedicated website and e-mail address. Although the number of responses was not particularly high (44), 86% supported the initial proposals. The applicant considers that the proposals accord with the local community's aspirations for the site.

The application is a departure from the approved Development Plan and has been advertised accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Street Scene (Environmental Service)
Business Investment
Force Planning And Police Architectural Liaison Officer
The Highways Agency
Environment Agency
Director Of Childrens Services
Northumbrian Water
Nexus
The Coal Authority

Final Date for Receipt of Representations: **09.12.2011**

REPRESENTATIONS:

Neighbours

To date one representation has been received, which raises concerns about the potential adverse impact on traffic and highway safety should the proposal be given consent. It is commented that the position of the access would be likely to lead to excessive noise, loss of privacy and health concerns. The objector's preference is for the use of the Toby Inn/Holiday Inn Express hotel junction.

Consultees

Coal Authority - has no objection to the proposal but has recommended that a condition be imposed in order to ensure the carrying out of intrusive ground investigations prior to the commencement of development.

County Archaeologist - has commented that there is no objection to the proposal but has requested that conditions be imposed on any consent issued in respect of a programme of archaeological investigation and reporting in respect of the potential presence of remains of a former wagon way in the north west part of the site.

Environment Agency - initially indicated that it objected to the proposal on the grounds that the submitted Flood Risk Assessment is inadequate. However, notification has been received that following the submission of additional information from Northumbrian Water, the Agency wishes to withdraw its objection.

Highways Agency - has no objection to the proposal provided that conditions are imposed on any consent relating to the implementation and monitoring of a Travel Plan seeking to reduce dependency on the car.

Nexus - has indicated that it has no objection to the proposal. However, it has requested the provision of a new bus shelter with electronic information connections at Dunnock Drive to provide weather protection for passengers. In addition it has recommended that the submitted Travel Plan be revised to make reference to the availability of multi-operator tickets within the region.

Northumbria Water - has no objections to the proposal.

Chief Executive: Head of Business Investment - indicated initially that there were concerns about the proposal as there is a shortage of potential office development sites in Washington without encroaching on the Green Belt. However, as indicated below in the consideration of the Principle of the Development following the submission of additional information by the applicant it has been accepted that the site was adequately marketed and in planning terms that the loss of the site for employment purposes would be difficult to resist.

Chief Executive: Lead Policy Officer for Planning - has indicated that the proposal is acceptable in principle but requires further modification. He confirms that the site is allocated for employment use and that sites in Washington have a key role in ensuring long term economic success. The Employment Land Review (ELR) indicates that the application site is in a good location with easy access to trunk roads. However it is recognised that the site has been vacant since the demolition of the DHSS offices in 2002. He comments that the marketing evidence submitted by the applicant seems to demonstrate that there is no real prospect of the site coming forward for B1 and/or C1 uses. Consequently government policy as set out in PPS4 (Sustainable Economic Growth), indicates that without such prospects the allocation should not be retained and alternative uses for the site considered. He adds that the 2010 Strategic Housing Land Availability Assessment (SHLAA) considered that the site was inappropriate for housing development because of its employment allocation. But it is considered that the applicant has provided sufficient information to support using the site for housing in accordance with PPS3 (Housing) and SHLAA criteria.

He considers that the final scheme should aim for a high quality of design and a mix of house types and tenures, advising that Washington East has been identified as having a need for 1 and 2 bedroom dwellings and bungalows. He indicates that the scheme should meet the requirements for children's play (policy H21).

He refers also to the requirement of policy H16 for 10% of affordable housing which follows from the results of the Strategic Housing Market Assessment (SHMA), that provision to be split between social rented and intermediate 75%:25% respectively. It is emphasised that the SHMA identifies a need for a greater proportion of 3 - 4 bedroom affordable properties and a need for properties for older people. While recognising that on some sites the affordable housing target may not be achievable, it is advised that robust justification in the form of a financial viability assessment will need to be submitted. If it is accepted that the viability of the scheme will be affected, the first step will be to review the tenure split and potentially increase the proportion of intermediate provision. If

the scheme is still not viable only then will consideration be given to reducing the percentage to a level at which the scheme remains financially viable.

As regards sustainability the Lead Policy Officer for Planning advised that the assessment carried out as part of the SHLAA process indicated that the site was unsustainable in terms of access to key facilities such as schools, chemists, doctors surgeries and local shops - all of which are over 750 m away from the site as the crow flies, thereby not taking in to account the busy road network which surrounds the site.

Director of Children's Services - has indicated that there is no objection to the proposal but in view of the pressures on school places in the area a contribution of £178,335 should be sought towards the provision of additional primary classrooms in the vicinity.

Executive Director of City Services: Environmental Services - has commented that the submitted noise assessment is acceptable provided that appropriate conditions are imposed on any consent to ensure that the proposed mitigation measures achieve their objectives. In addition, conditions are recommended in respect of the hours of construction works, dirt and dust controls, site set up and prohibition of burning of materials on the construction site. Comments on the submitted Desk Top Risk Assessment in respect of the ground conditions and contamination are to be forwarded in due course.

Executive Director of City Services: Network Management - has indicated that he has no objections to the proposal but would prefer that rather than include two points of access on to Emerson Road, only one of those accesses should be used and one access should be provided on to the access road to the Toby Inn/Restaurant which runs along the eastern edge of the site. Further he recommends that a pedestrian refuge be provided on Emerson Road to the west of the existing access road and provides some suggestions in respect of the internal layout of the development.

Executive Director of City Services: Sport Leisure and Community Development - has commented that there is no objection to the proposal but has requested that a contribution of £87,625 be made to the off site provision of new/improved children's play provision at Ayton Park.

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
WA_1_Retention and improvement of established industrial / business area
B_2_Scale, massing layout and setting of new developments
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
H_1_Provision for new housing
H_7_Provision for executive housing
H_21_Open space requirements in new residential developments (over 40 bed spaces)
EN_1_Improvement of the environment

EN_12_Conflicts between new development and flood risk / water resources
 EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
 CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
 CN_18_Promotion of nature conservation (general)
 EN_1_Improvement of the environment
 T_1_Promote the development of a varied, balanced, integrated & sustainable transport system
 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_14_Accessibility of new developments, need to avoid congestion and safety problems arising
 T_21_Factors to be taken into account in the provision of parking
 T_22_Parking standards in new developments
 B_11_Measures to protect the archaeological heritage of Sunderland (general)
 B_14_Development in areas of potential archaeological importance
 B_15_Developments causing large scale ground disturbance (currently undeveloped areas)
 B_16_Assessing, recording and preserving historic sites discovered during development
 EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

COMMENTS:

The main issues to be considered in determining the application are as follows:

- i) The Principle of the Development (including the loss of employment land)
- ii) Highway Issues
- iii) Affordable Housing Provision
- iv) Archaeology Issues
- v) Ecological Issues
- vi) Noise Issues
- vii) Flooding Issues
- viii) Ground Contamination Issues
- ix) Provision for Children's Play
- x) Provision for Education
- xi) Design
- xii) Impact on the Amenities of Neighbouring Occupiers
- xiii) Dust and Fumes
- xiv) Sustainability

i) The Principle of the Development (including the loss of employment land)

The application site is within the area subject to policy WA1.15 in the adopted Unitary Development Plan. The policy seeks to retain/maintain land with the Emerson business area for offices, research and development, light industry and hotels (B1, C1) only. Meanwhile, policy EC4 indicates that residential institutions (C2) and housing (C3) are not appropriate on the site.

Government policy in respect of the determination of planning applications for housing development is set out in Planning Policy Statement 3 Housing (PPS3). This indicates that local planning authorities should have regard to:

- achieving high quality housing;
- ensuring the achievement of a good mix of housing types;
- the suitability of a site for housing including its environmental sustainability;
- the effective and efficient use of land;
- planning for housing objectives; and
- ensuring proposals do not undermine wider policy objectives.

It advises that the availability of a 5 year land supply should be assessed and where there is less than a 5 year supply of deliverable sites then favourable consideration should be given to planning applications for housing, having regard to other policies within the PPS and other material considerations.

Also of relevance to the consideration of this application is PPS4 Planning for Sustainable Economic Growth which indicates at policy EC2 (h) that while it is appropriate to designate a wide range of sites for safeguarding for economic development, allocations should not be retained from one plan to another unless there is evidence of a reasonable prospect of their take up during the plan period. It states that "If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained and wider economic uses or alternative uses should be considered".

The draft National Planning Policy Statement (July 2011) follows on from "A Plan for Growth" and the ministerial statement on 'Planning for Growth' both issued in March 2011, and both of which stressed the need for a presumption in favour of sustainable development. The NPPF seeks to encourage sustainable development and encourages local planning authorities to give significant weight to the benefits of economic and housing development and particularly where the development plan is "absent, silent, indeterminate or where relevant policies are out of date". While the NPPF is still in draft form it is considered to be a material consideration in the determination of planning applications of type under consideration here as it provides a clear indication of the direction of travel of government policy. However, the weight to be given to it is a matter for the decision maker.

The applicant has submitted a Planning Statement which picks up on the above policies and argues that as there is neither a 5 year land supply nor any reasonable prospect of the site being used for either offices, research and development or hotel use then consent should be granted. It is argued that the application is in line with the Regional Strategy (RSS) and particularly Policy 4 which seeks a sequential approach to the location of all development with priority to be given to suitable previously developed sites and buildings within the urban area, of which the application site is one. The statement also refers to various documents which have been produced in recent years as part of the process of developing the core strategy for the council's Local Development Framework which point to the use of vacant or underused industrial land for housing development within existing urban areas.

The application site is covered by policy EC4 and WA1.1 in the adopted Unitary Development Plan (UDP). The latter seeks to retain the site for employment uses particularly those falling within Use Class B1 (Business - Offices/Light Industry)

and C1 (Hotel), while the former sets out the ancillary uses and those uses which are not considered to be appropriate. The latter include shops (A1), residential institutions (C2) and housing (C3). The proposal is therefore contrary to the policies of the adopted UDP.

However since the adoption of the UDP there have been a number of changes to National planning policy which also need to be taken into account including Planning Policy Statements -PPS3 Housing (June 2011) and PPS4 Planning for Sustainable Economic Growth (December 2009). PPS3 indicates that applications for residential development should be considered favourably where there is not a five year housing land supply and where the site meets the tests in respect of housing quality, housing mix, site suitability and the effective and efficient use of land. PPS4 makes it clear that where there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained and alternative uses considered.

More recently, as indicated above, the government has made it clear through "A Plan for Growth" and associated ministerial statements that local planning authorities in considering applications for planning permission for development which would help to achieve economic growth (including housing) should show a strong presumption in favour of such sustainable development.

The Localism Act also provided for the revocation of the Regional Spatial Strategies including that for the North East. That part of the Act has not yet been brought in to force and therefore policy 4 of the RSS which seeks a sequential approach to the consideration of all major development, gives priority to sites which have been previously developed and are within the urban area. Together with policy 9, which supports developing housing to support economic growth in sustainable locations and mainly on previously developed sites remain relevant material considerations in the determination of this application.

The applicant has argued that the UDP is out of date and the policy background has changed significantly since 1998 as indicated above. This combined with the identified need for new housing in Washington the lack of a 5 year supply of housing land, an over supply of employment land and a lack of demand for this particular site which has been on the market for over 10 years leads to the view that the site should be released for housing unless there are other material considerations which determine otherwise. The applicant's submission is that there are no other considerations which indicate any significant adverse impacts from the proposed development and therefore consent should be granted.

As indicated earlier in this report, the Lead Policy Officer for Planning did not object to the release of the site for housing. The Strategic Housing Land Assessment (2011) is due to go to Cabinet in March. The assessment of the housing supply and requirement for the City over the next 15 years is complicated by the pending revocation of the RSS, however it is probable that the City does have a 5 year housing land supply. Nevertheless as a result of the past underperformance of housebuilding over recent years together with current government policy and advice it is not considered that the availability of that 5 year supply would be sufficient to sustain a refusal of planning permission.

Consideration therefore needs to be given to the Employment Land Supply and the views expressed by the Business Investment Manager. The applicant has provided additional information in respect of the marketing of the site at the

request of officers and this has been considered. While some concerns remain they are difficult to substantiate and it is considered that the submitted information indicates that the site has been marketed for some 10 years without any apparent significant interest in the development of the site for B1 uses. This together with the accepted surplus of employment land within the city (based upon past take up rates) and the thrust of government policy leads to the conclusion that it would not be possible to sustain a refusal of the application on grounds relating to the loss of the site for employment purposes.

ii) Highway Issues

Policy T14 of the adopted Unitary Development Plan seeks to ensure that all new development should have good road, footpath/cycleway and public transport links to local services; should not cause traffic congestion or highway safety issues on existing roads and make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users as well as making adequate provision for loading/unloading and car parking. Meanwhile policies T8 and T9 seek to ensure that adequate provision is made for pedestrians and cyclists respectively.

