

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

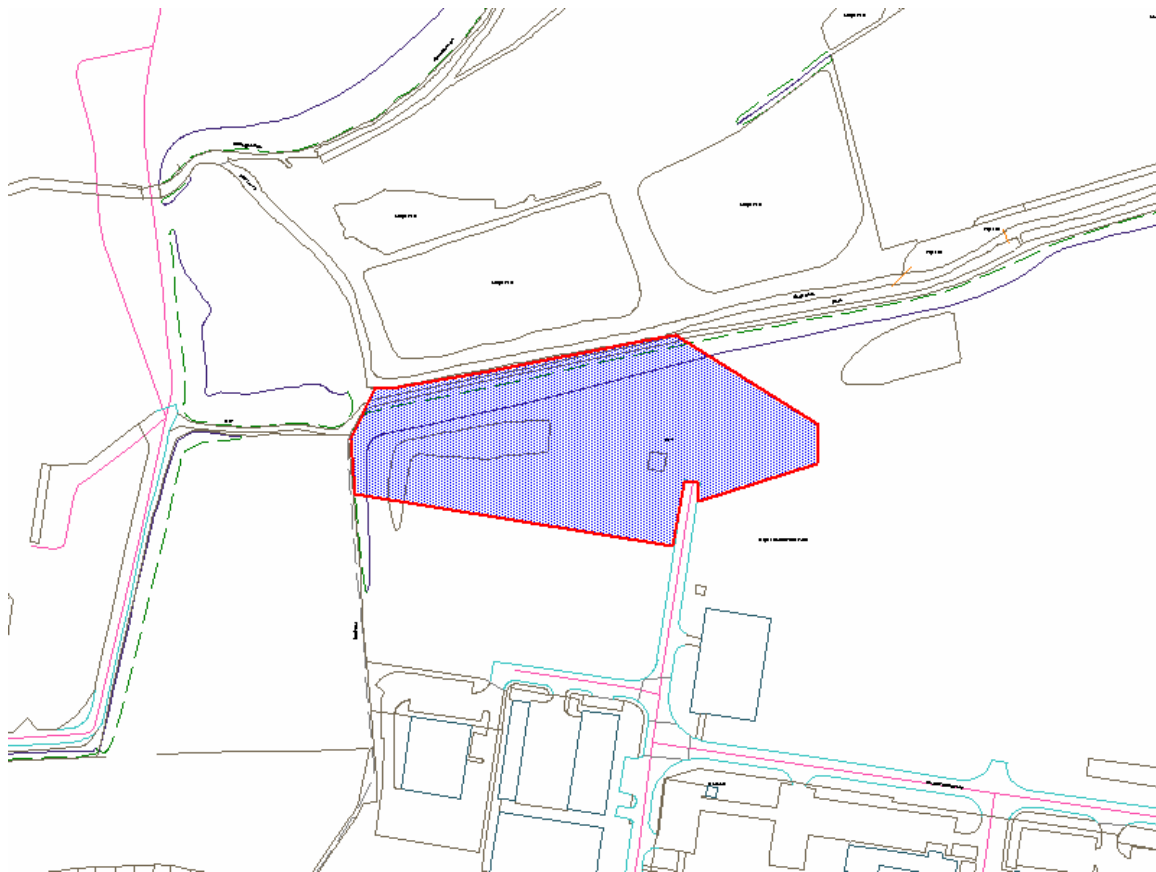
Reference No.: 11/03333/VAR Variation of Condition

Proposal: Variation of planning application 07/00603/SUB (Construction of industrial unit with associated car parking and loading facilities for the purposes of recycling and waste transfer station) for the removal of Condition 16 which prevents the recycling, treatment or disposal of clinical waste on site.

Location: Hawthorn House Blackthorn Way Sedgeleth Industrial Estate Houghton-Le-Spring

Ward: Houghton
Applicant: The Durham Company
Date Valid: 9 November 2011
Target Date: 8 February 2012

Location Plan



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PROPOSAL:

This planning application seeks to vary planning consent 07/00603/SUB, which approved the existing industrial unit as a recycling and waste transfer station. This variation application seeks to alter condition 16 of planning approval 07/00603/SUB in order to undertake the treatment of clinical waste at the premises.

Condition 16 states:

"At no time shall any form of recycling, treatment or disposal of clinical waste be carried out on the site to allow the Local Planning Authority to retain control over the processes undertaken on site, in accordance with policies M12, M13, M14 and M15 of the UDP."

Please note that an additional full planning application has been submitted in tandem, Ref. 09/04568/FUL. This planning application seeks permission to erect an extension to the existing unit to accommodate clinical waste treatment, which if approved would effectively double the size of the premises. Furthermore, it is worth noting that the agent, acting on behalf of the applicant, has explained that the clinical waste activity will be housed entirely within the proposed extension.

However, as condition 16 applies to the site as a whole this variation of planning permission has been submitted in preparation of the determination of planning application 09/04568/FUL. This will, should Members be minded to approve, enable the appropriate consideration for clinical waste to occur within the proposed extension, as this will partly be built on land within the approved red line boundary of the 07/00603/SUB development, which of course is subject to the existing parameters of condition 16. Consequently, for the purposes of considering this proposal the clinical waste process has been viewed in the context of operating within the existing premises, and not within the proposed extension, which is the applicant's intention, as this will be considered via the consideration of planning application 09/04568/FUL, which follows this Agenda item.

Members may recall that planning application 07/00603/SUB, which was approved on the 15 March 2007, appeared before Development Control (Sub) Committee on the 6 March 2007. The 07/00603/SUB application was itself a re-submission of a previous approval, Ref. 06/04309/FUL, owing to the fact that an unrecorded drain/sewer was found to traverse the site, which resulted in the building having to be re-positioned and the overall site layout amending. Following the 07/00603/SUB approval building work was completed in August 2009, with the plant becoming operational shortly thereafter.

