

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 11/02873/FUL Full Application

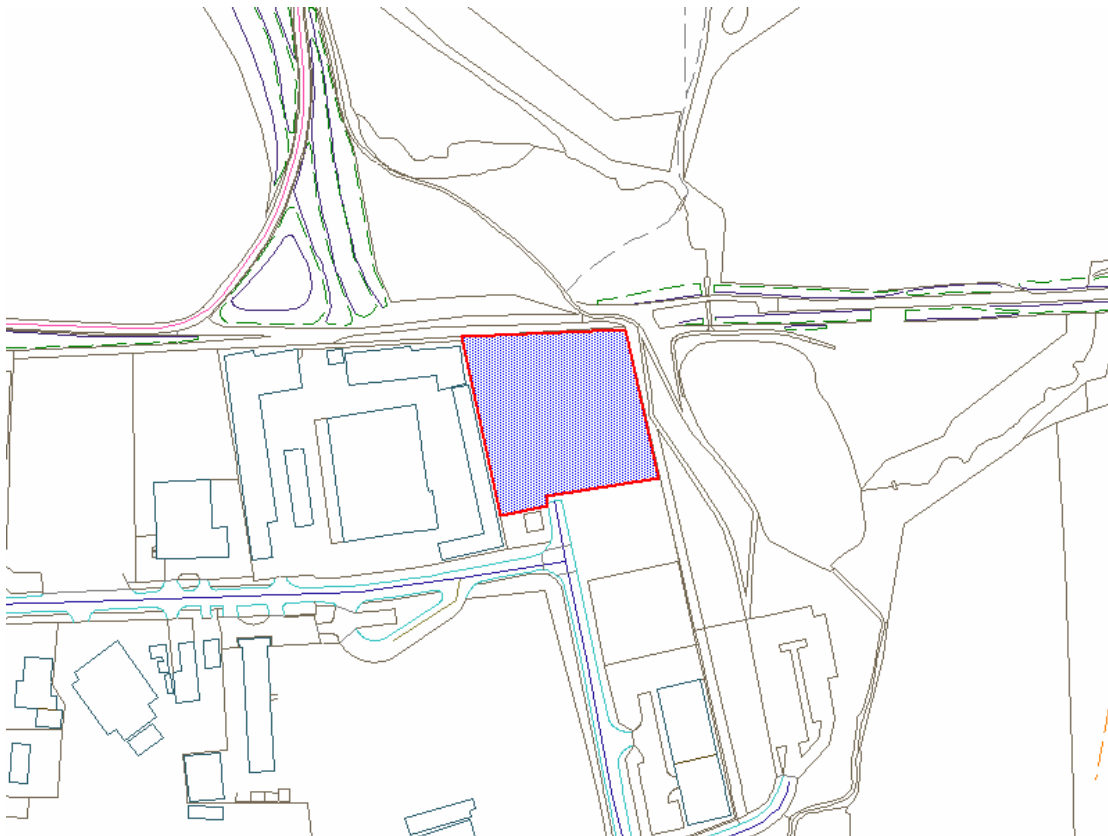
**Proposal:** **Change of use from vacant land to inert waste recycling facility comprising external aggregate production stockpile, screened soil product and pre-screened soil and inert waste areas, a 3-way split screen, a 360° excavator, 2no. skip/container plant storages areas and associated parking (RETROSPECTIVE) (AMENDED DESCRIPTION 13.07.2011)**

**Location:** Plot 19C Hetton Lyons Industrial Estate Hetton le Hole Houghton-Le-Spring

**Ward:** Hetton  
**Applicant:** North East Waste Productions Ltd  
**Date Valid:** 28 September 2011  
**Target Date:** 23 November 2011

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### Location Plan



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## **PROPOSAL:**

This application was originally heard at the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting of 26 July 2011, wherein Members resolved to defer the application pending a site visit. Subsequently, the application was made invalid upon discovery that the applicant had failed to serve the requisite notice on all affected landowners. Such notice has now been served and the application has been re-validated accordingly; Members are advised that a new reference number has been allocated to this application, namely 11/02873/FUL.

Most recently, the application was heard at the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting of 01 November 2011, wherein Members resolved to defer the application to allow the applicant the opportunity to carry out the works stipulated by recommended conditions, relating particularly to noise attenuation, dust and car parking, prior to a decision being made. Subsequent to this meeting, the bunds have been fully installed to a height of 4.4m, in accordance with the proposed site plan (Drawing No. 2270/1243/03 Revision E), which are constructed of inert material which has been screened of large objects. The aforementioned plan also indicates the provision of a series of wooden planks/boards along the base of the galvanised steel palisade fence which borders the site to prevent spillage off the site. This plan also indicates that the site is free draining (i.e. no hard surfacing is proposed, to the surface of the site would remain permeable, allowing water to drain naturally).

Planning permission is sought in retrospect to change the use of the premises from previously vacant land to an inert waste recycling facility. The operation involves the sorting and storage of inert and excavation waste using a 3-way split screen. The subject facility comprises 3no. separate areas dedicated for pre-screened soil and inert waste, aggregate production stockpiling and screened soil product as well as 360° excavators, 2no. skip/container plant storage areas and a parking area for 7no. vehicles. All of the above are sited wholly within the curtilage of the site, which is bounded by steel palisade fencing of a maximum height of 2.4m. The application has been supported by a Desk Top Study prepared by Oaktree Environmental Limited, dated 27 May 2011, and two Environmental Noise Surveys prepared by AB Acoustics, dated 25 July 2011 and 23 August 2011.

The materials to be brought on to site are all inert material, hardcore, bricks, concrete, tiles, soils, demolition wastes and building materials that are salvaged from construction or demolition works. They are then screened and it was proposed to put the materials into stockpiles of no more than 8 metres, although if the material is fine (i.e. less than 3mm in diameter) or topsoil the maximum height would be limited to 6 metres and reduced further and treated with crusting agents during high winds. The screened materials are then taken off site when the stockpiles reach their maximum height. In order to control dust a water bowser is to be permanently located on site, wind boards would be made available, where necessary, and regular monitoring is to be undertaken to this regard.