The proposed development seeks to agree the means of access to the site at this stage while leaving the internal layout for subsequent approval. Access is proposed from two points off Emerson Road, with a pedestrian/cycle access from the access road for the Toby Inn/Restaurant and hotel on the eastern side of the site. The latter may also be utilised as an emergency access/egress.

The submitted Transport Assessment (TA) examines the extent to which the proposal would affect the local transport network and the availability of sustainable transport modes. The TA concludes that:

- the site is well connected to the local road network being close to the A195 Western highway and the wider highway network via the A1(M) to the west.
- the site is connected to the local area by regular bus services;
- peak period trip generation for the residential development is estimated to be less than that of an office development on the site;
- the additional vehicle trips generated by the residential development are not anticipated to have a material impact upon the A195 Western Highway or the A1(M);
- robust modelling of the existing access junction indicates that it would continue to perform within acceptable levels taking into account the residential development; and
- no transport mitigation measures would be required as part of the development.

In addition to the above the applicant has submitted a Travel Plan Framework which seeks to reduce the impact of car based travel to and from the site. It provides an overview of the measures which should be put in place to ensure the site can deliver sustainable transport objectives, including:

- disseminating information about sustainable transport options by informing all residents of local walking routes, bus stops and cycle routes;
- providing free public transport tickets to promote services and issue timetables for local services;
- provide cycle parking/storage where garages are not available; and

- introduce residents to local car sharing schemes which save them time and money by sharing journeys with other commuters.

The Executive Director of City Services: Network Management indicated that it would be preferable to rationalise the number of accesses to the site by only having one access from Emerson Road and one from the Toby Inn access road.

The applicant has given further consideration to the options but has determined that the retention of the two accesses direct from Emerson Road and an emergency access on to the Toby Inn access, is the preferred option. The basis for this view is that:

- it essentially replicates the access arrangements of the former DHSS offices on the site;
- the junction spacing accords with the council's standards;
- the Manual for Streets indicates that more junctions improve permeability of the development for pedestrians and cyclists rather than increasing the number of accidents;
- the historic accident records do not indicate that the number of junctions has resulted in higher numbers of accidents, there being no record of any personal injury accident in the period 1997 - 2000 when the offices were in use;
- in design terms it is better to have a separate estate access rather than share with commercial premises; and
- the use of a shared access could lead to overspill parking from the commercial uses in the residential estate.

The Executive Director of City Services: Network Management has reluctantly accepted the stance of the applicant in this regard and the proposed access arrangements are therefore considered to be satisfactory.

The Executive Director has also requested the provision of a pedestrian refuge island on Emerson Road to the west of the existing adopted access road. Such a refuge is considered necessary to improve access to public transport and local facilities which are generally located to the north of Emerson Road. In a similar vein Nexus has requested that pedestrian bus shelters with electronic information services be provided at the bus stop on Dunnock Drive. The applicant has indicated that the imposition of conditions to cover these two requirements would be satisfactory.

The proposal is considered to make adequate provision of linkages to the existing pedestrian and cycle path network to encourage the use of these modes of transport. In addition it is considered that the links appear to be afforded good natural surveillance from the proposed dwellings (as indicated on the sketch layout).

As regards the Travel Plan Nexus has broadly welcomed the framework put forward as well as the provision of footpaths links to the footpaths to the west linking to bus stops on Birtley road and Rickleton Way. However, it is suggested that the Travel Plan should be revised to include the reference to the availability and prices for 'One' tickets, useable on multi-operator journeys. It is also stressed that it should be explicitly stated that if these tickets are not purchased more than one ticket will be required if using more than one operator. It is considered that this matter can be the subject of a condition on any consent issued.

It is considered that the highway and travel issues raised by the application can be satisfactorily addressed by the imposition of conditions on any consent which might be issued and thereby enable the scheme to comply with the requirements of policies T8, T9, and T14 of the adopted Unitary Development Plan.

iii) Affordable Housing Provision

Policy H16 of the adopted Unitary Development Plan allows for the negotiation of an element of affordable housing in new major housing developments assessed against local needs. The recent Strategic Housing Market Assessment (SHMA) indicated that it would be appropriate to seek 10% allocation for such housing on major schemes. In this instance 14/15 affordable houses would need to be provided.

As indicated above the Lead Policy Officer for Planning has indicated that affordable housing must be provided on the site unless the applicant provides a robust justification why this is not feasible. If such a justification is put forward consideration would first be given to increasing the proportion of intermediate (shared ownership) properties, then to reducing the percentage until the proposal is financially viable. The option of provision on an alternative site or a financial contribution may also be considered.

The applicant has submitted a viability appraisal of the development and a proposal that 5% of the houses on the site would be affordable housing, rather than the 10% which the council's strategic housing market assessment would require. Officers sought clarification of a number of detailed technical aspects of the assessment. As a result the applicant has proposed increasing the affordable housing percentage to 7% (equivalent to 8 units). The applicant has argued that to increase the proportion of affordable housing above that level would seriously compromise the financial viability of the development.

The applicant's response has been considered and areas of concern remain. Rather than delay the consideration of the application further it is considered appropriate to defer final consideration of this issue to the reserved matters stage when firm details of the layout and house types will be available on which to make a more detailed assessment. It is therefore proposed that a condition in respect of the 10% affordable housing requirement be imposed on any consent issued in order that the proposed development complies with the requirements of policy H16 of the adopted Unitary Development Plan.

iv) Archaeology Issues

Policy B11 of the adopted Unitary Development Plan seeks to ensure the preservation or recording of any historic remains revealed during the course of development; policy B14 requires that archaeological assessment /evaluation be carried out before granting planning permission where a proposal may affect known or potentially important archaeological sites the development process. These policies are in line with policies in both the Regional Spatial Strategy (policy 34) and Planning Policy Statement 5 (PPS5) Planning for the Historic Environment (policies HE 6 - 8 and 12)

The submitted Historic Environment Desk Based Assessment of the site indicates that there is the potential for remains of a former 18th century wooden wagon way to be present in the north west part of the site. It recommends that a trial trench evaluation be carried out. Consequently, the County Archaeologist considers that it would be appropriate to impose conditions on any consent issued to allow for adequate excavation of that part of the site, and in the event of remains being found the reporting of those excavations and the publication of that report, in order to increase the understanding of that aspect of the historic environment. The imposition of such conditions will ensure that the development complies with the requirements of policies B11, B14 and B16 of the adopted Unitary Development Plan.

v) Ecological Issues

The requirements in respect of the ecological aspects of development are addressed by policies CN 18 - CN23. The issues addressed by these policies are:

- making provision in development proposals for the preservation of habitats or the creation of compensatory or new habitats in development proposals, adopting management regimes sympathetic to nature conservation especially in wildlife corridors; improving access to and interpretation of appropriate wildlife sites and refusing inappropriate development (CN18).
- requirements for designated sites, not relevant to this application (CN19, 20 and 21)
- the avoidance of adverse effects on protected species and/or their habitats (CN22)
- the conservation and maintenance of wildlife corridors (CN23).

The submitted Ecological Assessment examines the importance of the habitats present on the site and the potential of the site to support protected species. The ecological surveys found the site to be of local importance for wildlife, with a low risk of the site containing protected species such as bats, badgers, red squirrels and great crested newts. There are no statutorily protected wildlife sites within 500m of the site. There is evidence of birds using the site during the breeding season, however these are generally common species. It is suggested that if the clearance of vegetation avoids the sensitive times of year, then adequate mitigation of the risk involved will result. The proposed housing development is therefore considered by the applicant to have a low impact on the ecology and biodiversity of the site.

The site is at the western edge of a wildlife corridor, as identified on the Unitary Development Plan Proposals Map. The Assessment concludes that the woodland habitat within the site is largely isolated by adjacent roads which would make it unlikely to be part of a wildlife corridor for land based animals. The Ecological Assessment therefore has fed into the design of the scheme the aim of retaining as many trees to the south of the site as possible and incorporating broadleaved trees into the landscaping scheme. The proposed surface water attenuation ponds will improve the foraging habitat for bats as well as increasing the biodiversity of the site.

The submitted Ecological report is considered to be acceptable and the recommendations of that report with regard to mitigation and habitat enhancement should be the subject of a condition on any consent issued. It is advised that should the reserved matters application be submitted more than a year after the initial habitat surveys were undertaken that a further survey would be required to be undertaken.

As regards landscaping the proposals are considered to be appropriate in principle but further details will need to be submitted in respect of the specifics of the scheme. It is considered that this can be achieved via the imposition of conditions on any consent issued.

It is considered that with the imposition of condition in respect of the matters set out above the scheme would be in compliance with the requirements of policies CN18, CN22 and CN23 as well as CN16.

vi) Noise Issues

The application site is located close to both the A195 Western Highway (to the south) and the A1(M)(to the west) consequently it is appropriate to assess the scheme against policy EN6 in the adopted Unitary Development Plan. The policy requires developers to carry out noise assessments and propose mitigation measures to overcome the noise issues identified. Where it is not practical to mitigate the problems of noise the application should be refused.

The applicant has submitted a noise impact assessment which indicates that having measured noise levels both during the day and at night and without any mitigation, the site falls within Noise Exposure Category C as set out in Planning Policy Guidance Note No. 24 "Planning and Noise". Sites within this category are ones where in normal circumstances planning permission would be refused. However, it advises that but where alternative quieter sites are not available conditions should be imposed to ensure commensurate noise protection measures are implemented.. The submitted report indicates that with the construction of a noise barrier fence varying between 1.8 and 3.6m high it would be possible to reduce noise levels both within the dwellings and within garden areas such that the site would be classed as category B (Noise should be taken into account and conditions imposed to ensure adequate levels of noise protection). Further it is demonstrated that this mitigation together with glazing/ventilation etc internal noise levels as specified in British standard 8233 can be achieved in living rooms and bedrooms across the site.

Externally, it appears that the noise barrier and sketch site layout have been designed so that garden areas are, to an extent screened from the A195 and consequently, noise levels in garden areas are predicted to be typically below 55dB(A) (post mitigation) in line with current national guidelines. The Executive Director of City Services: Environmental Services has indicated that in the event that planning consent being granted then appropriately worded condition(s) should be imposed to ensure that a commensurate level of protection against noise is achieved by implementing the recommendations of the submitted noise report. Further, it is considered prudent that the conditions require that checks be undertaken to ensure that the desired noise levels are achieved prior to occupation of the dwellings.

With the imposition of such condition(s) it is considered that the requirements of policy EN6 of the adopted Unitary Development Plan will be met.

vii) Flooding Issues

New development is required through policy EN12 of the adopted Unitary Development Plan to make adequate provision for surface water drainage so as not to result in an increase in the risk of flooding of the site and its vicinity nor to result in adverse impacts on the quality of availability of ground or surface water .

The submitted Flood Risk Assessment indicates that the site is not located within a flood risk area. The most significant flood risk to the development and its surroundings is the drainage of the development itself. This requires that the detailed drainage of the site must ensure that the surface water run-off generated by the development is minimised, routed appropriately and disposed of responsibly. The report concludes that the surface water could be discharged to Biddick Burn via attenuation ponds, with discharge from those ponds at a greenfield rate. The detailed design of the scheme will need to take account of the findings of the intrusive ground investigations. The report considers that the layout of the development and the drainage system can be designed to satisfactorily mitigate the isolated flood risks identified.

The Environment Agency, as reported above, submitted an objection to the proposed new housing development on the grounds that the submitted Flood Risk Assessment and accompanying information was insufficient for the Agency to be confident that the surface water management proposals would not result in a risk of flooding in the vicinity. However, the applicant has submitted additional information including a letter from Northumbrian Water which indicates that there is capacity in the existing nearby foul water sewer to accommodate the anticipated flows from the site and that the relevant sewage treatment works has sufficient capacity also. As regards surface water, there are two possible options one to an existing drain within the north side of the carriageway of Emerson Road and one within the access road for the Toby Inn/restaurant and adjacent hotel. However, it is indicated that surcharging may occur at 1 in 30 year flood events with peak flows. Northumbrian Water is satisfied that a surface water scheme for the site could be designed which would not result in increased risks of flooding in the vicinity.