Planning and Pollution Control Regimes

Before discussing the proposal in further detail it would be beneficial to consider the remit of planning when approaching waste applications, as stipulated by Planning Policy Statement (PPS) 10: Planning for Sustainable Waste Management.

PPS 10 states that the planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through

the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Consequently the City Council, acting in its capacity as the Local Planning Authority, should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Waste planning and pollution control authorities should work together to ensure integrated and timely decisions under the complementary regimes.

In the latter regard it is important to note that both the Environment Agency and the Executive Director of City Services: Pollution Control (Environmental Health) have both been consulted as part of this variation application. The Environment Agency has offered no objection to the proposed variation with regards to the planning regime, although they have highlighted the need for the applicant to vary their current permit with the Agency. Regarding comments received from Environmental Health these will be dealt with in the relevant section which follows later in this report.

Existing Waste Recycling/Transfer Operation

Presently the existing unit on the site recovers recyclable fractions such as cardboard, paper, plastics and metals from bin waste collected from commercial premises. These materials are removed from the waste stream through manual and mechanical means. The site also accepts dedicated segregated loads of recyclable material for onward transfer to reprocessors. The majority of the material is baled prior to the removal off site to reprocessors.

Proposed Variation to include Clinical Waste

The types of waste that will be treated at the premises, should Members be minded to approve, range from human and/or animal health care and/or related research (but would exclude kitchen and restaurant wastes not arising from immediate health care), as identified by the material classified in European Waste Code Chapter 20 01 99 (e.g. soiled bed clothes, sanitary waste or nappies from nurseries etc) and the majority of material under Chapter 18 (e.g. sharps, scrubs and dressings etc).

However material identified by codes 18 01 02 and 18 01 03 do not form part of the proposed clinical waste stream i.e. the higher grades of clinical waste, such as body parts. Should higher grades of waste arrive they will remain within sealed bags and held in a freezer before, within a short space of time, being transported off site to a specialist treatment plant, the nearest present locations of which are in Leeds and Manchester.

Heat Disinfection Units (HDU)

In order to process and treat the clinical waste it will be necessary to introduce two HDUs. The waste will be delivered in dedicated vehicles driven by fully

trained drivers. The waste will be housed in United Nations (UN) approved wheeled carts which will be fed automatically into the HDU via an automatic bin hoist. Having two HDUs will enable the applicant to manage its process in the event that one breaks down, as there will be a ready made replacement. Furthermore, both HDUs will be alternatively used in order that they can respond appropriately when needed. All the operations involved in the treatment of clinical waste will be contained within the building and there will be no manual sorting.

- HDU process

In essence rigid wheeled carts automatically feed the HDU via a bin tipping mechanism, at which point a shredding system, working under negative air pressure in order to limit airborne particles, begins the processing of waste, after shredding the waste is conveyed to a holoflite processor, which a four screw unit conveyor where non-combustible heat transfer fluid, which is never exposed to the waste, heats and disinfects the material. There is a condensate system which condenses the moisture emitted from the vapour created by the holoflite process. This condensate is then collected in a receiving tank which allows for it to be sampled and treated if necessary.

Processed air from the shredder hood and the condensate system is filtered by a 3 stage process. The first filter is a pre-filter which removes large particles that may 'blind' the second filtration stage. The second filtration stage is used in order to remove volatiles such as solvents and noxious odours from the air stream, after which the air is then drawn through an induced draught fan and exhausted through a wall mounted louver. The submitted information also explains that the HDU controls are constantly monitored by specialised software to ensure that all waste is treated at the correct temperature and for the correct length of time. If either of these variables is breached then the system automatically shuts down and sounds the alarm.

Once the waste has been processed and treated, at which point it is in a state that can be disposed of safely as industrial non-hazardous waste, it is located automatically into packer bins, consolidated, and then collected on a daily basis, even twice daily dependent on amounts going through the waste stream, and taken for disposal to landfill or to waste to energy plants. The locations for these will vary, as disposal will be identified on a best price basis. Thus negotiations will take place on contracts for defined periods, and thereafter renegotiation or alternative locations will be sought.

Supporting Information

The application has been supported by an application form, "Supporting information on behalf of the applicant" November 2011 providing information on the nature of the HCU equipment involved in the processing of clinical waste, as well as a Design and Access Statement. In addition, further correspondence (25 January 2012) has been received clarifying certain issues raised by the Local Planning Authority in relation to the proposed clinical waste process.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **05.01.2012**

REPRESENTATIONS:

Consultations

Two letters of representation have been received; one from Gentoo, who have a depot in close proximity to the site, which benefited from planning permission (26 September 2011) changing the use of its waste storage area into a waste transfer station (Ref. 11/02246/FUL), while they also have residential properties nearby at Avenue Vivian; and another representation has been received from Cllr Sheila Ellis.

The representation from Gentoo outlined the following concerns;

- Although recognising that there is no existing controls on vehicle movements within the industrial estate, Gentoo's depot has been affected by Durham Company's existing waste transfer facility. Consequently given the proposed 24hour 7day a week operation there are concerns that traffic movements will substantially increase.
- Given the 'hazardous nature of waste' and in the event of a breakdown where is the waste to be safely stored and where is the material coming from?
- Concerns over odour/pollution produced by treating clinical waste, and as such an Air Quality Assessment is required.

The representation made by Cllr Ellis expressed a strong objection to this application and the associated extension application. The representation states that if both applications are approved they will have a highly detrimental effect on adjacent business and public amenity. The site is adjacent to housing and permission for further housing in the immediate area has recently been granted. Accordingly Cllr Ellis expressed a wish to address the committee on this matter.

Environment Agency - has no objections to the proposed development in respect of the planning regime. However they did advise that as the site currently holds a standard rules permit, which does not allow for the treatment or disposal of clinical waste, a variation to their permit will be required prior to any clinical waste being accepted and treated at the site. Accordingly should Members be minded to approve the application, an informative will be placed on the decision notice advising the applicant of their requirement to vary their permit with the Environment Agency.