It is stated within the Design and Access Statement that a maximum of 400 tonnes of material is expected to be imported to the site on weekdays, which equates to approximately 40no. 8-wheel heavy goods vehicle movements in and out of the site (20no. in and 20no. out), which would be reduced to a maximum of 20no. vehicle movements on Saturdays. The average is likely to be approximately 26no. on weekdays, which equates to just over 1no. vehicle per hour, and 12no. on Saturdays. Operating hours of 07:00 to 19:00 Mondays to Saturdays inclusive are

proposed, with no works to take place on Sundays or Bank Holidays (as confirmed by e-mail on 13.07.2011), and it is stated in the application form that a total of 8no. full-time staff are/would be employed by the proposed use.

The provision of a crusher on the site and operating hours of 08:00 to 14:00 on Sundays and Bank Holidays were also originally proposed, however in an effort to minimise any potential noise disturbance the applicant decided to omit the crusher and any operations on Sundays and Bank Holidays. Since the original submission of the scheme, the red-line boundary defining the extent of the application site has been reduced to omit the Council-owned highway verge which runs along the south side of the site and the layout has been amended accordingly. In addition, the 3-way split screen would only be allowed to be positioned wholly behind the recently installed easternmost bund.

The application site occupies an area of approximately 0.6ha and existed as an area of grassed open space prior to the commencement of the current operation. The site forms the northeast corner of Hetton Lyons Industrial Estate, characterised by commercial and industrial development where premises are predominantly used as offices, light industry, general industry, storage/distribution and waste transfer / recycling. Such uses are classified as use classes B1, B2 and B8 respectively under The Town and Country Planning (Use Classes) (Amended) (England) Order 2005, with the exception of waste transfer and waste recycling facilities, which are unclassified and therefore known as sui generis uses. The nearest residential property is located approximately 230 metres to the south, although the position of the screen on site increases this distance to approximately 250m, and the site backs onto Hetton Lyons Country Park to the north and west. The current operator, North East Waste Productions Ltd., also carries out a waste recycling operation at Unit 6 Hetton Lyons Industrial Estate, approximately 150 metres to the west, under the name Alltrac Waste Recycling. Previously, application ref. 96/01448/10 was approved in 1997 for the erection of a 4,645 square metre factory unit on the host site, however this consent was not implemented.

Consideration has been given as to whether the applicant should be asked to carry out an Environmental Impact Assessment (EIA). Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as 'Schedule 2' development. Specifically, it is recommended that proposals involving installations for the disposal of waste should be accompanied by the request for an EIA screening opinion if the disposal is by incineration, or the area of the development exceeds 0.5 hectare, or the installation is to be sited within 100 metres of any controlled waters. However, in this instance the operation does not involve the disposal of waste, so the above criteria is not applicable, and no specific criteria is provided within the EIA Regulations for waste recycling uses. Notwithstanding this, given the nature of the operation, which involves inert materials only, and its siting within an allocated industrial estate, which is not considered to be an environmentally sensitive location as defined by the Regulations, it is not considered that the retrospective proposal poses any unduly significant environmental risk to such an extent as to reasonably require a screening opinion request to be carried out by the applicant. A detailed assessment of the environmental implications of the proposal is provided later in this report.

**TYPE OF PUBLICITY:**

Site Notice  
Neighbour Consultation Letters

**CONSULTEES:**

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

Final Date for Receipt of Representations: 13.07 2011

**REPRESENTATIONS:****NEIGHBOURS**

Representations have been received from residents of four neighbouring properties to date, the concerns raised within which are summarised as follows:

- Pollution is being generated from the site in the form of dust, noise, litter and water run-off, which has a detrimental effect on the wildlife, flora, fauna and natural water sources of Hetton Lyons Country Park and no. 16 Lyons Avenue, situated around 200 metres from the application site, from early hours until 19:00, including weekends and Bank Holidays.
- The proposed means of containing dust and litter are not appropriate.
- Informal access from the Industrial Estate to the Country Park has been removed (a supporting aerial photograph indicates desire lines formerly running through the site)
- Sections of the submitted Desktop Study and Risk Assessment are missing
- The applicant, Alltrac, has failed to comply with conditions of the Environmental Permit and planning conditions pertaining to the nearby site at Unit 6, which has been the subject of numerous complaints.
- A fault with the Council's website and the removal of a public notice have made it difficult for residents to comment on the application
- There are regular waste spillages from uncovered wagons on the corner of Parkgate and Colliery Lane which are not cleared.
- Debris on the paths and roadways result in blockages in the local road drainage network.
- The operation has attracted additional vehicles, resulting in an increase in disturbance caused by noise, vibration and the flashing lights of road sweepers until 23:30/midnight.
- Alltrac and associated wagons skips are frequently parked/sited throughout the Industrial Estate, which hinders vehicle manoeuvrability.
- The access in and out of the site is not appropriate.
- The water suppression system of the other Alltrac site (Unit 6) causes floods on the adjacent highway and a similar system is currently proposed, which results in water from the site, which may carry pollutants, running into the lake of the Country Park.
- No details for the provision of lighting, a weighbridge, storage or staff facilities have been supplied.
- The proposed 360° excavator would travel between sites and is not intended for road use.

- The stockpiles within the site, which currently exceed the stated levels in terms of tonnage and height, are visually obtrusive and spoil views of the Country Park.
- The fencing around the site is inadequate and no mitigating landscaping is proposed.
- The Northumbrian Water Sewerage Pumping Station adjacent to the entrance of the site is compromised by the subject use and associated vehicle movements.
- A waste recycling facility would be more appropriately sited within a former quarry.