A letter has subsequently been received from the Environment Agency indicating that the additional information submitted is sufficient to enable it to withdraw its objection to the scheme.

It is considered that it will be possible to design both surface and foul water drainage systems for the site which will not increase the risk of flooding on the site or in the local vicinity and this should be the subject of a condition on any consent issued which would ensure that the development would comply with the requirements of policy EN12 of the adopted Unitary Development Plan.

viii) Ground Contamination Issues

The adopted Unitary Development Plan seeks to ensure that adequate consideration is given to the risks of potential contamination resulting from

previous uses on redevelopment sites (policy EN14). Where potential or actual contamination is identified mitigation measures should be put forward and agreed.

The applicant has submitted an assessment of ground conditions. The Executive Director of City Services: Environmental Services is currently undertaking a full assessment of that report. The main conclusions of the report are that the overall risk for the whole of the site is moderate. The key environmental risks identified were:

- the potential for demolition materials to provide a source of contamination;
- such contaminants may adversely affect water quality in the minor aquifer or perched water within the made ground;
- the potential for the presence of asbestos from construction and insulation materials used in the former office building;
- such contaminants may also adversely affect construction workers and off site receptors.

It concludes that intrusive ground investigations will be necessary to determine the actual ground conditions within the development area and to develop a reasoned remediation strategy and that this should be conditioned accordingly.

In the interim it is recommended that no works other than investigation works should be carried out on the site prior to written approval of the desktop study and any remediation strategy in respect of this element of the development proposals.

ix) Provision for Children's Play

Policy H21 of the adopted Unitary Development Plan requires that all new housing developments in excess of 10 properties should make adequate provision for children's play.

The Executive Director of City Services: Play, Leisure and Community Development has indicated that it would be preferable to seek off site provision rather than to incorporate a play area within the site. In this respect it is advised that the Ayton Park Play Area would be the most appropriate location for such provision to be made. Consequently, it is considered that a financial contribution of £87,625, (or £701 per dwelling) should be sought via an agreement under section 106 of the Town and Country Planning Act 1990 in lieu of on site provision. The applicant has indicated that this approach is acceptable.

It is considered that with the completion of a satisfactory s106 agreement, as outlined above, the requirements of policy H21 of the adopted Unitary Development Plan will be met.

x) Provision for Education

New large scale housing development often imposes strains on the existing infrastructure of the area. In this respect policy R3 of the adopted Unitary Development Plan seeks negotiations with developers to ensure the payment of appropriate financial contributions towards the provision of new infrastructure.

The Director of Children's Services has indicated that there are current pressures on primary school places in the area around the application site. Consequently, a contribution of some £178,335 has been requested from the developer towards the provision of additional primary school accommodation. As it is difficult to anticipate which schools the residents of the new houses would wish to use the money could be put towards improvements at one or more of the following schools - Holley Park, Lambton and Rickleton Primary Schools. The applicant has indicated that such a contribution would be acceptable and this will need to be secured via an agreement under s106 of the 1990 Town and Country Planning Act and so ensure compliance with policy R3 of the adopted Unitary Development Plan.

xi) Design and Layout

While policy B2 of the adopted Unitary Development Plan seeks to ensure that proposals for new development do not have significant adverse impacts upon the amenities of nearby residents, this application seeks to reserve such matters for future consideration. Consequently it is considered appropriate to impose a condition on any consent issued to facilitate the consideration of such issues on the submission of a future reserved matters (or full) application.

The submitted Design and Access Statement (DAS) indicates how the proposed housing development will deliver a highly sustainable, successful scheme which will contribute to the design quality and character of the wider area. It considers that the proposals have been resolved through an understanding of setting, scale, massing, grain, relationship to the surroundings and spaces, external appearance, interrelationships between old and new development, access and movement, architectural details and materials. It takes a context led approach, seeking to respond positively to the opportunities and constraints presented by the site and so allowing its integration with surrounding land uses. The proposed residential development is considered by the applicant to be one which will assist in meeting the housing delivery targets of the council. The sketch layout, provided for illustrative purposes only, seeks to indicate that:

- a legible and permeable development framework can be provided;
- vehicle and pedestrian routes can be busy and well overlooked;
- traffic speeds can be designed in and managed through traffic calming; and
- some parking can be accommodated on street to bring some activity to the street scene and assist in traffic calming.

In considering the landscaping of the site, the DAS seeks to:

- integrate the new development with its surroundings giving a continuous landscape feeling to the area while maintaining and enhancing the local character;
- create a setting that is distinctive, legible and attractive for residents; and
- provide a residential landscape that includes echoes of the surrounding countryside providing an attractive and welcoming home to new residents.

The principle of the landscaping proposals is considered acceptable but full details will be required to be submitted with the reserved matters application(s) in due course should consent be granted to the outline application.

xii) Impact on the amenities of neighbouring occupiers

All new development is expected by virtue of policy B2 of the adopted Unitary Development Plan not to result in significant adverse affects on the amenities of nearby occupants.

The one objector to the proposal suggests that the positioning of the proposed access would have an adverse impact on the level of privacy currently enjoyed at his property. However, given that the full carriageway width of Emerson Road and his own rear garden would be positioned between his property and the junction itself, a distance of approximately 36m, it is not considered that this concern can be upheld. While the internal layout of the proposal is reserved for future consideration, any new house will be likely to be over 40m from the main rear elevation of the objector's property.

The objector also raises concerns about the potential adverse effect on health of the positioning of the junction, presumably as a result of fumes from traffic entering and leaving the site access. The Executive Director of City Services: Environmental Services has indicated that an air quality assessment was not required and therefore it is not considered that the proposed development would be likely to have any significant impact on the health of nearby residents from the effects of traffic fumes.

It is not considered that the amenities of the adjacent hotels and restaurants will be significantly affected by the proposal, nor will the presence of those premises be likely to have an adverse impact on the amenities of future residents of the proposed development. The layout of the scheme would need to accord with the principles set out in the council's Residential Design SPD. However, such issues can only be considered on submission of the detailed layout of the scheme at reserved matters stage, should members be minded to approve the scheme.

In light of the above it is considered that the scheme complies with the requirements of policy B2 of the adopted Unitary Development Plan and would be unlikely to have significant adverse impacts on the amenities of nearby occupants.

xiii) Dust and Fumes

There are no policies within the adopted Unitary Development relating specifically to the generation of dust and fumes on construction sites. However policy B2 does seek to ensure that development does not have a significant adverse impact on the amenities of nearby residents and can be used to cover the impacts from construction.

The Executive Director of City Services: Environmental Services has indicated that in view of the close proximity of residential properties provision should be made for the reasonable prevention of dust generation or where this is not possible that adequate dust suppression management should be applied. It is considered that a suitable and constant supply of water adequate for dust suppression purposes should be available on site. Similarly facilities should be available on site to ensure that mud from the site is not transferred to the local road network. In this respect it is considered that the imposition, on any consent issued, of appropriate conditions requiring the submission of the details of dirt

and dust management on the site would enable the above requirements to be met.

As regards fumes etc the Executive Director of City Services: Environmental Services has indicated that no emissions of dark smoke should take place on the site. Further it is advised that all other burning should be prohibited on site unless it is not appropriate to dispose of the material in any other manner. It is considered that an appropriate condition could be imposed on any consent issued to ensure that this requirement is met .

It is considered that the imposition of the appropriate conditions in respect of dust, dirt and fumes will ensure that the amenities of the nearby residents will be protected in line with the requirements of policy B2 of the adopted Unitary Development Plan.

xiv) Sustainability

The adopted Unitary Development Plan seeks to promote sustainable development in the city principally via policies R1 (maximising the efficient use of land, energy and other resources; reducing reliance on the use of the motor car; and avoiding risks of serious environmental damage) and R4 (efficient use of energy and use of non-fossil fuel sources).

The submitted Sustainability Statement indicates how the proposed housing development will contribute to the principles of sustainability and a low carbon future.

Although the final design of the scheme will be subject to a future reserved matters application the statement sets out measures which will be incorporated in order to ensure the achievement of level 3 of the Code for Sustainable Homes, including:

- reducing energy demands by use of high efficient fabric, optimising building orientation and effective fenestration;
- efficient heating and ventilation systems;
- 10% of energy from renewable resources;
- cycle storage facilities for all dwellings;
- adopting water saving technologies;
- adopting a site waste management plan;
- optimising day light through building orientation; and
- incorporating opportunities for biodiversity.

The applicant following the request of officers has given further consideration to the sustainability aspects of the proposal particularly the distance of the site from local services such as a doctor's surgery, pharmacy, local shops and schools in order to address the concerns of the Lead Policy Officer for Planning. As a result, additional information in support of the scheme has been submitted in response to the expressed concerns. The applicant has argued that there is a small group of shops a little over 500m from the centre of the site which includes:

- a Cost Cutter store with cash point;
- a fish bar; and
- a public house.

The applicant accepts that key services, in the main, include vital facilities such as schools, doctors and dentists, he also considers that amenities such as community allotments, playing fields, amenity open space, formal parks, public houses, hot food outlets and restaurants are an important part of local facilities needed and the fact that these are within 500m walking distance means the site is sustainable.

He points out that the application proposals provide a new connection to the footpath and cycleway to the west of site. This in turn, connects the site to the number 7 Cycle Route, a managed National Cycle Route running from the site in the west to St Peters and Sunderland in the east, with 90% of this route being traffic free. This is considered to be a significant incentive for residents to cycle into Sunderland.

Further, while accepting that a number of key facilities are not within walking distance, the proximity of the site to several bus stops and a National Cycle Route does mean that residents have direct access to sustainable modes of transport through which to access any services not within walking distance. The Framework Travel Plan also sets out a number of measures which will be taken to ensure that residents are aware of the sustainable modes of transport available within the local area.

In addition, it is pointed out that Ayton Community Centre which runs various youth projects is likewise around 500m away. Meanwhile the bus stop at Dunnock Drive provides access to the shops and services including medical services at the Galleries, Chester le Street and Birtley as well as to the Metro services at Heworth. The bus stop is only 350m from the centre of the site and the provision of a pedestrian refuge in Emerson Road and upgrades bus shelter facilities if consent is granted will improve access to public transport and services. It is contended by the applicant that the above provision together with the enhanced cycle path and pedestrian network linkages and the Green Travel Plan initiatives will ensure that the site is sustainable.

It is considered that the pedestrian and cycle linkages together with the proposed provision of a pedestrian refuge on Emerson Road and the enhanced bus passenger facilities on Dunnock Drive are sufficient to overcome the distance of the development from some local facilities and services such that it is not considered to significantly contravene the requirements of policies R1 and T14 of the adopted Unitary Development Plan. It is not considered that the additional walking distance to schools and a doctor's surgery for instance would be sufficient to sustain a refusal of planning permission in this instance.

Conclusions

The above report has indicated that on balance the principle of residential development on the site is acceptable and that with the imposition of conditions the scheme will be capable of compliance with the adopted Unitary Development Plan policies in respect of: access and highway safety (T8, T9, T14 and T22), affordable housing provision (H16), recording of archaeological remains (B11, B13, B14 and B16), maintenance and enhancement of ecological habitats (CN16, CN18 and CN23), noise levels in the residential environment (EN6); site drainage (EN12); remediation of land contamination (EN14); provision for children's play (H21); provision for children's education (R3); the design and

layout of the proposed development and the impact on adjacent occupiers(B2); and the sustainability of the development (R1, R4 and T14). The application will require the completion of an agreement under s106 of the Town and Country Planning Act 1990 in respect of financial contributions for children's play equipment and provision of classroom space for primary school education.

Consequently, it is recommended that Members resolve to grant consent for the proposed development of 125 houses on the former Emerson House office site subject to the satisfactory completion of the above s106 agreement and subject to the conditions set out below. As the statutory period for the determination of the application has already expired and the level of financial contributions has been agreed it is not considered appropriate to impose a deadline for the signing of the legal agreement.

Members are due to visit the site on 23rd March 2012. Any new issues raised at that time will be addressed on a report for circulation at the meeting.

RECOMMENDATION: APPROVE subject to the completions of a s106 agreement in respect of children's play and primary education provision and subject to the conditions set out below.

Conditions:

1. 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 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Details of the siting of the building(s)
Design
External Appearance
The landscaping of the site.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

Pre Commencement Conditions

3. 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, the loading unloading and storage of plant and materials, the parking of vehicles of site operatives and visitors and measures to ameliorate noise, dust, vibration, smoke and other effects. The scheme of working shall be so implemented and adhered to throughout the construction period, in order to prevent nuisance and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and EN1 of the adopted Unitary Development Plan.
4. 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 Unitary Development Plan.
5. 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.
6. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved in writing 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 adopted Unitary development Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of traffic calming. All works shall be completed in accordance with the approved details before the first house is occupied in the interests of highway safety and to comply with policy T14 of the adopted Unitary Development Plan
8. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and the development 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 UDP.