Northumbrian Water - has examined the proposal and offered no objections.

POLICIES:

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

EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EC_12_Criteria relating to potentially polluting industries
EC_15_Development or extension of bad neighbour uses
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.
EN_5_Protecting sensitive areas from new noise/vibration generating developments
HA_1_Retention and improvement of established industrial / business areas

COMMENTS:

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

1. Principle of the proposed variation
2. Highway engineering considerations
3. Environmental Health and public amenity considerations

1. Principle of the proposed variation

It is important to note that the principle of a waste recycling/waste transfer station at the site has been firmly established following the approval of the original 06/04309/FUL and subsequent 07/00603/SUB applications. In summary these applications were approved in view of the fact that the main land use policy, i.e. Unitary Development Plan (UDP) policy HA1, identified the application as residing within an established (Sedgeleth) industrial estate, where B1, B2 and B8 are acceptable primary uses. Consequently a waste recycling/waste transfer station, which is on balance industrial in nature, was considered appropriate. Furthermore it was also recognised that the application site was sufficiently large enough to accommodate the necessary access arrangements, car parking and servicing facilities.

In land use policy terms the variation to process clinical waste is not considered to be sufficiently different from the existing waste/recycling operation already being undertaken at the premises. Indeed, and although the treatment of clinical waste is recognised as sui generis i.e. a definable use in its own right, it is broadly similar in nature to a general industrial process. For example an industrial process is defined in article 2 of the Use Classes Order as “a process for or incidental to any of the following purposes;...(b) the altering...cleaning...breaking up...of any article”. Given this definition it is clear that the treatment of clinical waste does not significantly vary in nature from the above definition, as it involves the altering, breaking up and cleaning of an article. Consequently, the proposed variation is considered to be acceptable in principle, in accordance with policy HA1, which identifies general industry B2 as a primary use for the site.

Notwithstanding the acceptability in principle in land use policy terms, as the treatment of clinical waste is sui generis it is important to appropriately consider the application in the context of UDP policies M18, EC15 and EN5. Policy M18 requires that any waste processing facilities should be located and designed to avoid adverse effects from noise, odours, or windblown litter, while policy EC12 concerns development which is potentially polluting and normally requires adequate physical and visual separation from other developments in order to ensure safety and general amenity, while transport routes should avoid densely built up areas and provide for safe passage of hazardous material and be designed to minimise any adverse impact on the environment.

Policy EC15 requires that there should be no significant nuisance to adjacent premises or highway users, and also requires that relevant sites should be adequately screened or not visually prominent. There should also be appropriate facilities provided for the storage and treatment of by-products, whilst the site should be of a sufficient size for its operations, car parking and servicing. Policy EN5 considers noise and vibration, ensuring that any likely problems are investigated and if required, any mitigation measures incorporated. Given these issues it is appropriate to consider these in further detail in the following sections of this report.

2. Highway engineering considerations

UDP policy T14 requires new development to provide adequate parking and be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

In recognition of the fact that this variation of condition 16 application will simply broaden the scope of waste recycled and processed on site it is considered that there would be minimal impact in highway terms and as such no objections or recommendations have been offered in this respect from colleagues in Network Management (Transportation).

Nevertheless, in light of the implications of policy EC12 and the need to consider transport routes, careful consideration has been given to the types of vehicles transporting the clinical waste to the proposed facility. The agent, acting on behalf of the applicant, has explained that the vehicles employed are purpose built for clinical waste transportation and are no larger than small articulated Lorries. This is largely due to the need to safely transport clinical waste while also being able to manoeuvre within tightly enclosed spaces, e.g. hospital complexes. Furthermore, they have to be able to directly unload the UN approved wheeled carts to the automatic bin hoist. There is also an existing condition which already restricts hours of delivery to the existing waste transfer/recycling facility on site i.e. no deliveries outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, which, if Members are so minded, could be placed on the approval notice.

Consequently from a highway engineering perspective it is considered that the proposed variation to incorporate clinical waste at the site is acceptable and in accordance with policies T14 and EC15.

3. Environmental Health and public amenity considerations

Given the policy context outlined above it is noted that the existing unit is located within the Sedgeleth Industrial Estate and is therefore surrounded by other industrial activities, some of which are similar in nature. The nearest existing residential premises are located at a distance of approximately 300m. However, the former SIG Combiblock site, which is located to the south east of the proposed site, has recently been granted outline planning permission for residential dwellings (Ref. 11/01612/OUT), thereby reducing the distance of sensitive receptors to a little over 100m.

Further to the recognition of the nearest sensitive receptor, it is also understood that as this is a heat treatment process only no burning or incineration of waste will take place on site. In addition Pollution Control (Environmental Health) has considered the scheme with the recognition that the proposed activity of accepting, processing and dispatching clinical waste will require a permit from the Environment Agency. The purpose of such regulation is to set standards for key environmental impacts that must be controlled, notably, ensuring safe waste acceptance and storage methods, management systems, accident and emergency planning, staff training and adequately controlling process emissions. Consequently the objection from Gentoo raised in respect of how the waste will be stored will ultimately be a key consideration as to whether a Waste Permit will be granted, which is administered by the Environment Agency. Furthermore, as discussed at the start of this report PPS10 requires the Local Planning Authority to work on the assumption that the relevant pollution control regime will be properly applied and enforced.

- Noise

The Applicant has stated within the supporting information that 'there is very little noise involved in the processing of the waste, with any noise generally being contained within the building'. The Applicant has been previously advised by Pollution Control (Environmental Health) that evidence should be provided to support this e.g. sound power levels of equipment to show that noise will not cause nuisance. It was therefore necessary for the Applicant to demonstrate the anticipated noise levels at the nearest sensitive receptor (approx 100m), taking into account any reduction afforded by the building structure. A noise survey is at present being undertaken and it is anticipated that the results of which will be with the Local Planning Authority imminently. The results and implications of this noise survey will be reported to Members by way of a Supplement report.