In addition, two petitions have been submitted containing 209 and 128 signatures respectively. The former sets out the following statement: 'We the undersigned object to Alltrac as it is, and strongly object to any further expansion of this company due to its blatant disregard for the environment or the health of any person in the vicinity of the works' whilst the latter gives the following grounds of objection:

1. Pollution from dust, noise, paper and plastic litter will affect local residents in nearby homes in Colliery Lane, Lyons Gardens, Lyons Cottages, Fir Tree Lane, Lyons Avenue and Caldew Court.
2. There is a loss of public amenity as the site has been used for many, many years for public access to the Country Park (see attached aerial view).
3. The numerous trucks and lorries accessing the site pose a risk to public health and safety to local residents and roads throughout the Parish.
4. There has been no ecological survey to determine the effect on the local public amenity of Hetton Lyons Country Park's wildlife, flora, fauna and natural water network which is immediately adjacent to the site.
5. There are missing components from the Desktop Study and Risk Assessment as outlined by the Senior Environmental Health Officer at Sunderland City Council.
6. There is little likelihood of the Applicant complying with the regulations and conditions of any permit he may obtain as he has shown blatant disregard for the regulations and conditions of his existing licence and flouts Environment Agency attempts to enforce rules for Unit 6. In addition he is already using Unit 19C illegally without planning permission or permit to operate.'

It is noted that a number of the points raised by residents, in particular the 209-signature petition, make reference to the existing 'Alltrac site' at Plot 6 Hetton Lyons Industrial Estate. Planning permission was originally granted in 2004 (application ref. 04/02160/FUL) for the operation of a construction waste recycling centre on this site; the erection of an additional construction waste recycling building on the same site was subsequently granted consent in 2006 (ref. 06/00942/FUL).

In particular, concerns have been raised that the site operator has failed to comply with conditions of the original planning consent and the Waste Management Licence, issued by the Environment Agency, and the 209-signature petition states that 'the undersigned object to Alltrac as it is, and strongly object to any further expansion of this company'. It must be stressed to Members that applications for planning permission must be judged solely on the development that is being proposed and the identity of the applicant does not constitute a material consideration to the planning merits of an application; it would be prejudicial to give weight to the identity of the applicant or a perceived reputation of them in determining a planning application. Any breach of planning / environmental permit

condition can be reported to the attention of the Council's Planning Enforcement team, the Environment Agency and/or police, who should respond appropriately.

Concerns have also been raised that no details for the provision of lighting, a weighbridge, storage or staff facilities have been supplied and that the Northumbrian Water Sewerage Pumping Station adjacent to the entrance of the site is compromised by the subject use and associated vehicle movements. In response to this, the agent acting on behalf of the applicant has confirmed that a weighbridge, storage and staff facilities are provided at the Alltrac site at Unit 6, approximately 200m away, so further such facilities are not required on the current application site. Whilst the application does not propose any means of lighting, given the substantial distance of the site from nearby dwellings (approximately 230 metres) it is not considered that any mobile lighting which may be provided in the future would be harmful to the amenities of the area.

It has also been suggested by residents that a waste recycling facility would be more appropriately sited within a former quarry and a fault with the Council's website and the removal of a public notice have made it difficult for residents to comment on the application. In response to the former, each application is considered on its individual merits and no reason has been provided to substantiate this claim and, in respect of the latter, there was a minor fault for a limited period of time (a matter of days), so residents were afforded additional time to comment upon request.

No further representations have been received since the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting of 01 November 2011.

## **CONSULTEES**

The Environment Agency (EA) originally objected to the application, upon consideration that there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable, but subsequently withdrew its objection further to the applicant providing a full copy of the Desk Top Study prepared by Oaktree Environmental Ltd dated 27 May 2011. The EA considers that the Report provides sufficient information to demonstrate that the site has not been subject to any significant previous contaminative use. It is noted that the EA was fully aware that the retrospective proposal involves only inert materials, its objection related solely to any contamination which may already be present within the site.

Hetton Town Council has formally objected to the application in light of the amount of complaints which it has received from nearby residents and requested that planning restrictions be imposed with regards to hours of operation, road traffic control, dust suppression, noise control, potential flooding issues and any adverse impact on the adjacent Hetton Lyons Country Park.

The Executive Director of City Services - Transportation has noted that, whilst the applicant has stated parking for staff and visitors is available at their other site (Unit 6) located approximately 200m to the west, site observations would indicate there is insufficient parking for this site as a number of vehicles, including HGVs, park on the adopted footways and verge of Hetton Lyons Industrial Estate. It is therefore considered that the site subject to this retrospective planning application has exacerbated the situation, so the applicant should demonstrate how adequate in curtilage parking provision can be accommodated whilst maintaining sufficient manoeuvring space so that vehicles may arrive and leave in a forward gear, in

order to meet the demand of their operation within Hetton Lyons Industrial Estate. In response to this, an amended site plan has been provided indicating the provision of 7no. spaces for the parking of cars to the rear of the westernmost bund, which is considered by the Transportation section to be an acceptable arrangement.

Within its comments, the Executive Director of City Services - Environmental Health provides a list of 11no. complaints which have been received from local residents over the applicant since 2009; 10no. of which relate to the site at plot 6 Hetton Lyons Industrial Estate, the other relates to the current application site. The majority of these complaints relate to alleged operations during unsociable hours (i.e. outside of those permitted by the current planning permission, namely 07.00 to 19.00 on Mondays to Saturdays, 08:00 to 14:00 on Sundays and at no time on Bank Holidays). Other issues relating to the operating practices carried out at the waste transfer facility were also reported and were referred to the appropriate regulatory service accordingly (i.e. planning enforcement and/or the Environment Agency).

Irrespective of such complaints, planning applications must be considered on the basis that relevant regulation of the proposed use will be properly applied and enforced. Should planning permission be granted, the waste processing operation will be subject to regulation by the Environment Agency with local support from Environmental Health. Indeed, it is understood that the Applicant has applied for an appropriate permit to operate from the Environment Agency and that this is currently under consideration. If granted, the permit will regulate issues such as dust, odour and litter, etc..

Environmental Health has provided substantive comments on various environmental issues pertinent to the planning merits of the development:

#### Noise

Having considered the submitted desk-based assessment, Environmental Health requested the submission of a full noise assessment, to be undertaken by a suitably qualified and experienced noise control consultant. A full Environmental Noise Survey has now been provided, prepared by AB Acoustics and received on 26 August 2011, which was followed by the submission of an amended site plan.