9. Before the development hereby approved is commenced details of the bus shelters to be provided on Dunnock Drive together with a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. The bus shelters shall then be installed in accordance with the agreed timetable in order to ensure that the development makes adequate encouragement for travel to and from the site by means of transport other than the private car and to accord with the requirements of policies T2 and T14 of the adopted Unitary Development Plan.

Land Contamination 1

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions numbers 11 to 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination.

Reasons: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Site Characterisation

11. Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

Reasons: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Remediation Scheme

12. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reasons: To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Implementation of approved Remediation

13. The remediation scheme approved under Condition number * (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Land Contamination 5

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary Development Plan.

15. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
- i. the numbers type tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10%((or such percentage as might otherwise be agreed in writing with the Local Planning Authority) of housing units/bed spaces;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing;
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order to ensure that the development serves the widest possible housing need in the area and to comply with policy H16 of the adopted Unitary Development Plan..

16. Before the development hereby approved is commenced the details of habitat compensation and enhancement measures to be included within the proposed landscaping scheme in accordance with the recommendations in section 4 of the Ecological Appraisal (prepared by Mott MacDonald and dated October 2011) together with a timetable for the works shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in accordance with the agreed timetable in order to avoid any adverse impact upon protected species and in accordance with the Wildlife and Countryside Act,, EU Habitats Directive, Regulations for European Protected Species and policies CN18 and CN22 of the adopted Unitary Development Plan.
17. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification to be provided by the Local Planning authority and thereafter implemented in accordance with the approved details as being of potential archaeological interest. the investigation is required to ensure that any potential archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.
18. Before the development hereby approved is commenced details of a pedestrian refuge island on Emerson road to the west of the existing adopted access road and any associated works to the carriageway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details before the occupation of any of the dwellings hereby permitted in order to ensure that adequate safe access to public transport and local facilities is provided in accordance with policies T8 and T14 of the adopted Unitary Development Plan

Pre-Occupation Conditions

19. Prior to the occupation of any dwelling a detailed Travel Plan, including specific targets measures and monitoring arrangements building upon the Travel Plan Framework (prepared by Mott MacDonald and dated October 2011) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in full accordance with the agreed details in order to ensure that the Travel Plan targets are being met and to ensure that the use of modes of transport other than the private car are promoted and to comply with policy T14 of the adopted Unitary Development Plan.
20. No dwelling shall be occupied until the archaeological fieldwork has been written up in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the agreed journal as the site is located within an area identified as being of potential archaeological interest. the investigation is required to ensure that any potential

archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.

21. No dwelling hereby permitted shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 17 has been submitted to and approved in writing by the Local Planning Authority as the site is located within an area identified as being of potential archaeological interest. the investigation is required to ensure that any potential archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.
22. All residential units shall be constructed so as to provide sound insulation against traffic noise to achieve internal bedroom noise levels of 35dB(A) with windows closed and other means of ventilation provided. Before occupation a checking survey shall be undertaken and the results submitted to and agreed in writing by the Local Planning Authority to ensure that those levels are being met. Thereafter the sound insulation shall be retained in accordance with this standard in order to ensure that acceptable noise levels are attained within the residential properties in accordance with Planning Policy Guidance Note 24: Planning and Noise and with policies B2 and EN6 of the adopted Unitary Development Plan.
- 23 The noise attenuation fence along the west, south and east edges of the site to achieve a noise level within garden areas of no more than 55dB(A), as recommended in section 7 of the Noise Survey, Noise Exposure Classification and Facade Acoustic Design report (compiled by Apex Acoustics and dated 18th October 2012) shall be fully implemented. Before any dwelling is occupied, checking surveys shall be undertaken and the results and, in the event that the required noise levels are exceeded, appropriate mitigation measures submitted to and approved in writing by the Local Planning Authority in order to ensure that acceptable noise levels are achieved in garden areas in accordance with Planning Policy Guidance Note 24: Planning and Noise and with policies B2 and EN6 of the adopted Unitary Development Plan.

Regulatory Conditions

24. The clearance of any scrub or trees shall not be undertaken outside the bird breeding season (March to end of August inclusive) unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to the commencement of those works in order to avoid any adverse impact upon protected species and in accordance with the Wildlife and Countryside Act,, EU Habitats Directive, Regulations for European Protected Species and policies CN18 and CN22 of the adopted Unitary Development Plan.
25. 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 policies B2 and CN16 of the adopted Unitary Development Plan.

26. No dwelling hereby permitted shall be occupied until the access road serving it has been completed to at least base coarse level in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
27. The construction works required for the development hereby approved shall only be carried out between the hours of 07.30 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
28. 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:

Drawings No:

GIS21655-001 Site location Plan (Rec'd 24.10.11);
IL21655-008 Access existing points (Rec'd 03.11.11) ;
IL21655-009 Detail Access West (Rec'd 03.11.11) ;
IL21655-010 Access Pedestrians (Rec'd 03.11.11);
IL21655-011 Access Eastern emergency Access (Rec'd 03.11.11) ;
IL21655-012 Detail Access East (Rec'd 03.11.11) ;
IL21655-013 Site Access and Insets (Rec'd 03.11.11)

Documents:

Design and Access Statement September 2011 (Rec'd 24.10.11);
Historic Environment Desk Based Assessment August 2011 (Rec'd 24.10.11);
Transport Assessment October 2011 (Rec'd 24.10.11);
Travel Plan Framework October 2011 (Rec'd 24.10.11);
Ecological Appraisal October 2011 (Rec'd 24.10.11);
Flood Risk Assessment October 2011 (Rec'd 24.10.11);
Geo-environmental Desk Study October 2011 (Rec'd 24.10.11);
Planning Statement 18 October 2011 (Rec'd 24.10.11);
Economic Statement October 2011 (Rec'd 24.10.11);
Employment Land Assessment August 2011 (Rec'd 24.10.11);
Statement of community Involvement October 2011 (Rec'd 24.10.11)
Site Marketing & letter from Storey Edward Symmons (Rec'd 02.02.12)
Economic Viability Assessment - e-mail from Nathaniel Lichfield & Partners dated 25.01.12 and letter from Nathaniel Lichfield & Partners dated 9th March 2012;

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.

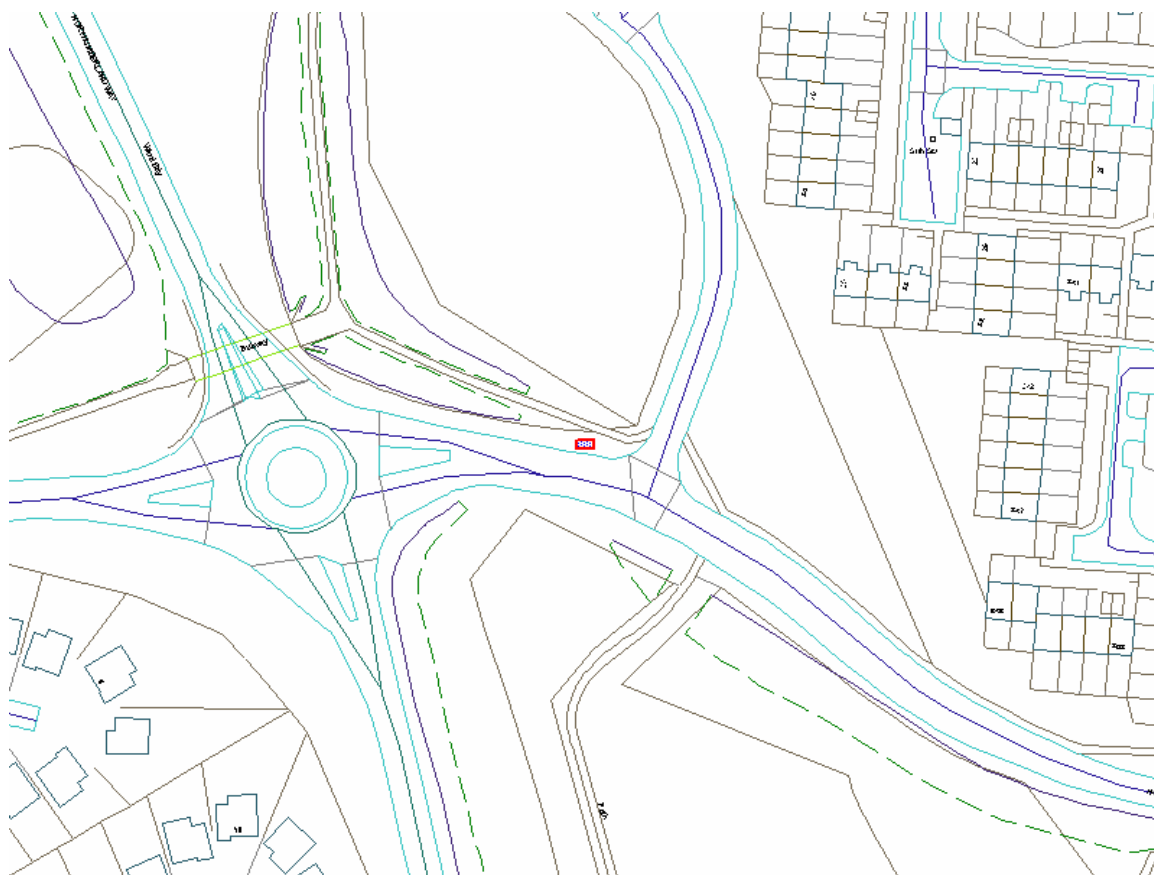
Reference No.: 11/03397/FUL Full Application

Proposal: Installation of a 17.5 metre slim-line streetworks telecommunications column supporting 6no. 3g antennas, 1no. equipment cabinet, 1no. meter cabinet and ancillary development

Location: Land At Horsley Road Barmston Washington

Ward: Washington East
Applicant: Vodafone Limited
Date Valid: 16 December 2011
Target Date: 10 February 2012

Location Plan



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PROPOSAL:

Full planning permission is sought for the erection of a 17.5 metres high slim-line streetworks telecommunications column supporting 6no. 3G antenna, 1no. equipment cabinet, 1no. meter cabinet and ancillary development at land at Horsley Road, Barmston, Washington.

The proposed telecommunications apparatus is intended to be erected on the grass verge on the north side of Horsley Road, between its junctions with Westerhope Road and Northumberland Way, in the line of existing street furniture (e.g. lighting columns and road signs). The verge is bounded by the footway of Horsley Road, behind which is an extensive area of tree planting serving as a green buffer between the east side of Northumberland Way and the west side of Westerhope Road.

To the south, on the opposite side of Horsley Road, is more woodland bordering an extensive area of open space, whilst to the east, on an opposite side of Westerhope Road, is an area of grassed open space. Beyond this open space are the nearest residential dwellings, which are arranged around cul-de-sac branches of Westerhope Road and Horsley Road.

The application proposes the erection of a telecommunications column with a maximum height of 17.5 metres, as measured to the top of the shroud containing the antennas. The shroud has a diameter of 460mm and will contain antennas to be shared by O2 and Vodafone. The proposed equipment cabinet will stand immediately to the east of the base of the column and has a height of 1.7 metres, a width of 1.9 metres and a depth of 0.8 metres. A small meter 'pillar' (height of 870mm, depth of 170mm and width of 375mm) will stand adjacent to the equipment cabinet. All apparatus is intended to be painted black to match the existing street furniture in the vicinity.

The proposed development would help to improve the level of 3G (3rd Generation) network coverage in the central/east Washington area. Both O2 and Vodafone have significant deficiencies in their 3G coverage in the Barmston and Columbia and it is a requirement of their license obligations and a reasonable demand of customers that the level of coverage is improved.

In line with the requirements of Planning Policy Guidance 8: Telecommunications (PPG8), the proposal site has been chosen by O2/Vodafone following consideration of alternative sites within the vicinity. A statement submitted with the application advises that a site at Fatfield Road was considered firstly, but interest was withdrawn following receipt of negative feedback from a Ward Councillor. A prior notification application for telecommunications apparatus (ref. 11/00959/TEX) at a site further north on Fatfield Road was then submitted, but this was refused by the City Council on grounds concerning visual and residential amenity. A third option to install equipment on Glebe Methodist Church, Fatfield Road was then considered, but the site provider withdrew from negotiations. The site search was subsequently extended eastwards, further away from residential properties, and the proposal site has been identified as potentially deliverable, more remote from dwellinghouses than the previously identified sites and able to satisfy the aforementioned 3G coverage requirements.