- Odour

The Applicant has specified in the supporting documentation that an odour abatement system is to be incorporated into the plant design and operated whilst the process is in operation (3 stage filtration of air drawn from both the shredder unit hood and the condensate system). As this is a potentially odorous process it has been recommended by Pollution Control (Environmental Health) that their suggested conditions be included in any granted consent, should Members be minded to approve, in order to ensure the potential for odour release is minimised.

Regarding the objection from Gentoo about the need for an Air Quality Assessment it should be noted that one is only required where there is the

potential for a development to impact upon air quality objectives that Local Authorities are required to monitor under Local Air Quality Management. The main focus of this regime is pollution from vehicle emissions and the impact a development could have upon current and future air quality. The development as proposed is not considered to sufficiently infringe on these objectives and as such an assessment is not required and has therefore not been requested.

- Amenity

As has been discussed earlier in this report this variation application has been considered in the context that the clinical waste processes will be housed within the existing building. It is therefore important to note that there are no restrictions on the operational hours of the existing waste transfer/recycling processes. However, there is a condition restricting deliveries being taken at or despatched from the site outside the hours of 08:00 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays, with no deliveries permitted any time on Sundays or Bank/Public Holidays. It is therefore considered that within parameters of the existing permission and delivery hour's condition the proposed 24hours 7day a week operation would not be inappropriate, although this is notwithstanding the outcome and potential implications of the noise survey.

It should also be noted that the clinical waste operation will be fully contained within the building as the vehicles delivering the bagged waste will only be unloaded within the premises before the contents are fed, via UN approved wheeled carts, into the HDU. It is therefore considered that the potential for windblown litter is minimised and as such the proposal is acceptable and in accordance with M18.

Conclusion

In conclusion the proposed variation of condition 16, which at present prevents the recycling, treatment or disposal of clinical waste, is considered acceptable in principle. However, further consideration is being given to the implications of noise and whether there would be resultant public amenity considerations, although it is anticipated that this will be resolved in time to enable a recommendation to be made on the supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

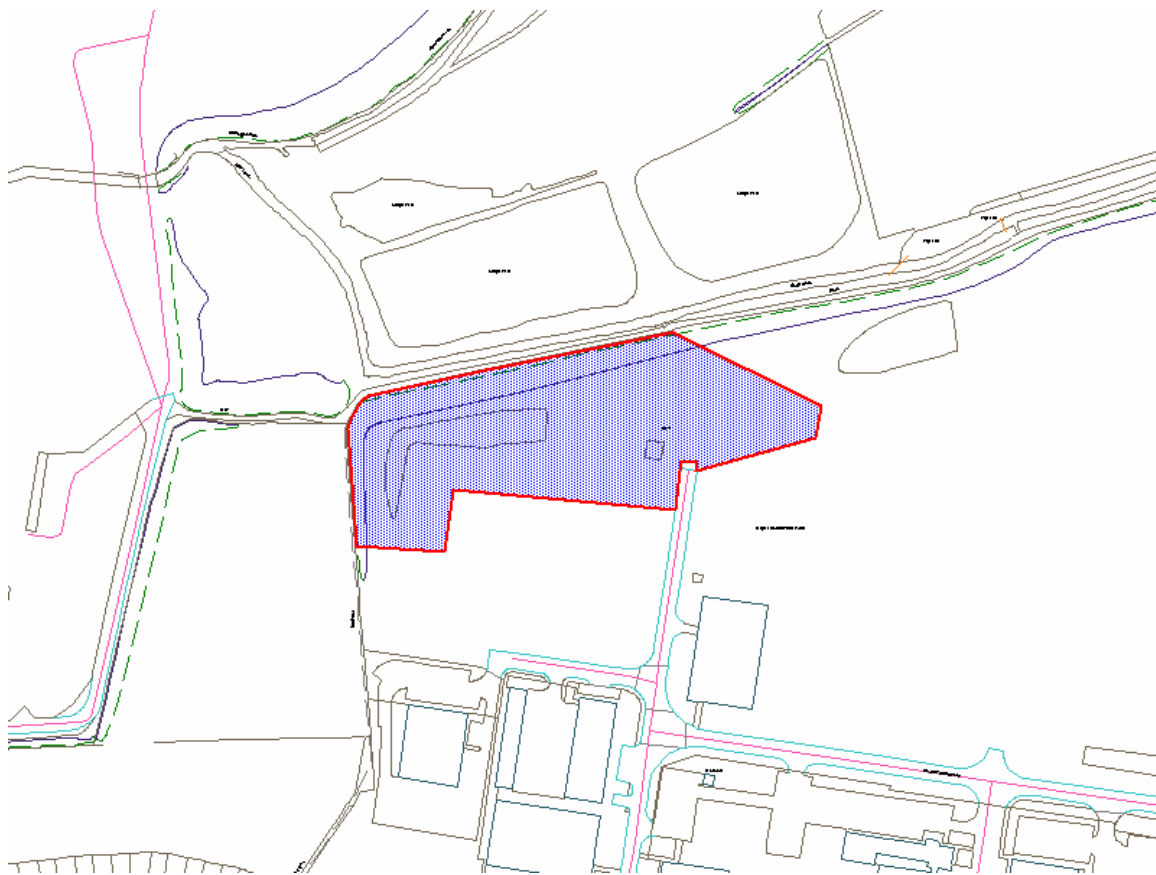
Reference No.: 09/04568/FUL Full Application

Proposal: **Extension to existing waste recycling centre to incorporate clinical waste treatment.**

Location: Hawthorne House Blackthorn Way Sedgeleth Industrial Estate Houghton-Le-Spring DH4 6JW

Ward: Houghton
Applicant: The Durham Company
Date Valid: 22 November 2011
Target Date: 21 February 2012

Location Plan



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PROPOSAL:

This planning application relates to the erection of an extension to an existing recycling and waste transfer station to incorporate clinical waste treatment.