Having considered the report and amended site plan, Environmental Health advised imposing conditions to any approval to ensure that on-site operations shall only take place between the hours of 07:00 and 18:00 on Mondays to Saturdays and at no times on Sundays or Bank Holidays, the screening machine is located only to the east of the site, as detailed in the submitted drawing no. 2270/1243/03 Rev. E, and an acoustic barrier/bund is installed as identified on this plan, which must be capable of achieving a sound reduction of index LA,RW (ambient acoustic level (indoor), relative weighting) 10 dB. As the bunds have now been installed, the applicant is required to have a further noise assessment undertaken to assess the noise levels at the 2no. receptor locations and verify the effectiveness of the barrier.

Without these mitigation measures, Environmental Health consider that noise is likely to be generated at levels that may cause complaint from nearby residential premises. The reasons behind these conclusions are provided later in this report.



### Ground Contamination

In terms of the comments made previously by Environmental Health in respect of ground contamination, considering the previous history of the site and current condition/use of the site and based on the desk study and new photographic evidence of the site walkover, Environmental Health is satisfied that the condition of the land is not likely to be a significant risk to human health. It was previously noted that the risk assessment provided did not include a site conceptual model of potential pollutant linkages. However the site use is particularly insensitive to land contamination and is also subject to Environmental Permitting by the Environment Agency.

Development has not significantly changed the contaminative status of the land and as such there are no significant issues which need to be addressed through the planning system.

### Dust

The applicant has provided within the Design and Access Statement a dust management plan, designed to ensure that there is no adverse impacts on nearby sensitive receptors, which is elaborated upon in a subsequent section of this report.

These measures are considered by Environmental Health to be reasonably robust in terms of dust mitigation, provided that they are managed comprehensively on site. It is therefore recommended that a condition be attached to any granted consent requiring the implementation and management of all dust mitigation measures detailed in the design and access statement submitted in support of this application.

### Odour

It is proposed that only inert materials will enter the site. Typically these products have no significant odour and as such it is considered that they are unlikely to produce malodorous emissions. It is recommended that this restriction be formalised by way of condition in the event that planning permission is granted.

### Litter

It is understood that all vehicles delivering materials to the site will be covered or securely contained to prevent items falling or being blown from the load. Furthermore, loads containing items construed to be litter will not be accepted onto site. It is recommended that this restriction be formalised by way of condition in the event that planning permission is granted.

### **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\_18\_Promotion of nature conservation (general)

CN\_20\_Developments affecting designated/proposed SSSI's

CN\_23\_Measures to conserve/ improve wildlife corridors

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

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

EN\_9\_Conflicts between proposed sensitive developments and existing non compatible uses

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

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

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

T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to consider in determining this application are:

- The principle of the use
- Residential and visual amenity
- The environmental implications of the operation in terms of noise/vibration, dust/litter and potential contamination
- The ecological impact of the use on Hetton Lyons Country Park
- The highway implications of the operation

## **PRINCIPLE OF USE**

Policies EC2 and EC4 of the UDP relate to land for economic development and specify Classes B1 (Businesses), B2 (General Industry) and B8 (Storage or Distribution) as acceptable primary uses; proposals for uses not listed shall be decided on their individual merits. Specifically, policy HA1(7) of the UDP allocates Hetton Lyons Industrial Estate, within which the site is located, as an existing employment site and identifies the following as acceptable primary uses within the Estate: offices, research and development, light industry, general industry, warehousing and storage (Classes B1, B2 and B8).

The subject use is not specifically classified by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and, as such, comprises a sui generis use. However, a waste transfer station is similar in nature to a typical B2: General Industry use and such uses are most appropriately located within industrial estates. There is also an existing waste recycling facility within close proximity to the site, so the proposed use is considered to be in-keeping with the established nature of this Estate.

For such reasons, the retrospectively proposed use of the site for waste recycling accords with the requirements of policies EC2, EC4 and HA1(7) of the UDP and is therefore considered to be acceptable, in principle, subject to the satisfaction of the other issues as identified above.

## **RESIDENTIAL AND VISUAL AMENITY**

Policy B2 of the adopted Unitary Development Plan (UDP) requires the scale, massing setting and layout of new developments to respect and enhance the best qualities of the area and retain acceptable levels of residential amenity. In addition, policy M18 seeks to ensure that waste reclamation and recycling facilities do not

have significant adverse impacts on local amenity in terms of dust and noise generation or visual impact.

Whilst no buildings have, or are proposed to be, erected, the site accommodates 3no. separate stockpiles and, most prominently, 4.4m high acoustic barriers (or bunds) along the front (southern) boundary. Prior to the commencement of the current operation, the site existed as open space, however, given the previous industrial activity which took place, the site is considered to be 'brownfield'. Given its industrial allocation, it is not considered reasonable to resist the application on the grounds that open space has been lost. Whilst somewhat unsightly, according to the submitted Environmental Noise Assessment the barriers must be at least 1m higher than the loading chute of the screener machine to achieve an acceptable level of noise attenuation. As previously reported, the formation of the bunds has now been completed on site and, given the industrial nature of the site and its surroundings to the west and south, where the bunds are most clearly visible, it is not considered that there has, or will in the future, be any undue impact on the visual amenities of the locality as a result of this development.

The nearest residential properties to the application site are those in The Lyons, situated approximately 250m to the south of the site opposite the junction with Parkway, and there are additional dwellings in Lyons Gardens to the west of no. 16 The Lyons and Lyons Avenue and Fir Tree Lane to the southwest. Despite the substantial separation distance between the site and these dwellings, due to the nature of the use in question careful consideration must be given to its environmental implications and any associated impact on the amenity afforded to neighbouring residents. Accordingly, the impact of the facility on residential amenity must be considered in this instance in relation to noise, vibration, dust and litter emissions, to be discussed below.

## **ENVIRONMENTAL IMPLICATIONS**

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution. The pertinent environmental matters which may impact upon residential amenity in this instance are the generation of noise/vibration, dust and litter, as highlighted by a number of residents. In addition, given that the site previously accommodated an industrial use, any potential contamination must also be considered.

### **Noise/Vibration**

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 applicant will be required 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 necessary.

The nearest residences are some 250m away and there are a number of intervening uses, including factory units and associated offices, between the site and these dwellings, so it is not considered that the operation would increase vibration levels at these residential properties. However, there is the possibility that the operations at the site would be audible, particularly at times when the levels of traffic and other industrial activity are lower.