Two sites in the vicinity of the roundabout junction between Northumberland Way and Horsley Road have also been considered, one on the north-west corner of the roundabout and another on the south-east side of the junction, adjacent to the aforementioned trees on the south side of Horsley Road. The first site was considered to be too close to the residential properties on Avebury Drive and too prominent from Northumberland Way. The second site is not adopted as highway and there is no agreement from the landowner that the operator could locate their equipment in the area, and in addition there is no usable power supply on that side of the road.

A planning application of this nature would normally be determined under Delegated powers, but the application has been referred to the Houghton, Hetton and Washington Development Control Sub-Committee at the request of Councillor Fiona Miller.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **07.02.2012**

REPRESENTATIONS:

One petition has been received in response to the public consultation exercise undertaken in respect of this application. The lead signatory resides at 346 Horsley Road, which stands to the east of the site, on the far side of the open space bordering Westerhope Road. A total of 128 signatures have been added to the petition, the majority of which are from persons living in Barmston, although some are from further afield. The covering letter of the petition objects to the application on grounds of:

- the development will result in a danger to highway and pedestrian safety (including school children) as it will affect visibility at the adjacent junction;
- the development represents a potential damage to people's health, especially young children;
- the height of the column is excessive;
- the development will affect the value of property in the area;
- the development is a 'large monstrosity'

It should be noted at this stage that the impact of a development proposal on property value is not a material planning consideration. Planning Policy Guidance 8: Telecommunications states at paragraph 56 that it is not for the planning system to protect the private interests of one person against the activities of another; the material question is not whether a particular development would cause financial or other loss to owners and occupiers of a neighbouring property, rather whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.

The petition also expresses concern at the extent of public consultation undertaken in respect of this application, suggesting that 'none' of the local residents were informed of this application and that a letter should have been issued to the community and surrounding area as a whole. It is also noted that no local council meeting was arranged to discuss the proposal.

In this regard, PPG8 (para. 61) advises that Local Planning Authorities should carefully consider the extent of consultation in relation to applications for

telecommunications development; in some instances, a wider consultation exercise than is statutorily required may be appropriate. In the case of this application, letters of consultation were sent to the 12 dwellings nearest to the application site, whilst the application was given further publicity by the posting of site notices on lighting columns adjacent to the site. This level of consultation exceeds the requirements of the City Council as Local Planning Authority set out in Section 13 (Publicity for Planning Applications) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

There is no statutory requirement for a local council meeting to be held to discuss applications of this nature - the applicant could, if it thought appropriate, have engaged with the local community prior to the submission of the formal planning application, but this was evidently not the case. The application did, however, notify Ward Councillors of the intention to submit the application.

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_26_Controls over telecommunications developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- the principle of the proposed development;
- the impact of the proposed development on visual amenity;
- the impact of the proposed development on residential amenity;
- the impact of the proposed development highway and pedestrian safety

Principle of proposed development

The proposal site is located on highway verge at the southern edge of the strip green space between Northumberland Way and Westerhope Road identified on the proposals map of the City Council's adopted Unitary Development Plan (1998). As noted earlier in this report, the land to the north of the application site is primarily covered with dense tree planting. Policy B3 of the UDP seeks to protect public and private open space from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and the importance of such space to the established character of the area.

The area of open space identified on the UDP proposals map forms an important green border to Northumberland Way and Westerhope Road, with the tree planting forming a particularly attractive feature in the locality. However, given that the proposed development only affects an area of highway verge, rather than intruding into the main area of tree planting, it is considered that the proposal will not negatively impact upon the amenity value of this land. As such, the proposal

is considered to comply with the requirements of aforementioned policy B3 of the UDP.

Also of relevance in considering applications for telecommunications development is Planning Policy Guidance 8 (PPG8): Telecommunications. This states that Local Planning Authorities should, in general, respond positively to proposed telecommunications development. In determining planning applications for telecommunications apparatus, the Local Planning Authority has to consider the siting and appearance of the proposed telecommunications equipment including: the height of the site in relation to surrounding land and the topography; effect on skyline or horizon; site in relation to existing masts, structures or buildings and the site in relation to residential buildings. To limit visual intrusion, mast sharing is encouraged, as is the use of sympathetic design and camouflage; to this end, operators are advised to carry out a full assessment of alternative sites and existing masts in the area and develop innovative design solutions.

The proposed development is also subject to policy B26 of the City Council's adopted Unitary Development Plan (1998) and Section 15 of the adopted 'Development Control Guidelines' Supplementary Planning Guidance (SPG). Policy B26 states that telecommunications development will be permitted where it would not have a serious adverse effect on residential amenity, the appearance of the area, or sites of archaeological or nature conservation value, on the proviso that such development is removed from the site when no longer required. The relevant section of SPG advises that telecommunications equipment should be sited so as not to harm the visual amenity of neighbouring residents and avoid clutter of masts and apparatus, and should be appropriately coloured to match existing street furniture.

With regard to the above policy guidance, it is evident that whilst Local Authorities are expected to generally respond positively to proposed telecommunications apparatus, a careful assessment of the impact of such development on the amenity of the location in question must be carried out. The impact of the proposed development on the visual and residential amenity of the area is considered in detail below.

Impact of proposed development on visual amenity

The proposed telecommunications column has a height of 17.5 metres, significantly taller than the adjacent 10 metres high lighting column and somewhat taller than a standard telecommunications column (height of 14-15 metres). A column of such a height could, in many circumstances, appear as visually intrusive.

However, the column is of greater height in order to allow for clearance of the densely planted area of mature trees immediately to the north of the development site (some of which have a height of approximately 17 metres) to ensure the required 3G coverage can be achieved. These trees provide a backdrop to views of the column when approaching the site from the south along Northumberland Way and from the east along Horsley Road and serve to almost entirely screen the apparatus when approaching from the north along Westerhope Road and Northumberland Way.

The applicant has also advised that the 'slimline' design of the proposed column, with a diameter similar to the adjacent lighting columns, has been used instead of the bulkier 'monopole' design in an attempt to further reduce the visual impact of the apparatus. The proposal to paint the apparatus black will also ensure it relates to the colour of the adjacent street furniture and 'blends in' with the primarily coniferous trees of the plantation providing a backdrop to its north when approaching the site from the south and east.

The screening of, and backdrop to, the development provided by the trees immediately to the north of the site significantly assists in mitigating the visual impact a telecommunications column of this height could otherwise have had. It is considered that as a result of the particular nature and immediate surroundings of the proposal site, the column, whilst tall, will not appear as unacceptably incongruous or injurious to the visual amenity of the locality, especially given its slimline design and its position within the existing line of street furniture. The equipment cabinet and meter column are relatively minor additions to the streetscene and are not considered to raise any concerns in relation to visual amenity.

With regard to the above comments, it is considered that the impact of the proposed development on the visual amenity of the locality is acceptable, in compliance with the requirements of policies B2 and B26 of the UDP and section 15 of the SPG.

Impact of development on residential amenity

The nearest dwelling to the site is 35 Westerhope Road, which stands 68 metres to the north-east, beyond the area of grassed open space flanking the east side of the road. The rear elevation of this dwelling faces southwards, whereas the telecommunications column and associated equipment will stand to its south-west. The proposed apparatus will therefore not intrude significantly into the outlook from this property's rear windows, for it will only be viewed at an angle to the main direction of outlook, with a considerable intervening distance. Nor will the outlook of any other nearby dwellings be detrimentally affected by the development, for none of the closest properties have an outlook directly towards the proposed apparatus.

Given the above, it is considered that the impact of the proposed column on the residential amenity of the nearest dwellings is acceptable, in accordance with the requirements of policies B2 and B26 of the UDP and section 15 of the SPG.

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. In response to consultation, the City Council's Executive Director of City Services (Transportation) has advised that there is no objection to the proposed development as the current level of visibility at the adjacent junction between Horsley Road and Westerhope Road would be maintained.

The proposed development is therefore considered not to raise any concerns in relation to highway and pedestrian safety, in accordance with the requirements of policy T14 of the UDP.

Health Issues

The petition submitted in respect of the application expresses concern at the health implications of telecommunications apparatus, which transmit and receive signals using electromagnetic waves (also known as electromagnetic fields (EMFs) or radio waves). PPG8 makes it clear, however, that the Government believes the Planning system is not the place for assessing the potential health risks associated with telecommunications equipment - this responsibility lies with central Government. It is the Government's opinion that should a mobile phone installation meet the International Commission on Non-Ionising Radiation (ICNIRP) guidelines for public exposure to electromagnetic fields, it should not be necessary for the Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

As per the requirements of PPG8, the application has been accompanied by an ICNIRP declaration of conformity. As such, there is not considered to be any reason to consider further the health implications of the proposed development in the determination of this application.

Conclusion

The proposed telecommunications apparatus is not considered to raise any significant concerns with regard to residential amenity given its distance from, and relation to, the nearest dwellings. Nor is the development considered likely to have a detrimental impact on highway and pedestrian safety.

In addition, despite the above-average height of the proposed column, its impact on the visual amenity of the locality is considered to be acceptable due to the screening provided by the dense plantation of trees to the north, which also serves to act as a backdrop to the apparatus when approached from a number of directions. The design and colour of the apparatus and its relationship with the existing street furniture also assists in limiting its visual impact.

Regard must also be had to the fact that the proposed apparatus is intended to be shared by two telecommunications operators; the shroud of the column is wider as a result of it needing to accommodate two antennas, but sharing the facility will negate the need for another column elsewhere in the locality. Furthermore, the applicant has, in accordance with the guidance of PPG8, considered the merits of alternative sites in the area, none of which have been possible to develop, including one where an application was refused by the Council.

It is accordingly considered that the development will assist in fulfilling the telecommunications operators' requirements to provide the area with an appropriate level of 3G coverage whilst maintaining an acceptable level of visual amenity and, in particular, residential amenity. As such, on balance, it is considered that the proposed telecommunications column is acceptable, in

compliance with the requirements of policies B2, B26 and T14 of the UDP, Section 15 of SPG and PPG8.

The application is accordingly recommended for approval, subject to the following conditions:

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 permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 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 18.11.2011, the existing site plan received 16.12.2011, the proposed site plan received 16.12.2011, the existing elevation received 18.11.2011, the proposed site elevation received 18.11.2011, the proposed antenna plan and equipment layout received 16.12.2011 and the proposed equipment cabinet/meter pillar elevations received 16.12.2011.

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 the submitted plans and particulars, the telecommunications apparatus hereby approved shall be painted black within one month of its installation and maintained as such thereafter for the lifetime of the development, unless otherwise agreed in writing with the Council as Local Planning Authority, in order to respect the visual amenity of the locality and comply with the requirements of policies B2 and B26 of the UDP.
- 4 Notwithstanding the submitted plans, all apparatus hereby approved shall, as soon as is reasonably practicable, be removed from the site when no longer required and the site restored to its condition before the development took place, in order to manage the visual amenity of the area and to comply with policies B2 and B26 of the UDP.

6.

Washington

Reference No.: 11/03410/LAP Development by City(Regulation 3)

Proposal: Change of use from residential care facility to a single dwellinghouse.