Please note that this application is closely related to the Agenda item (Ref. 11/03333/VAR) which immediately precedes this report and which seeks to vary condition 16 of planning application 07/00603/SUB. However the agent, acting on behalf of the applicant, has explained that the clinical waste treatment will be

housed entirely within the proposed extension, which is the subject of this planning application.

Planning and Pollution Control Regimes

Before discussing the proposal in further detail it would be beneficial to consider the remit of planning when approaching waste applications, as stipulated by Planning Policy Statement (PPS) 10: Planning for Sustainable Waste Management.

PPS 10 states that the planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Consequently the City Council, acting in its capacity as the Local Planning Authority, should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Waste planning and pollution control authorities should work together to ensure integrated and timely decisions under the complementary regimes.

In the latter regard it is important to note that both the Environment Agency and the Executive Director of City Services: Pollution Control (Environmental Health) have been consulted as part of this application. The Environment Agency has offered no objection to the proposed development with regard to the planning regime, although they have highlighted the need for the applicant to vary their current permit with the Agency. Regarding comments received from Environmental Health these will be dealt with in the relevant section which follows later in this report.

Types of Clinical Waste to be treated

The types of waste that will be treated at the premises, should Members be minded to approve, range from human and/or animal health care and/or related research (but would exclude kitchen and restaurant washes not arising from immediate health care), as identified by the material classified in European Waste Code Chapter 20 01 99 (e.g. soiled bed clothes, sanitary waste or nappies from nurseries etc) and the majority of material under Chapter 18 (e.g. sharps, scrubs and dressings etc).

However material identified by codes 18 01 02 and 18 01 03 do not form part of the proposed clinical waste stream i.e. the higher grades of clinical waste, such as body parts. Should higher grades of waste arrive they will remain within sealed bags and held in a freezer before, within a short space of time, being transported off site to a specialist treatment plant, the nearest present locations of which are in Leeds and Manchester.

Heat Disinfection Units (HDU)

In order to process and treat the clinical waste it will be necessary to introduce two HDUs. The waste will be delivered in dedicated vehicles driven by fully trained drivers. The waste will be housed in United Nations (UN) approved wheeled carts which will be fed automatically into the HDU via an automatic bin hoist. Having two HDUs will enable the applicant to manage its process in the event that one breaks down, as there will be a ready made replacement. Furthermore, both HDUs will be alternatively used in order that they can respond appropriately when needed. All the operations involved in the treatment of clinical waste will be contained within the building and there will be no manual sorting.

- HDU process

In essence rigid wheeled carts automatically feed the HDU via a bin tipping mechanism, at which point a shredding system, working under negative air pressure in order to limit airborne particles, begins the processing of waste, after shredding the waste is conveyed to a holoflite processor, which is a four screw unit conveyor where non-combustible heat transfer fluid, which is never exposed to the waste, heats and disinfects the material. There is a condensate system which condenses the moisture emitted from the vapour created by the holoflite process. This condensate is then collected in a receiving tank which allows for it to be sampled and treated if necessary.

Processed air from the shredder hood and the condensate system is filtered by a 3 stage process. The first filter is a pre-filter which removes large particles that may 'blind' the second filtration stage. The second filtration stage is used in order to remove volatiles such as solvents and noxious odours from the air stream, after which the air is then drawn through an induced draught fan and exhausted through a wall mounted louver. The submitted information also explains that the HDU controls are constantly monitored by specialised software to ensure that all waste is treated at the correct temperature and for the correct length of time. If either of these variables is breached then the system automatically shuts down and sounds the alarm.

Once the waste has been processed and treated, i.e. in a state that can be disposed of safely as industrial non-hazardous waste, it is located automatically into packer bins, consolidated, and then collected on a daily basis, even twice daily dependent on amounts going through the waste stream, and taken for disposal to landfill or to waste to energy plants. The locations for these will vary, as disposal will be identified on a best price basis. Thus negotiations will take place on contracts for defined periods, and thereafter renegotiation or alternative locations will be sought.

Supporting Information

The application has been supported by an application form, 'Supporting information on behalf of the applicant' November 2011 providing information on the nature of the HCU equipment involved in the processing of clinical waste, as well as a Design and Access Statement and an Ecology Report. In addition, further correspondence (25 January 2012) has been received clarifying certain issues raised by the Local Planning Authority in relation to the proposed clinical waste process.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **04.01.2012**

REPRESENTATIONS:

Consultations

Two letters of representation have been received; one from Gentoo, who have depot in close proximity to the site, which benefited from planning permission (26 September 2011) changing the use of its waste storage area into a waste transfer station (Ref. 11/02246/FUL), while they also have residential properties nearby at Avenue Vivian; another representation has been received from Cllr Sheila Ellis.

The representation from Gentoo outlined the following concerns;

- Although recognising that there is no existing controls on vehicle movements within the industrial estate, Gentoo's depot has been affected by Durham Company's existing waste transfer facility. Consequently given the proposed 24hour 7day a week operation there are concerns that traffic movements will substantially increase.
- Given the 'hazardous nature of waste' and in the event of a breakdown where is the waste to be safely stored and where is the material coming from?
- Concerns over odour/pollution produced by treating clinical waste, and as such an Air Quality Assessment is required.

The representation made by Cllr Ellis expressed a strong objection to this application and the associated extension application. The representation states that if both applications are approved they will have a highly detrimental effect on adjacent business and public amenity. The site is adjacent to housing and permission for further housing in the immediate area has recently been granted. Accordingly Cllr Ellis expressed a wish to address the committee on this matter.

Environment Agency - has no objections to the proposed development in respect of the planning regime. However they did advise that as the site currently holds a standard rules permit, which does not allow for the treatment or disposal of clinical waste, a variation to their permit will be required prior to any clinical waste being accepted and treated at the site. Accordingly should Members be minded to approve the application, an informative will be placed on the decision notice

advising the applicant of their requirement to vary their permit with the Environment Agency.