In respect of concerns raised by the Council, the applicant has omitted the originally proposed crusher from the development and has suggested that no operations

would take place on Sundays or Bank Holidays, a particular area of complaint from local residents.

In addition, a full Environmental Noise Assessment has now been provided, dated 23 August 2011 and received on 26 August 2011, which dictated the need for a revised site plan. Measurements of the individual pieces of equipment to operate on site were made and subsequently calculated at a distance of 250m and 400m, representative of residential premises on Colliery Lane and Fir Tree Lane to the south. Although each individual source has been considered, the cumulative noise level has been calculated at both receptor locations (i.e. the noise level with all items of equipment operating at the same time to present a worst-case scenario). The applicant has recognised that the noise from the proposed activities is likely to contain features such as bangs, etc. and has accordingly applied a +5 dB penalty to the calculated noise level as required by British Standard 4142, 1997: Rating industrial noise affecting mixed residential and industrial areas. This provides an overall site attributable noise level of 55 dB(A) at residential properties on Colliery Lane and 51 dB(A) at Fir Tree Lane.

Background noise measurements were made at the 2no. receptor sites and the above calculated levels have been compared to the lowest background measurement to present a worst case scenario. Originally, the lowest noise levels occurred between 18:10 and 19:00, although the applicant has since confirmed that the site will not be operate during this time period (which can be conditioned accordingly), so has discounted this noise level. Instead, the quietest remaining background noise level has been used; 44.8 dB(A) which occurred between 12:25 and 13:25 on Colliery Lane. This is 10 dB below the level of noise calculated as being produced by the proposed development which, according to the guidance contained in BS4142, is an indication that complaints about noise will be received in the absence of any mitigation.

The applicant has therefore installed 2no. 4.4m high dirt bunds to the front of the site to act as an acoustic barrier. This is to be followed by a new noise survey, which should be conditioned accordingly should Members be minded to approve the application, which must demonstrate that the bunds have reduced the impact of noise from the site by at least 5 dB(A) to the southern boundary of the site. This would mean that the resulting overall noise level (without taking into account any absorption, etc.) at residential premises on Colliery Lane would be 50 dB, +5db above the quietest measured background level. BS 4142:1997 assesses the likelihood of complaints being generated by a noise source by subtracting the measured background noise level from the rating level (noise generated by the source). The greater this difference, the greater the likelihood of complaints. A difference of around +10 dB or more indicates that complaints are likely whereas a difference of around + 5 dB is of marginal significance.

In order to achieve 10 dB(A) attenuation, the amended site plan indicates that the screener machine shall only be located to the east of the site, to ensure that it is fully obscured by the bunds.

Provided that the maximum predicted attenuation is achieved, the Noise Assessment calculates the overall noise level at residential premises on Fir Tree Lane to be 41 dB, +1dB above the quietest measured background level and unlikely to be discernible. If the barrier only provides 5dB attenuation, the resulting noise levels will be 46 dB, 6dB above the lowest background noise measurement and considered to be of marginal significance.

As such, pending confirmation by a new noise survey, the applicant has demonstrated that, by reducing the working hours of the site and terminating daily operations at 18:00 instead of 19:00 as originally proposed, relocating the screener machine eastward and incorporating acoustic barriers, the potential noise generation is capable of being mitigated to a level that is recognised as acceptable in current noise standards and guidance.

The amended site plan includes a dashed line through the site, taken from the western edge of the larger bund, and the mobile screen is to be located to the east of this line at all times, which can be conditioned accordingly. The applicant has confirmed that a new noise assessment is to be carried out and provided to assess the noise levels at the 2no. receptor locations and verify the effectiveness of the barrier. If it is found that the existing bunds are not sufficiently effective in mitigating potential noise disturbance, should Members be minded to approve the application the carrying out of appropriate alterations/additions to the bunds can be conditioned. In addition, to further minimise potential disturbance, it is recommended that a condition be imposed restricting operations and deliveries to and from the site to between 07:00 and 18:00 on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

Upon compliance with such conditions, in accordance with the comments and recommendations of Environmental Health, it is not considered that the operation is likely to cause any undue noise disturbance to local residents or associated vibration, in accordance with the requirements of policies EN1 and EN5 of the UDP.

### **Contamination**

Policy EN12 of the UDP states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would:

- (i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- (ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

In addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

As previously reported, the Environment Agency and Executive Director of City Services - Environmental Health have reviewed the Desk Top Study provided by the applicant and consider that it provides sufficient information to demonstrate that the site has not been subject to any significant previous contaminative use. It is noted that the site is not to be hard-surfaced and would remain permeable so, despite concerns raised by residents that water from the site could run into the lake of the Country Park, it is considered highly unlikely that any notable amount of

water would run off the site. In addition, no intrusive ground works are proposed and only inert waste would be handled, so any water which may gather within the site would be highly unlikely to carry pollutants.

Accordingly, it is not considered that the facility would be likely to result in posing any undue risk by contamination and does not contravene the requirements of policies EN12 and EN14 of the UDP.

### **Dust/Litter**

Policy EN9 indicates that applications for dust generating activities should incorporate adequate mitigation measures when located close to residential properties and numerous concerns have been raised by residents over dust and litter emissions from the premises.

Section 6 of the Design and Access Statement provides a methodology for the control and monitoring of dust, which is to include a water bowser to be permanently located on site to provide a water supply for such measures and used to spray the surface of the site and waste stockpiles. The site supervisor is to make a visual inspection of the site at least twice daily and operating staff will continually monitor dust emissions when the facility is in operation, which will be logged accordingly. The specific measures to be undertaken include:

- sheeting and/or spraying vehicles carrying potentially dusty loads off site with water and employing a vacuum tanker to clean the site surface, where necessary
- providing a water hose from the mobile bowser and fixed water suppression on the screen to allow the areas on and around the machinery which are most likely to emit dust to be sprayed
- providing wind boards to enclose wind-sensitive areas of conveyors and, where material is less than 3mm in diameter, the last metre of the final size discharge conveyor and the first metres of the free fall of the materials will be fitted with a hood whilst drop heights will be kept to a minimum.
- machine spares will be kept on site and, if there is a risk of excessive dust emission due to malfunction or breakdown of apparatus, the facility would be shut down and stockpiles treated accordingly, as detailed in Section 7 of the Design and Access Statement.
- wooden planks/boards will be provided at the base of the boundary fencing to prevent spillage off the site.