Location: 131 Coach Road Estate Usworth Washington NE37 2EN

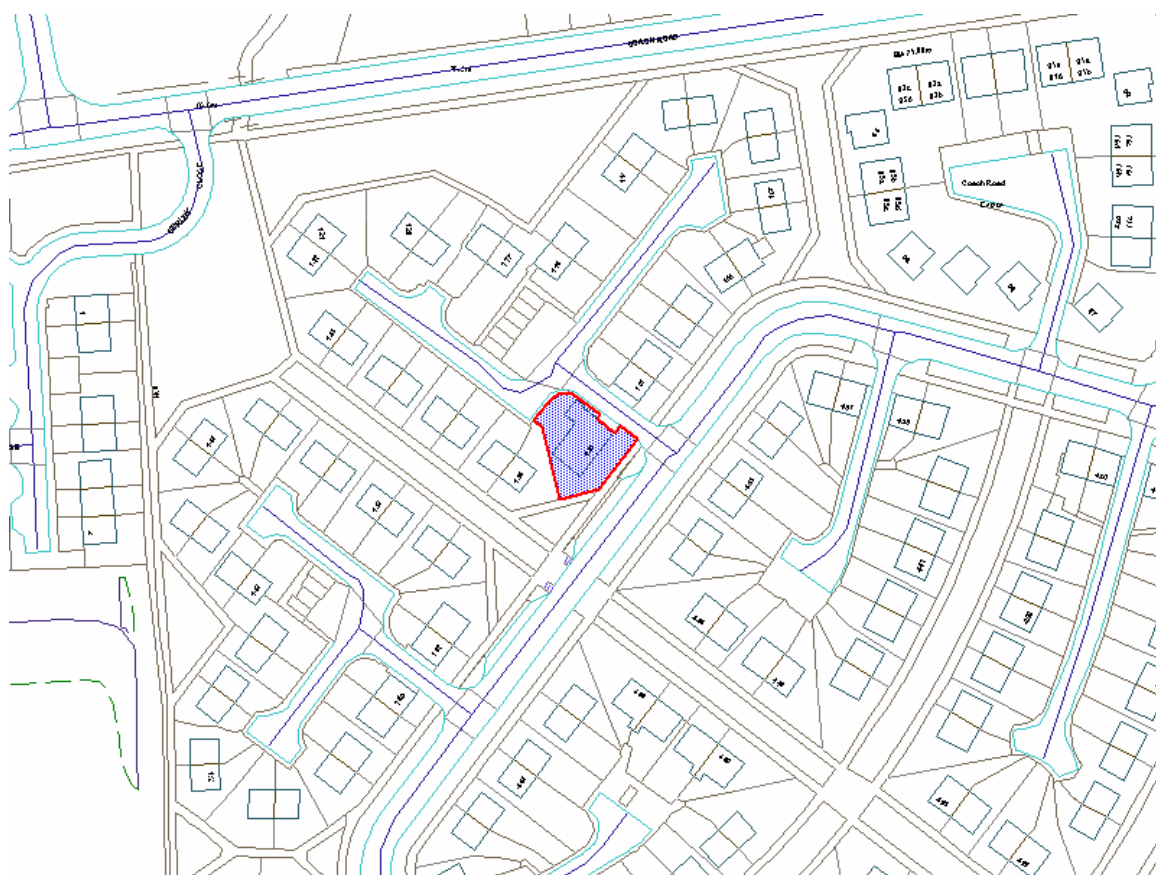
Ward: Washington North

Applicant: Brad Shields

Date Valid: 14 February 2012

Target Date: 10 April 2012

Location Plan



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PROPOSAL:

The application relates to the change of use of a residential care facility to a single dwellinghouse. Council records indicate that the host property was in use as a children's home in 1974 and also in 1984 but has more recently been operated by the City Council as a residential care home for adults.

The relatively large two storey detached property is situated on a corner plot within the residential Coach Road Estate in Washington. The neighbouring

properties are semi detached in nature but appear of similar form and design to that of the host dwelling.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **20.03.2012**

REPRESENTATIONS:

Neighbours

No representations have been received from neighbouring residents to date, although the statutory period for the receipt of representations has yet to expire. (20th March)

Consultees

The Council's Executive Director of City Services: Network Management has raised no objections.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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

- i) Planning Policy.
- ii) The impact of the proposal on both the residential amenity of the surrounding properties and wider streetscene.

Planning Policy

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the

existing pattern of land use is intended to remain. In this instance it is evident that the use of the host property for residential purposes would clearly be compliant with the nature of the surrounding residential area. As such, the proposed use of the property as a single dwelling is considered to comply with policy EN10.

Residential Amenity

The host dwelling has previously operated in a residential capacity for the purposes of both a children's home and a care facility for adults albeit within class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended and the proposed use of the property as a single residential dwellinghouse, class C3, would not be markedly different in overall nature.

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

The surrounding area is almost exclusively residential and no external alterations/extensions are proposed to the host building. In this respect there are no material reasons to suggest that use of the property for residential purposes would adversely impact on the living conditions of neighbouring occupiers or impact on the visual qualities of the prevailing streetscene.

Subject to the receipt of no objections (expiry date 20th March), the proposal is considered to be acceptable, however, should any objections be received the relevant issues will be addressed in a supplementary report.

Conclusion

In summary, and subject to no objections being received, the use of the property as a single residential dwelling is considered to accord with the established residential land use of the surrounding area without adversely impacting on the residential amenity of nearby occupiers or affecting the wider character of the streetscene. The proposal therefore complies with the provisions of UDP policies EN10 and B2. Members are therefore recommended to grant approval under Regulation 3 of the Town and Country Planning General Regulations 1992 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 permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

- 2 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 floor plans and elevations as existing and proposed received 10.02.2012, the site plan as existing and proposed received 25.01.2012 and the location plan received 21.11.2012

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 The premises shall be used as a residential dwelling and for no other purpose (including any other purpose in Class C3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification in the interests of residential amenity and to comply with policy B2 of the UDP.

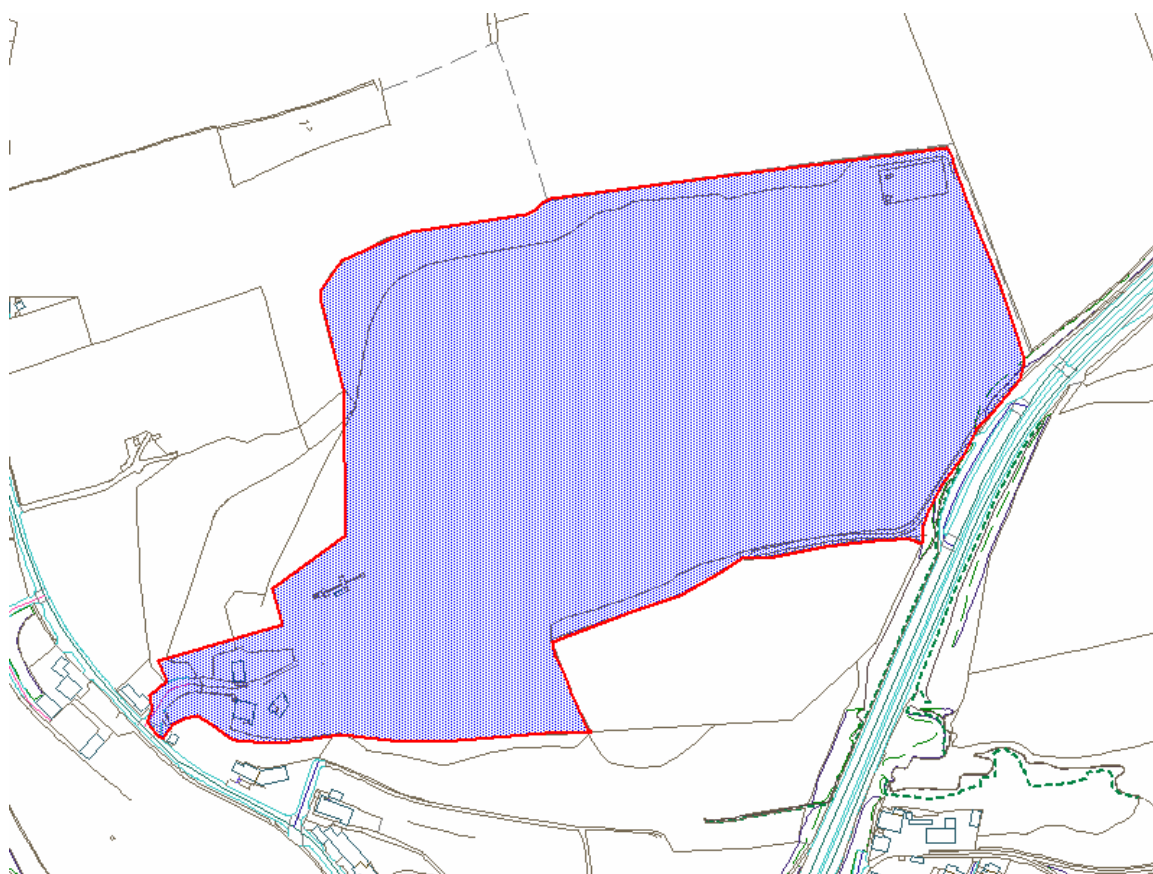
Reference No.: 11/03629/VAR Variation of Condition

Proposal: Variation of condition 3 of planning permission 84/0821/V2 to extend the date for completion of tipping operations from 29 February 2012 to 29 February 2028 and completion of the capping and restoration of the final phases by 28 February 2029.

Location: Biffa Waste Services Ltd. Houghton le Spring Quarry
Newbottle Street Houghton-Le-Spring DH4 4AU

Ward: Copt Hill
Applicant: Biffa Waste Services
Date Valid: 9 December 2011
Target Date: 9 March 2012

Location Plan



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PROPOSAL:

Planning permission is sought to continue the implementation of planning permission 84/0821/V2; variation to condition 3 to enable tipping for an additional 16 years dating from 29 February 2012 to 29 February 2028 with an additional 12

months to enable the capping and restoration of the final phase to be undertaken (by 28 February 2029). The application does not seek to vary any of the day to day operations of the site such as the range of wastes to be deposited, the lateral extent of the void already approved under planning permission ref: 84/0821/V2, the hours of operation, the means of vehicular access, the approved landfill phasing scheme, and the approved restoration planting scheme.

Justification for Additional 16 Years

Assumptions made by ARC - In 1984 ARC the mineral operator of the site at that time stated that the total void following completion of quarrying would be 2,950,000m³ and the landfill operation would have a life of approximately 15 years based on assumed inputs at the rate of 160,00 tonnes per annum (2,400,000 tonnes in total).

Volume - The post-settlement void space available for waste was estimated by ARC to be 2,950,000m³, whereas surveys undertaken by Biffa have confirmed that the actual figure is 3,516,900m³ (assuming a capping lining system is used such that the overall capping and restoration soils depth is 3m) i.e. 19.2% greater than that estimated by ARC.

Input Rates and Remaining Capacity - Although the past actual input rate achieved during the period since the site opened to the end of 2009 has averaged 205,938 tonnes per annum (i.e. 2,656,603 tonnes over 12.9 years), inputs since 2004 have consistently exceeded the annual average. In the most recent 12 month period for which figures are available (August 2010 to July 2011) inputs totalled 217,000 tonnes.

A topographical survey undertaken by Biffa in April 2011 established that the pre-settlement void space available for further landfill at that time was 2,209,400m³. Assuming that input rates at Houghton le Spring Landfill site will remain at the rate seen during the 12 month period since August 2010 (i.e. 217,000 tonnes) for the remaining permitted life of the site, the capacity remaining and available for the deposit of waste (including daily cover) as at 29 February 2012 is expected to be 2,028,600m³.

Future Input Rates - The average tonnage inputs from 1 March 2012 onwards will be largely governed by the amount of residual wastes requiring disposal in the catchment area of Houghton le Spring, the Tyne and Wear sub-region and other parts of the North-East.

On the basis of analysis undertaken and submitted to accompany this application, Biffa considers that the inputs to Houghton after the 1 March 2012 will be 126,800 tonnes per annum, on average.

Remaining Life - As the pre-settlement capacity remaining for waste at 29 February 2012 is expected to be 2,028,600m³ and the forecast waste inputs are expected to be 126,800 tonnes on average, the remaining capacity available for the deposit of waste (assuming an initial pre-settlement density of 1 tonne per cubic metre) will take 16 years to complete (as from 1 March 2012) i.e. until the end of February 2028.

Site History

The existing landfill site is the former Houghton Quarry which was operated by ARC for the extraction of limestone. The site has been operated as a landfill site by Biffa, initially under a Waste Management Licence and since August 2004 under a PPC Permit, which in turn became an Environmental Permit on 6 April 2008. Landfilling commenced in Phase 1 - the east of the site with engineering and filling proceeding progressively from east to west across the site.