Northumbrian Water - has examined the proposal and suggested that a condition be included on the decision notice, should the application be approved, relating to the agreement of a scheme which diverts its apparatus, as a public sewer crosses the site.

POLICIES:

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

EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EC_12_Criteria relating to potentially polluting industries
EC_15_Development or extension of bad neighbour uses
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.
EN_5_Protecting sensitive areas from new noise/vibration generating developments
HA_1_Retention and improvement of established industrial / business areas
B_2_Scale, massing layout and setting of new developments
CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

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

1. Principle of Development
2. Highway Engineering considerations
3. Environmental Health and Public Amenity considerations
4. Design and Visual Amenity considerations
5. Ecology considerations

1. Principle of Development

It is important to note that the principle of a waste recycling/waste transfer station at the site has been firmly established following the approval of the original 06/04309/FUL and subsequent 07/00603/SUB applications. In summary these applications were approved in view of the fact that the main land use policy, i.e. Unitary Development Plan (UDP) policy HA1, identified the application as residing within an established (Sedgeleth) industrial estate, where B1, B2 and B8 are acceptable primary uses. Consequently a waste recycling/waste transfer station, which on balance is industrial in nature, was considered appropriate.

In land use policy terms the process involved in treating clinical waste is not considered to be sufficiently different from the existing waste/recycling operation already being undertaken at the site. Indeed, and although the treatment of clinical waste is recognised as sui generis i.e. a definable use in its own right, it is

broadly similar in nature to a general industrial process. For example an industrial process is defined in article 2 of the Use Classes Order as “a process for or incidental to any of the following purposes;...(b) the altering...cleaning...breaking up...of any article”. Given this definition it is clear that the treatment of clinical waste does not significantly vary in nature from the above definition, as it involves the altering, breaking up and cleaning of an article. Consequently, in land use policy terms the principle of a clinical waste treatment facility within the Sedgelych Industrial Estate is considered to be acceptable in principle and in accordance with policy HA1.

Notwithstanding the acceptability in land use policy terms, as the treatment of clinical waste is sui generis it is important to appropriately consider the application in the context of policies M18, EC12, EC15 and EN5. Policy M18 requires that any waste processing facilities should be located and designed to avoid adverse effects from noise, odours, or windblown litter, while policy EC12 concerns development which is potentially polluting and normally requires adequate physical and visual separation from other developments in order to ensure safety and general amenity, while transport routes should avoid densely built up areas and provide for safe passage of hazardous material and be designed to minimise any adverse impact on the environment.

Policy EC15 requires that there should be no significant nuisance to adjacent premises or highway users, and also requires that relevant sites should be adequately screened or not visually prominent. There should also be appropriate facilities provided for the storage and treatment of by-products, whilst the site should be of a sufficient size for its operations, car parking and servicing. Policy EN5 considers noise and vibration, ensuring that any likely problems are investigated and if required, any mitigation measures incorporated. Given these issues it is appropriate to consider these in further detail in the following sections of this report.

2. Highway Engineering considerations

Further to the policy context outlined above policy T14 requires new development to provide adequate parking and be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The proposed extension would more than double the floor area of the premises, with a proposed 38% to 45% increase in staffing levels. The initial plans submitted in support of the planning application did not identify any increase in parking provision, although it was apparent that the necessary parking provision could easily be accommodated within the confines of the site. At the request of Network Management (Transportation) the applicant was therefore required to identify how they intended to accommodate the increased parking demand. As a consequence an amended plan was received on the 25 January 2012. The parking provision has now increased from the existing 17 spaces to a total of 45 parking spaces.

Nevertheless, in light of the implications of policy EC12 and the need to consider transport routes, careful consideration has been given to the types of vehicles transporting the clinical waste to the proposed facility. The agent, acting on

behalf of the applicant, has explained that the vehicles employed are purpose built for clinical waste transportation and are no larger than small articulated Lorries. This is largely due to the need to safely transport clinical waste while also being able to manoeuvre within tightly enclosed spaces, e.g. hospital complexes. Furthermore, they have to be able to directly unload the UN approved wheeled carts to the automatic bin hoist. There is also an existing condition which already restricts hours of delivery to the existing waste transfer/recycling facility on site i.e. no deliveries outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, which, if Members are so minded, could be placed on the approval notice.

Therefore, in light of the parking now proposed and given the type of vehicles which will frequent the development the proposal is considered to be acceptable and in accordance with policies T14, EC12 and EC15.

3. Environmental Health and Public Amenity considerations

Given the policy context outlined above it is noted that the existing unit is located within the Sedgeleth Industrial Estate and is therefore surrounded by other industrial activities, some of which are similar in nature. The nearest existing residential premises are located at a distance of approximately 300m. However, the former SIG Combiblock site, which is located to the south east of the proposed site, has recently been granted outline planning permission for residential dwellings (Ref. 11/01612/OUT), thereby reducing the distance of sensitive receptors to a little over 100m.

Further to the recognition of the nearest sensitive receptor, it is also understood that as this is a heat treatment process only no burning or incineration of waste will take place on site. In addition Pollution Control (Environmental Health) has considered the scheme with the recognition that the proposed activity of accepting, processing and dispatching clinical waste will require a permit from the Environment Agency. The purpose of such regulation is to set standards for key environmental impacts that must be controlled, notably, ensuring safe waste acceptance and storage methods, management systems, accident and emergency planning, staff training and adequately controlling process emissions. Consequently the objection from Gentoo raised in respect of how the waste will be stored will ultimately be a key consideration as to whether a Waste Permit will be granted, which is administered by the Environment Agency. Furthermore, as discussed at the start of this report PPS10 requires the Local Planning Authority to work on the assumption that the relevant pollution control regime will be properly applied and enforced.