Having regard to the comments provided by the Executive Director of City Services - Environmental Health, these measures are considered to be reasonably robust in terms of dust mitigation, provided that they are managed comprehensively on site. As such, should Members be minded to approve the application, it is recommended that a condition be imposed requiring the implementation of such measures for the lifetime of the development.

However, the applicant has proposed that stockpiles would be limited to a maximum height of 8 metres, or 6 metres if the material is fine (i.e. less than 3mm in diameter) or topsoil and reduced further and treated with crusting agents during high winds. To this regard, as highlighted by neighbouring residents, it is recognised that the site is located within a windy location and is adjacent to an area of ecological sensitivity, namely Hetton Lyons Country Park. In addition, it is considered that the proposed means of controlling the height of the stockpiles would be particularly difficult to manage and a planning condition to this effect would not be practicably enforceable. Accordingly, it is recommended that a

condition be imposed requiring all stockpiles within the site to be limited to no more than 6 metres in height at any time. These measures are considered by Environmental Health to be reasonably robust in terms of dust mitigation, provided that they are managed comprehensively on site.

It has also been noted by a neighbouring residents that there are regular waste spillages from uncovered Alltrac wagons on adjacent highways, in particular on the corner of Parkgate and Colliery Lane, which are not cleared by the operator. This could be addressed by the imposition of appropriately worded conditions requiring all wagons carrying materials to be securely covered. It is not considered to pose any further conditions to this regard, given that litter control normally falls under the remit of the relevant Environment Agency permit and the safe retention of loads is a policing matter under the Road Traffic Act.

Upon the imposition of the conditions indicated above, it is not considered that the facility would result in any unreasonable generation of dust or litter, in accordance with the requirements of policies EN1, EN5 and M18 of the UDP.

### **Odour**

As per the comments provided by Environmental Health, it is noted that only inert materials will enter the sit, which typically have no significant odour. Should Members be minded to approve the application, it is recommended that conditions be imposed restricting organic materials from being brought onto the site and any burning of materials.

Upon compliance with such conditions, it is considered unlikely that malodorous emissions are, or will be produced, by the operation, in accordance with policy EN1 and M18 of the UDP.

### **ECOLOGY**

Policy CN18 of the UDP promotes the preservation and creation of habitat for protected species where possible whilst policy CN22 states that, 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'. The application site is also situated within a Wildlife Corridor, as allocated by policy CN23, and abuts a Site of Special Scientific Interest (SSSI) wherein policy CN20 is applicable, which states that development which will adversely affect a designated or proposed SSSI either directly or indirectly will not be permitted unless no alternative site is reasonably available and such harm is not outweighed by particular benefits.

As previously reported, numerous concerns have been raised by local residents that the waste recycling operation is having a detrimental effect on the wildlife, flora, fauna and natural water sources of Hetton Lyons Country Park. The Council's Countryside Team has advised that appropriate conditions could be imposed to ensure that litter and dust are prevented from affecting the adjacent Local Wildlife Site / Hetton Lyons Country Park and potentially contaminated water does not run off into the lake. Having regard to these comments and the above sections of this report relating to dust, litter and contamination, upon compliance with the previously suggested conditions it is not considered that the facility would pose any detrimental ecological impact on the adjacent Local Wildlife Site / Hetton Lyons Country Park and, given that the site is not paved and therefore naturally draining, it

is not considered that there would be any significant level of water run-off. The proposal is therefore considered to accord with the requirements of policies EN18, CN20, CN22 and CN23 of the UDP.

## **HIGHWAY ISSUES**

Policy T14 of the UDP 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 whilst policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

Concerns have been made by neighbouring residents to this regard, namely that Alltrac and associated wagons skips are frequently parked/sited throughout the Industrial Estate, which hinders vehicle manoeuvrability, and their movement in the area poses a risk to public safety, the access in and out of the site is not appropriate and the proposed 360° excavator would travel between sites and may damage the road. In response to the latter point, the applicant has confirmed that the excavator proposed by this application is not taken off site and there is a separate excavator which operates at Unit 6, so there would be no need to transport either excavator on a regular basis.

It must be noted that any shortfall in parking provision for the Alltrac site at Unit 6 should not affect the required provision for the current retrospective proposal. A site plan has been submitted indicating a parking area within the site which can satisfactorily accommodate 7no. vehicles. It is stated on the application form that 8no. additional members of staff are employed by the use, for which the aforementioned provision is considered to be acceptable given that all members of staff are unlikely to be working at the same time and all travel independently by car to the site. Should Members be minded to approve the application, it is recommended that a condition be imposed requiring these car parking spaces to be clearly marked out on site and made available for parking at all times.

The applicant has indicated that there would be 40no. vehicle movements (20no. in and 20no. out) daily, however the site is situated within an industrial estate where such movements of HGVs are typical. Consequently, it is not considered that the operation of the site has, or will, unduly compromise highway or pedestrian safety. The applicant has pointed out that the site entrance is over 6 metres wide and the storage area to the left of the entrance has been offset to provide an additional area for turning, which is considered to be an acceptable arrangement. In addition, there is no indication that the proposed 360° excavator would be moved between the 2no. 'Alltrac sites'.

The use originally occupied an area of highway verge to the south which, upon discovering this, was considered to be detrimental to highway safety. Accordingly, the plans have been amended to entirely exclude any development on this area of verge. Having regard to the assertion of a local resident that 2no. informal right of ways have been established through the site, the onus lies with the claimant to demonstrate that any desire lines have been used continuously for a period of at least 20 years. However, aerial photography from 1996 clearly shows that the desire lines identified by the resident of no. 3 Lyons Avenue were not present at this time, so can not be considered to constitute a right of way.



Accordingly, it is not considered that the retrospective proposal has, or will in the future, unduly compromise highway safety or the free passage of traffic, in accordance with the requirements of policies T14 and T22 of the UDP.