Planning History

1. Planning permission ref: 149/71/3396 for a concrete batching plant was granted permission by Houghton le Spring Urban District Council on behalf of Durham County Council on 9 July 1971. The applicant was Edenhall Ready Mixed Concrete. The duration of the permission was not time limited and the permitted hours of operation were i) 0900-1900 hrs Monday to Friday, ii) 0900-1200 hrs Saturdays and iii) no operation on Saturday pm, Sundays or Bank / Public Holidays.
2. Planning permission ref: SD/821/84CM for the overall development of Houghton Quarry including deepening of the eastern half of the existing quarry by an average of 6 metres, landscaping and environmental works and restoration of the quarry to agricultural use by controlled importation of domestic and non-toxic industrial waste was granted on 23 September 1985 following the execution of a Section 52 Agreement and subject to conditions. Condition 20 required that the tipping operations shall be completed within 20 years of the date of the permission i.e. by 22 September 2005. The Section 52 Agreement meanwhile provided for i) part abandonment of the 1946 minerals permission, ii) the installation of groundwater monitoring boreholes, iii) the installation of a leachate management system, iv) limit average HGV traffic movements to 150 per day, v) the prohibition of all loaded HGV traffic from the route to the A690 via Newbottle and vi) improvements and the installation of routing signs at the site entrance.
3. Planning permission ref: 840821/V2 for the extension of time for the commencement of Phase 1 of tipping operations was granted on 8 May 1996 following the execution of a Deed of Variation and subject to conditions. Condition 3 required that the tipping operations shall be completed within 15 years of the date of their commencement. The Deed of Variation meanwhile provided for i) limits on HGV traffic generation set at an average of 280 per day, with a maximum of 400 per day, a maximum of 25 between 0800-0900 and a maximum of 20 between 1600-1800, ii) the prohibition of all loaded HGV traffic from the route of the A690 via Newbottle and iii) the maintenance of routing signs at the site entrance.
4. Notwithstanding the terms of Condition 3 attached to planning permission ref: 84/0821/V2 it is relevant to note that the conceptual design report (Proposed Landfill Development, Golders V1.4 dated January 1993) submitted and approved by the City Council pursuant to Condition 6 attached to that permission, states that the operational life of the landfill would be 20 years and that the site would take a further 2 years to restore; and
5. Planning permission ref: 05/00339/FUL for the installation of two gas flares, three generators, ancillary pipework and plants to generate electricity from

landfill gas was granted permission on 12 September 2005 subject to conditions. This permission was not time limited.

The Applicant

Biffa Waste Services is a leading nationwide integrated waste management business that provides collection, treatment, recycling and technologically-driven energy generation services. The company provides an essential service to satisfy the business needs of their commercial, industrial and public sector customers throughout the UK, and help them to meet their legal obligations and corporate responsibility commitments.

Biffa handles over 10 million tonnes of waste every year from over 70,000 commercial customers and approximately one million homes through 17 local authority contracts. In 2008/9 Biffa recycled over one million tonnes of paper, card, metals and plastics and had an energy generation capacity of 112 megawatts of renewable energy.

The management of wastes has become more complex over recent years as the process moves from a single 'pipeline' of collection, transportation and disposal of waste to landfill, to a complex interplay of segregated and co-mingled wastes, transfer and multiple treatment systems and end markets for energy and resources.

The Application Site

The application site is located approximately 300m north of Houghton Town Centre, on an operational landfill site. The site is accessed from the A182 which connects to the A690 to the south of the site. Adjacent settlements include Newbottle (350m to the north), Grasswell (450m to the west), Colliery Row (1km to the south-west), New Herrington & Shiney Row (1.4km to the north-west). A public footpath which connects Newbottle to Houghton le Spring is diverted around the eastern boundary of the site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Durham Wildlife Trust
City Services - Network Management
Street Scene (Environmental Service)
Environment Agency
Natural England

Final Date for Receipt of Representations: **05.02.2013**

REPRESENTATIONS:

A large number of representation has been received to the application, all of which will be considered in the detailed report to the Planning and Highways Committee.

POLICIES:

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

EN_12_Conflicts between new development and flood risk / water resources
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_9_Conflicts between proposed sensitive developments and existing non compatible uses
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
M_12_Strategic requirements for development/extension of waste disposal/transfer sites
B_13_Sites and monuments of local importance affected by development
M_14_Location and planning of waste disposal activities acceptable under M12 or M13
M_15_Site management and control/phased restoration and aftercare of waste disposal sites
M_17_Consideration of energy recovery from waste, in planning waste disposal / transfer facilities
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt

COMMENTS:

All matters relating to this application remain under consideration. However, Members are advised that the application raises a number of issues that have city-wide implications. In particular:

a) The application is accompanied by an Environmental Statement (ES) undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to ensure that relevant environmental issues are assessed appropriately, potential environmental impacts associated with either the construction, operational and aftercare phases of the proposed scheme are identified with appropriate mitigation measures, the proposed mitigation measures will be effective and that they will ensure that any residual impacts are reduced to an acceptable degree and interested parties are given the opportunity to address any relevant issues. The key potential environmental and related impacts to be assessed in the Environmental Statement in connection with the scheme are identified as being:- highways and traffic, noise and vibration, air quality, landscape and visual effects, ecology, historic environment, with issues such as groundwater, surface water & drainage, land contamination and waste management, pedestrians, cyclists and community effects, risks of accidents and hazardous developments and public health to be considered in

outline. Although the ES submitted remains under consideration, it is considered, at this stage, that the findings of the submitted statement could have implications for the wider Houghton area, and beyond.

b) The application is also accompanied by a supporting statement, transport assessment, noise assessment and air quality assessment, details of which are set out as follows.

Supporting Statement - This document contains the policy background and supplementary planning considerations such as impact on the Green Belt and the justification of need for the proposal.

Transport Assessment - This report has been prepared using the Guidance on Transport Assessments published by the Department for Transport 2007 and considers the existing site operation of the landfill site, examines the local highway network and the road safety record, reviews the existing level of traffic generated by the landfill site and identified the routing used by HGV's and staff vehicles, sets out the baseline scenario for 2012, outlines future traffic generations associated with the landfill site, considers the impact of the landfill traffic on the local highway network and explores measures to reduce the effect of HGV traffic on the local community.

Noise Assessment - A noise assessment was undertaken of the development in accordance with Planning Policy Guidance Note 24 'Planning and Noise'. The purpose of the guidance is to 'provide advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business...It outlines some of the main considerations which local planning authorities should take into account in drawing up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources'.

Air Quality - This assessment focuses on the potential impacts on air quality due to fugitive emissions of odour and dust associated with waste disposal activities within the application boundary, and emissions associated with off-site vehicles movements during both the baseline and during the proposed development. Air quality impacts associated with the landfills gas engines are considered in detail within the Landfill Gas Risk Assessment which forms part of the application for the Environmental Permit and are not therefore considered as part of the planning assessment.

Again, as with the ES detailed above, it is considered that the eventual findings of the relevant assessments submitted, which remains under consideration by the Local Planning Authority, could have implications beyond the wider Houghton area.

Consequently, it is considered essential that this application be determined by a Committee with city-wide responsibility for planning matters and accordingly, Members are recommended to refer the application to Planning and Highways Committee on the grounds of its potential city-wide significance, for consideration at a meeting to be held once all considerations relating to this development have been completed by the Local Planning Authority.

RECOMMENDATION: Refer to Planning and Highways

Reference No.: 12/00150/LAP Development by City(Regulation 3)

Proposal: Erection of a single storey changing pavilion to include 6no. team changing rooms, 2no. official's changing rooms, kitchen and public male, female and accessible W.C.s. Erection of a 2.4 metre high paladin fence and double gates and provision of new footpath and traffic calming facility.

Location: Northern Area Playing Fields Stephenson Road
Stephenson Washington

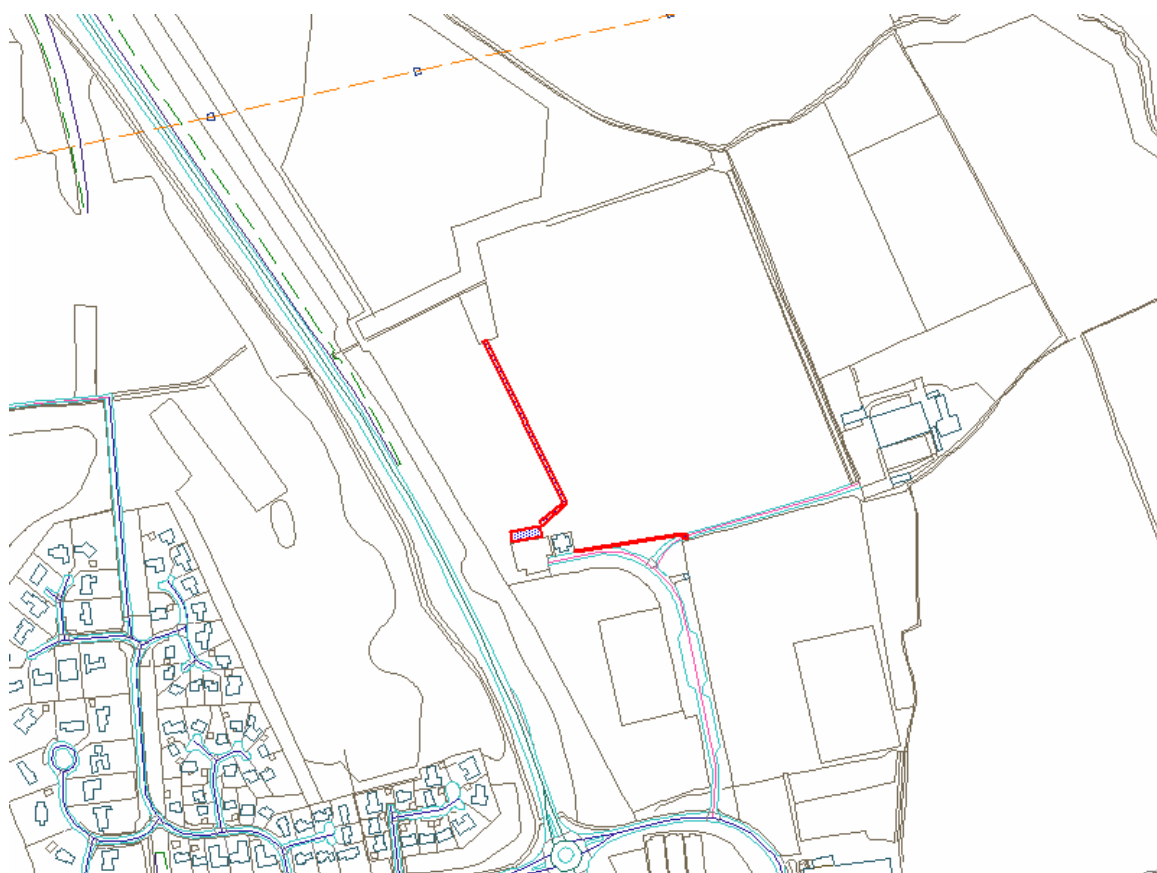
Ward: Washington North

Applicant: Mr Kari Ray

Date Valid: 14 February 2012

Target Date: 10 April 2012

Location Plan



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PROPOSAL:

The site to which the application relates is the Northern Area Playing Fields, located adjacent to Stephenson Road in Washington. The site provides six full

sized football pitches and four junior pitches all of which are presently unenclosed. The site is accessed from Stephenson Road and some car parking is available adjacent to the site access road. The fields are enclosed to each side by trees and as such, they are relatively screened from easy view, except for from the access road and across the fields themselves.

Planning permission is sought for the erection of a single storey changing pavilion to include six team changing rooms, two official's changing rooms, kitchen and public W.C facilities. The proposal also incorporates the erection of a 2.4 metre high paladin fence and double gates and the provision of a new footpath and a traffic calming facility.

The proposed pavilion building is of pitched roof design to a height of 4.9 metres, occupying a footprint of 13.9 metres by 28.8 metres. The new pavilion would be situated immediately to the north-west of the existing building

The proposed fence would run from the north-east corner of the new pavilion building along the rear of the existing adjacent building for a distance of 34 metres, before turning 90 degrees and extending approximately 170 metres in this direction. The purpose of this fence is that two of the football pitches (A and B) are enclosed from the other pitches so as to ensure that they are exclusively available for football at all times and is a requirement of the Football Foundation, who are to provide some funding for the proposed development. The fence is proposed to be coloured moss green (RAL6005).

The new footpath would link the existing and proposed new pavilion buildings to a new traffic calming/zebra crossing to be installed on the spur of the access road to the playing fields which continues towards the adjacent riding centre.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Northumbrian Water
City Services - Network Management

Final Date for Receipt of Representations: **20.03.2012**

REPRESENTATIONS:

Neighbours

To date, no representations have been received following the application publicity process, although it should be noted that the consultation period does not expire until 20 March 2012, which is after the deadline for preparation of this report. Any representations received after the preparation of the report, but in advance of the Sub-Committee Meeting will be reported by way of a supplementary report.