- Noise

The Applicant has stated within the supporting information that “there is very little noise involved in the processing of the waste, with any noise generally being contained within the building”. The Applicant has been previously advised by Pollution Control (Environmental Health) that evidence should be provided to support this e.g. sound power levels of equipment to show that noise will not cause nuisance. It was therefore necessary for the Applicant to demonstrate the anticipated noise levels at the nearest sensitive receptor (approx 100m), taking into account any reduction afforded by the building structure. A noise survey is at present being undertaken and it is anticipated that the results of which will be

with the Local Planning Authority imminently. The results and implications of this noise survey will be reported to Members by way of a Supplement report.

- Odour

The Applicant has specified in the supporting documentation that an odour abatement system is to be incorporated into the plant design and operated whilst the process is in operation (3 stage filtration of air drawn from both the shredder unit hood and the condensate system). As this is a potentially odorous process it has been recommended by Pollution Control (Environmental Health) that their suggested conditions be included in any granted consent, should Members be minded to approve, in order to ensure the potential for odour release is minimised.

Regarding the objection from Gentoo about the need for an Air Quality Assessment it should be noted that one is only required where there is the potential for a development to impact upon air quality objectives that Local Authorities are required to monitor under Local Air Quality Management. The main focus of this regime is pollution from vehicle emissions and the impact a development could have upon current and future air quality. The development as proposed is not considered to sufficiently infringe on these objectives and as such an assessment is not required and has therefore not been requested.

- Amenity

As has been discussed earlier in this report this variation application has been considered in the context that the clinical waste processes will be housed within the existing building. It is therefore important to note that there are no restrictions on the operational hours of the existing waste transfer/recycling processes. However, as mentioned previously there is a condition restricting deliveries being taken at or despatched from the site outside the hours of 08:00 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays, with no deliveries permitted any time on Sundays or Bank/Public Holidays. It is therefore considered that in recognition of the 24hour 7days a week operation of the existing waste transfer/recycling station, allied to the imposition of the delivery hour's condition, the proposed 24hours 7day a week operation for clinical waste treatment would not be inappropriate. However, this is of course notwithstanding the outcome and potential implications of the imminently expected noise survey.

It should also be noted that the clinical waste operation will be fully contained within the building as the vehicles delivering the bagged waste, which are contained within the UN approved wheeled carts, will be directly unloaded into the HDU from the Lorries via the automatic bin hoist. It is therefore considered that the potential for windblown litter is minimised and as such the proposal is acceptable and in accordance with M18.

4. Design, Residential and Visual Amenity considerations

UDP policy B2 requires that the scale, massing, layout and setting of extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality.

The site stands at the northern end of Blackthorn Way which is the estate road serving the industrial units of Sedgeleth Industrial Estate. To the north of the site is Moors Burn which flows into Herrington Burn, whilst to the south and east is land which is allocated for industrial development. To the western side of the site the land slopes steeply down to a rough track and the land on which the extension is proposed is currently a grassed area to the rear of the existing building.

The proposed extension has been designed to reflect the styling of the existing premises with similar materials and detailing, and because of site constraints, the extension is set at a right angle. The proposed extension is some 51.4m in length and 21.6m wide, with an eaves height of 9.2m and a ridge height of 10.8m. The proposed extension will simply be a large enclosed space within which the necessary plant will be installed. All welfare and office facilities will remain at the front of the existing waste transfer/recycling building.

It is considered that the proposed extension, given its location at the extreme north-west corner of the industrial estate, will largely be shielded by the existing building on the site and the adjacent roof truss company premises to the south. It is located approximately 300m from the nearest existing residential properties in Avenue Vivian, which is considered more than reasonable in terms of spacing and therefore satisfactorily mitigates any visual and amenity impacts arising from the development.

Furthermore, there are open fields to the north which separate the site from the new Country Park, while the elevation which faces in the direction of the Country Park is the smallest element of the extension, i.e. the 21.6m side elevation, as the majority of the development faces towards the western boundary given the right angled nature of the proposed layout. Nevertheless, if Members are minded to approve, a condition could be included to agree a scheme of landscaping along the perimeter of the site to help soften the development from key public vantage points.

In conclusion and in recognition of the existing industrial building which is located on the site, the proposed extension, being of similar scale and design, both in terms of material and detailing, is considered to be in a location which adequately mitigates its visual and amenity impacts on the surrounding locality and the wider residential area and is therefore considered to be acceptable, in accordance with policy B2.

5. Ecology considerations

UDP policy CN22 highlights that where development proposals would adversely affect any animal or plant species afforded special protection will not normally be permitted.

An Ecology Report (3 November 2011), undertaken by dendra consulting ltd, was submitted in support of the development proposal. It recognised that other industrial units lie to the east and south, sewerage works to the north and pasture land to the west. Furthermore it also noted that Moors Burn, which is the nearest water course, lies 15m to the north of the development site's boundary and the closest woodland being the plantation 450m to the west.

The results of the Phase 1 Survey, and known data records for the surrounding area has led to the conclusion that the site has very little potential for the majority of protected species. However in view of a small area of blackthorn scrub and a scattering of small trees near the western boundary provide opportunities for nesting birds. Nevertheless, the Ecology Survey did explain that the actual amount of nesting habitat is very small and there are much more extensive opportunities in the immediate landscape to the west and north. Consequently the loss of any, or all, of the nesting habitat on site is not considered to have any significant impacts. Nevertheless, in light of current legislation, the Ecology report does recognise the need to control the timing of vegetation removal.

The Ecology report also assessed the site to be low risk with regards to Great Crested Newt, however, Common toad, Common frog and Smooth newt are all recorded from the adjacent sewerage treatment works to the north. The impacts of the development are not considered to be significant on amphibian populations, due to the presence of extensive aquatic and terrestrial habitat to the north of the site. However the proposals are considered to propose a risk to individual amphibians and as such mitigation in the form of sensitive working methods have therefore been proposed.