### **OTHER ISSUES**

A concern has been raised from a local resident that the steel palisade fencing around the site is inadequate to mitigate against any landslides or construction vehicles falling off the stockpiles and no landscaping is proposed. Given the constraints of the site and its industrial setting, it is not considered necessary for a scheme of landscaping to be provided. Whilst it is considered unlikely that vehicles would fall off the mounds within the site, in order to prevent materials from spilling off the site a condition can be imposed, should Members be minded to approve the application, requiring the submission of a scheme for the management of litter/debris from the site.

### **CONCLUSION**

For the reasons given above, the principle of the change of use is considered to be acceptable and it is not considered that the retrospective proposal has, or will in the future, compromise residential or visual amenity, the quality of the local environment in terms of noise/vibration, dust/litter or potential contamination, local ecology, highway safety or the free passage of traffic. Accordingly, the proposal accords with the criteria set out by policies B2, CN18, CN20, CN23, EC2, EC4, EN1, EN5, EN9, EN14, HA1, M18, T14 and T22 of the adopted UDP and it is recommended that Members approve the application, subject to the following conditions.

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

#### **Conditions:**

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

Drawing No. 2270/1243/02 Rev. A: Site Location Plan [as amended]  
received 11.10.2011

Drawing No. 2270/1243/03 Rev. E: Site Layout Plan [as amended] received  
18.01.2012

The Design and Access Statement (excluding Section 7.2) dated  
18.04.2011, received 19.04.2011

The Desk Top Study prepared by Oaktree Environmental Limited dated  
27.05.2011, received 31.05.2011

The Environmental Noise Survey prepared by AB Acoustics, dated  
23.08.2011, received 26.08.2011

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.

- 2 Within one month of the date hereof, a noise assessment shall be carried out in accordance with BS4142 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" to assess the noise levels at the 2

receptor locations at Colliery Lane and Fir Tree Lane to verify the effectiveness of the existing acoustic barriers. Within one month of the completion of the survey, a noise survey report, which shall include any further mitigation measures, where necessary, and a programme for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures identified in the report shall then be fully implemented and retained for the lifetime of the development, in order to protect the amenities of the area and to comply with policies B2, EN1 and EN5 of the adopted Unitary Development Plan.

- 3 Within one month of the Local Planning Authority issuing its formal approval of the noise survey report, as required by Condition 2, notwithstanding any details which have been provided, bunds / acoustic barriers capable of achieving a sound reduction of LA,RW 10 dB shall be fully installed in accordance with the approved report and maintained as such thereafter for the lifetime of the development, in accordance with policies B2, EN1 and EN5 of the adopted Unitary Development Plan.
- 4 Wooden boarding shall be fully installed at the base of the boundary fencing in accordance with Drawing No. 2270/1243/03 Rev. E within one month of the date hereof and shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority, to prevent the spillage of materials off the site and in the interests of the amenity of the area, in accordance with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 5 The materials recovery and waste transfer facilities hereby approved shall not be operated other than in full accordance with the dust control and monitoring and stockpile management measures identified by Sections 6 and 7 of the Design and Access Statement (excluding Section 7.2) dated 18.04.2011, received by the Local Planning Authority on 19.04.2011, unless otherwise agreed in writing by the Local Planning Authority, in the interests of the amenity of the area and to accord with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 6 The use hereby approved shall not be operated other than between the hours of 07:00 and 18:00 on Mondays to Saturdays (excluding Bank/Public Holidays) and shall not be operated at any time on Sundays or Bank/Public Holidays, in order to protect the amenities of the nearby residents and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 7 No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 18:00 on Mondays to Saturdays (excluding Bank/Public Holidays) and there shall be no deliveries taken at or despatched from the site at any time on Sundays or Bank/Public Holidays, to ensure that nearby residents are not adversely affected by the development and in the interest of highway safety and to comply with policies B2, EN5 and T14 of the adopted Unitary Development Plan.
- 8 The in-curtilage car parking provision shall be laid out fully in accordance with Drawing No. 2270/1243/03 Rev. D, received 26 September 2011, within one calendar month hereof and shall be made fully available for parking at all times thereof and for no other purpose, in the interests of highway safety and

to comply with policies T14 and T22 of the adopted Unitary Development Plan.

- 9 The use hereby approved shall not operate unless a constant water source is made available on site, in order to protect the local environment and amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan
- 10 No screening machine shall be positioned to the west of the purple dashed line of drawing no. 2270/1243/03 Rev. D at any time whilst in operation, in order to protect the amenities of the area and to comply with policies EN1 and EN5 of the adopted Unitary Development Plan.
- 11 All vehicles transporting materials to or from the site shall be securely covered whilst in transit, in order to minimise any spillage of materials onto the highway, in the interests of the amenities of the area and highway safety and to accord with policies B2, EN1, M18 and T14 of the adopted Unitary Development Plan.
- 12 Notwithstanding the plans or associated details hereby approved, no crusher shall be installed on the site without first receiving prior written approval from the Local Planning Authority to ensure that the Local Planning Authority retains control over the development in the interests of amenity, in accordance with policies B2, EN1 and EC12 of the adopted Unitary Development Plan.
- 13 Notwithstanding the plans or associated details hereby approved, no stockpile within the curtilage of the site shall exceed six metres in height, measured from ground level, at any time, in order to protect the local environment and amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 14 All activities to be undertaken within the confines of the site shall only involve soil, brick, concrete, clay, wood and other inert material and shall not include any organic or household waste material, unless the prior written consent of the Local Planning Authority has been obtained, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 15 There shall be no burning of any materials on any part of the site, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.