Consultees

The Executive Director of City Services (Network Management) has made no observations or recommendations in connection with the application.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_2_Purpose of the Green Belt in Sunderland
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
L_1_General provision of recreational and leisure facilities
L_4_Standards for outdoor sport and recreation
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
WA_13_Allocation of land for new outdoor sports facilities
WA_19_Maintenance of a Green Belt

COMMENTS:

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

- i) Principle of the Development.
- ii) Design, Siting and Appearance
- iii) Highway Issues

Principle of the Development

The site lies within the Tyne and Wear Green Belt to the north of Stephenson Industrial Estate. The Council's adopted Unitary Development Plan (UDP) incorporates specific policy guidance in relation to new developments in the Green Belt. Therein, policy CN2 seeks to ensure that a Green Belt will be maintained so as to:

- Check the unrestricted sprawl of the built up area of Sunderland;
- Assist in safeguarding the City's countryside from further encroachment;
- Assist in the regeneration of the Urban area of the City and
- Prevent the merging of Sunderland with Tyneside and other surrounding areas.

Policy WA19.1 acts as an expansion of policy CN2 and seeks to ensure that a Green Belt will be maintained to the north of Washington, between the New Town and the City boundary with Gateshead and South Tyneside as shown on the UDP proposals map.

Furthermore, policy CN3 of the UDP provides guidance on proposals for the construction of new buildings within the Green Belt and gives examples of where such development may be acceptable. Most pertinent to this application is that

one of the potentially acceptable forms of development within the Green Belt is to provide essential facilities for outdoor sport and recreation.

In that the proposal is aimed at providing improved facilities for the existing playing fields by way of a new pavilion and a fence to segregate two of the pitches from the remainder of the fields to allow them to be permanently available for football and for no other purpose, it is considered that the proposal accords with UDP policies CN2 and WA19.1 in that the Green Belt is maintained and also policy CN3 in that the proposed use of the site will remain as outdoor sport and recreation, albeit with improved facilities.

In respect of the specific nature of the proposal, which aims to enhance the facilities available at the Northern Area Playing Fields, UDP policies L1 and L4 are relevant. Policy L1 states that in the provision of leisure and recreation facilities, the council will seek to enhance the quality of life for residents and visitors to the City by providing a range of high standard recreational, sporting, cultural and community facilities. Policy L4 expands upon this and states that the Council will seek to improve facilities within the City for outdoor sport and recreation by providing locally accessible facilities for the City's population.

As detailed above, the proposal is aimed at providing improved facilities at the existing playing fields through the erection of a new pavilion and the segregation of two pitches so as to make them exclusively available for football. The principle of the improvements to the pitches is considered to be acceptable, however further consideration and consultation is ongoing with regard to the proposal to enclose two of the pitches with a fence and what, if any impact this will have on the usability of these two pitches. The outcome of this assessment will be considered on a supplementary report.

Design, siting and appearance

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.

Furthermore, as set out above, as the proposal is within the Green Belt, policy CN5 is relevant. This states that care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within or conspicuous from the Green Belt. Additionally, the supporting text to policy WA13 is relevant. This policy identifies an area of land to the north of the existing playing fields as a potential extension to the site, but the supporting text emphasises the importance that any new built development takes account of the location of the site within the Green Belt.

The siting of the proposed new pavilion immediately adjacent to the existing building is such that it will minimise the impact of the proposed development upon the openness of the Green Belt whilst providing improved facilities for the existing leisure use. The proposed fence is to be coloured moss green and would be of an open mesh paladin design which will serve to reduce its prominence. Whilst not an ideal form of development within the Green Belt, the nature of the site is such that it is reasonably well enclosed by trees and as such, views of the fence will primarily be available from within the playing fields themselves. As the fence will allow the retention of two dedicated football pitches

alongside a new pavilion and the existing adjacent playing fields, on balance, it is considered to be acceptable in this instance so as to ensure that the ongoing use of the wider site for outdoor sport and recreation. The proposed built development is considered to be of a scale which will not cause unacceptable harm to the Green Belt and as such, the proposal is considered to accord with UDP policies B2, CN5 and WA13 as set out above.

Highway Issues

UDP 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 provision will be provided.

As set out above, the Executive Director of City Services (Network Management) has raised no observations or recommendations in connection with the proposed development. It is not considered that the works proposed would have adverse implications on the highway network or the availability of car parking in the vicinity of the application site. For these reasons, the proposed development is considered to accord with UDP policies T14 and T22 as set out.

Conclusion

For the reasons set out above, the principle of the development is considered to be acceptable, although the impact of enclosing two of the playing fields for the exclusive use as football remains under consideration. The impact of the proposed development upon the Green Belt is not considered to be unacceptably harmful and furthermore, the proposal is not considered likely to cause highway safety problems.

As the impact of the enclosure of the pitches remains under consideration, a conclusion of the assessment of this application, along with details of any representations received and a recommendation will be made by way of a supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 12/00259/FUL Full Application

Proposal: Change of use from opticians to bistro/cafe (Use Class A3) with flat above and erection of single storey extension and provision of rooflight to rear and new timber fascia over shop front (AMENDED DESCRIPTION)

Location: 77 Newbottle Street Houghton-Le-Spring DH4 4AR

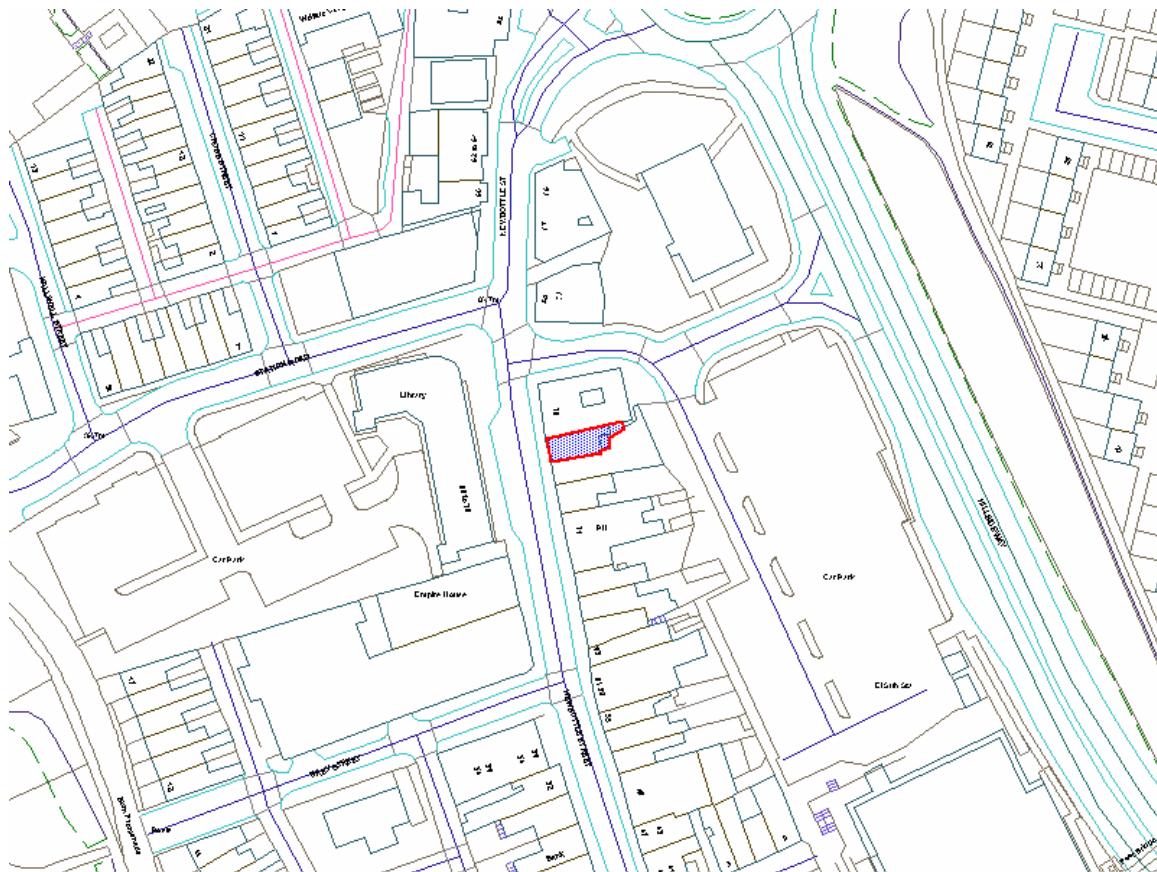
Ward: Houghton

Applicant: Mr Sean Doyle

Date Valid: 8 February 2012

Target Date: 4 April 2012

Location Plan



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PROPOSAL:

Planning permission is sought to change the use of the host building from a vacant optician's to a bistro/café at ground floor level, which falls within Class A3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, and a single self-contained flat at first floor level, which falls within Class C3 of the Order, to erect a single-storey extension and provide a single rooflight

to the rear and carry out minor alterations to the shop front. Applications of this nature are normally determined under the powers delegated to the Deputy Chief Executive, however this application has been referred to the Development Control (Hetton, Houghton and Washington) Sub-Committee at the request of Councillor Sheila Ellis, citing concerns over the number of cafés and takeaways which currently exist in Newbottle Street.

The ground floor of the building would accommodate a seating area to the front, a public-accessible w.c. and servery, to the rear of which a kitchen and storage would be provided. The proposed extension has an area of approximately 5.5m², to effectively in-fill the area between the existing rearmost offshoot and the boundary with no. 75 Newbottle Street. The extension would have a flat roof to a height of approximately 2.6m, equal to that of the existing rearmost offshoot, and would provide a preparation area adjacent to the kitchen. The proposed first floor flat would be afforded 2no. bedrooms, an open-plan lounge/kitchen and a shower room and would be accessible from within the ground floor of the building and would not be afforded a separate external means of access. It is proposed to provide a new 200mm deep timber fascia over the existing shop front and sign board, to incorporate a decorative timber corbel detail.

It is estimated that around 2no. full-time and 2no. part-time members of staff would be employed at the premises and operating hours of 08:00 to 19:00 on Mondays to Saturdays inclusive and 10:00 to 16:00 on Sundays and Bank/Public Holidays are proposed.

The property to which the application relates is situated one from the northern end of a traditional two-storey commercial terrace on the principal commercial street of Houghton Shopping Centre, comprising a predominant mix of retail, food and drink premises and professional services. The host building is currently vacant and was previously operated as an optician's. An enclosed rear yard exists to the rear of the property, which is accessible via a gated alleyway and external steps which run downward along the rear of no. 79 Newbottle Street to the application site from the substantial Co-Op car park situated to the rear of the terrace. The site adjoins a hot food takeaway to the north, a large unit which occupies a prominent corner plot and is currently occupied by Domino's Pizza, and an amusements / bingo hall to the south, beyond which exists a further hot food takeaway. A series of bollards exist to the front of the terrace and a café exists directly opposite the site on Newbottle Street.

Having regard to the planning history of the site, consent was granted in 1975 (ref. 75/1463) to change the use of the property from a bank to a shop for the retail of carpets and furniture; an application was withdrawn for the same in 1976 (ref. 76/0441). In 1982 application ref. 82/0722 was approved for the provision of a new shop front and consent was granted in 1984 (ref. 84/0981) to change the use of the building to office premises. Planning permission was granted to erect security fencing in 1989 (ref. 89/01335/10) and, in 1990, consent was granted to provide a new shop front and roller shutter.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **26.03.2012**

REPRESENTATIONS:

Three representations have been received from neighbouring occupants to date, all of which raise concerns over the number of food outlets within Houghton Shopping Centre, particularly on Newbottle Street. It is felt that the current proposal would compound this issue and would not aid in increasing the footfall of the Street, which is currently struggling in this respect. Instead, the provision of further retail premises should be encouraged.

In this regard, it is noted that the host property is currently vacant and has been for some time.

The Executive Director of City Services: Transportation raised no observations or recommendations.

The Council's Environmental Health section offered advice on minimising noise and disturbance during construction works and highlighted the need to consider means of dispelling odorous emissions through the provision of a suitable extraction/ventilation system, which should terminate above the eaves level of the building. It is also advised that regard be had to ensuring that suitable living standards are afforded to the proposed first floor flat through minimising potential noise disturbance and odorous emissions.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

S_8_Design of shop fronts

S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

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 with regard to the proposed development are:

- the principle of the proposed change of use;
- the impact of the proposed development on residential and visual amenity and accessibility;
- the environmental impact of the proposed use;
- the level of amenity afforded to the proposed flat; and
- any parking / highway safety implications.

The final date for the receipt of representations is 26 March 2012, subsequent to the preparation of this report but prior to the Sub-Committee meeting. Accordingly, it is anticipated that the relevant issues will be addressed on a supplementary report to the Sub-Committee, which will include consideration of any representations already received and those received in the interim and a recommendation on the application.

RECOMMENDATION: Deputy Chief Executive to Report