In conclusion, the submitted Ecology report considers that the development of the site will not impact upon any local or national sites of nature conservation importance. Nevertheless, a series of mitigation measures have been proposed, in particular to the timing of the vegetation clearance and potential impact on individual amphibians, and as such subject to the imposition of relevant conditions requiring the development to accord with the proposed mitigation, the proposal is considered to be acceptable in respect to ecology and in accordance with policy CN22.

Conclusion

In conclusion the proposed extension for clinical waste treatment is considered acceptable in principle. However, further consideration is being given to the implications of noise and whether there are any resultant public amenity considerations, although it is anticipated that this will be resolved in time to enable a recommendation to be made on the supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

3.

Washington

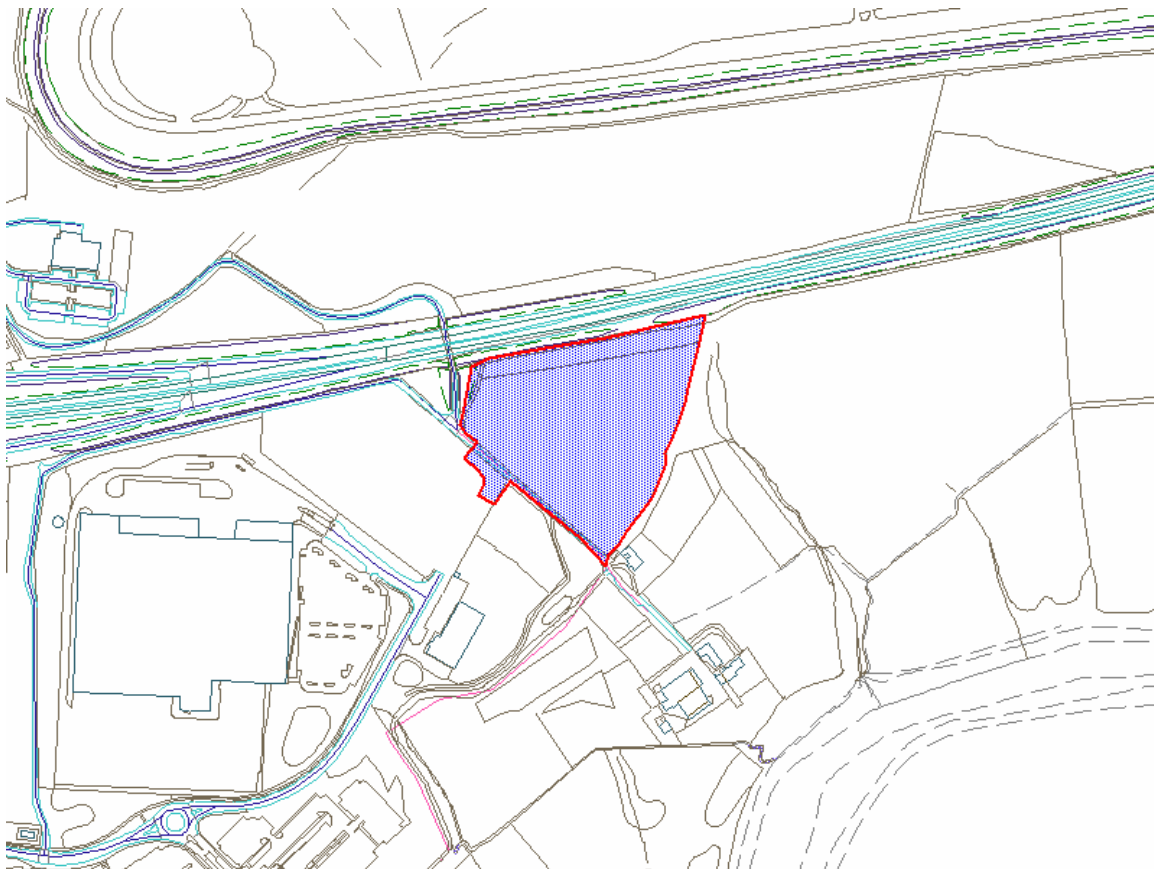
Reference No.: 11/03537/EXT1 Extension of Time

Proposal: Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation 08/03582/OUT. Application for outline planning permission for the erection of a B8 distribution unit (up to 10,000 m2 in size), including detailed permission for means of access, including stopping up and diversion of public footpath and bridleway.

Location: Plot 2 Mandarin Way Pattinson Industrial Estate Washington

Ward: Washington East
Applicant: Bericote (Ryton) Ltd
Date Valid: 28 November 2011
Target Date: 27 February 2012

Location Plan



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PROPOSAL:

This application seeks to renew a previously approved outline permission to develop a Storage / Distribution unit (Use Class B8) of 8-10,000m² with associated office and infrastructure.

Planning approval 08/03582/OUT was approved on 12 December 2008. This application seeks to extend the life of that planning permission.

The application site lies adjacent to an ASDA recycling unit, at the eastern end of Pattinson North Industrial Estate. This lies beyond the current terminus of Mandarin Way on the opposite side of Barmston Lane.

The site is triangular in shape and is bounded to the north by the A1231, the west by Barmston Lane and by open countryside to the east. Low Barmston Farm House lies at its southern most tip. The site is currently undeveloped agricultural land, with existing tree planting to its northern boundary with the A1231, and along its eastern boundary.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

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

Final Date for Receipt of Representations: **17.02.2012**

REPRESENTATIONS:

4 representations have been received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_15_Developments causing large scale ground disturbance (currently undeveloped areas)
CN_15_Creation of the Great North Forest
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
EC_2_Supply of land and premises for economic development purposes

EC_3_Support for new and existing economic activity
R_1_Working towards environmentally sustainable development
T_1_Promote the development of a varied, balanced, integrated & sustainable transport system
T_2_Promote the role of public transport, improving quality, attractiveness and range
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
WA_1_Retention and improvement of established industrial / business area
B_10_Development affecting the setting of listed buildings
CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
T_13_Criteria influencing proposals for highways improvements including new road construction.

COMMENTS:

All representations made in connection with this application and all matters relating to this application remain under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee and reported on a supplementary report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report