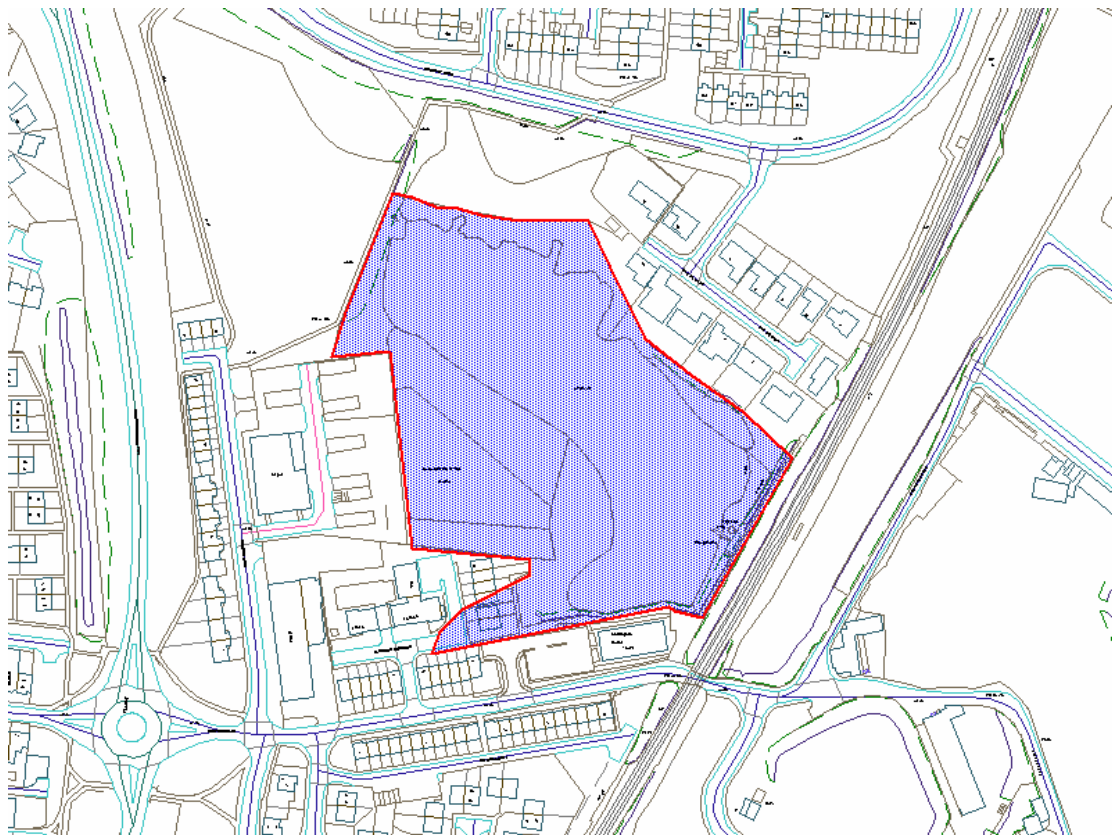
**Reference No.:** 11/03177/EXT1 Extension of Time

**Proposal:** Application for a new planning permission to replace an extant planning permission 05/03963/SUB (Use of existing lake and land for trout/pike lake. Associated development including lodge, on site wardens accommodation, snack and tackle shop and W.C. and education room. Formation of car park, new ponds, jetties, footpaths and fencing.) in order to extend the time limit for implementation.

**Location:** Willows Reservoir East Of 23 Eddison Road Swan Washington

**Ward:** Washington East  
**Applicant:** Robert And Linda Wales  
**Date Valid:** 4 November 2011  
**Target Date:** 3 February 2012

### Location Plan



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**PROPOSAL:**

This application seeks to extend/renew a previous planning approval: reference 05/03963/SUB.

Planning approval 05/03963/SUB approved the use of the existing lake and land for trout/pike lake with associated development including lodge, on site warden's accommodation, snack and tackle shop and W.C. and education room, formation of car park, jetties footpaths and fencing.

Planning approval 05/03963/SUB was presented to Members of the Development Control (Hetton, Houghton and Washington) Sub Committee at their meeting on 31 October 2006. The planning approval certificate was subsequently issued on 7 November 2006. To date the development has not been implemented and the majority of the conditions applied to the approval granted in 2006 remain outstanding.

A Members site visit to this site was conducted on Monday 12 December 2011.

**Site Context**

The Reservoir (hereafter referred to as Willows Pond) is located between the Swan Industrial Estate and "The Willows" residential development in an area of Barmston, Washington. To the southeast of the proposed development is the "Sherringham House" residential apartment block. To the south of the development is "Lakeside Gardens". The eastern edge of the site is formed by the embankment of the former Leamside Railway line.

The majority of the proposed development site comprises a lake and lake edges with an area of wetland habitat located in the northwest corner of the site. A track positioned to the eastern edge of the lake at the foot of the railway embankment also forms part of the application site.

Willows Pond is shown on historical maps dating back to 1858. Prior to its current use as a fishing lake, the pond was used by the Cape Insulation factory as a cooling lake during which time the level of the lake could be controlled via a well head that is located, close to the pond's eastern shore adjacent to where the wardens accommodation is proposed as a part of the current proposal.

Part of the proposed development site (the north eastern corner) is designated as a SNCI (Site of Nature Conservation Importance). It should be noted that Sites of Nature Conservation Importance do not have statutory protection but are recognised on account of certain features, which makes them significant in a county or regional context. This particular SNCI supports a bird and amphibian population.

A Tree Preservation Order (No. 128) was made on trees on the site in 1999, however those trees are on the southern edge of the pond and are not affected by the proposed development.

**TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

**CONSULTEES:**

Natural England  
Durham Wildlife Trust  
City Services - Network Management  
Environment Agency  
Network Rail

Final Date for Receipt of Representations: **20.12.2011**

**REPRESENTATIONS:**

8 representations 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  
T\_22\_Parking standards in new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
B\_1\_Priority areas for environmental improvements  
EC\_15\_Development or extension of bad neighbour uses  
WA\_1\_Retention and improvement of established industrial / business area  
B\_3\_Protection of public/ private open space (urban green space)  
L\_7\_Protection of recreational and amenity land  
L\_5\_Ensuring the availability of Public Parks and amenity open space  
L\_4\_Standards for outdoor sport and recreation  
L\_3\_Encouragement to regional recreational developments in appropriate locations  
WA\_14\_Improvements in the level of provision / quality of amenity open space  
CN\_18\_Promotion of nature conservation (general)  
CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS  
CN\_15\_Creation of the Great North Forest

**COMMENTS:**

All representations made and all matters in connection with the consideration of this planning application to extend/renew planning permission 05/03963/FUL remain under consideration and will be reported on a supplementary report to Members accordingly.

**RECOMMENDATION: Deputy Chief Executive to Report**

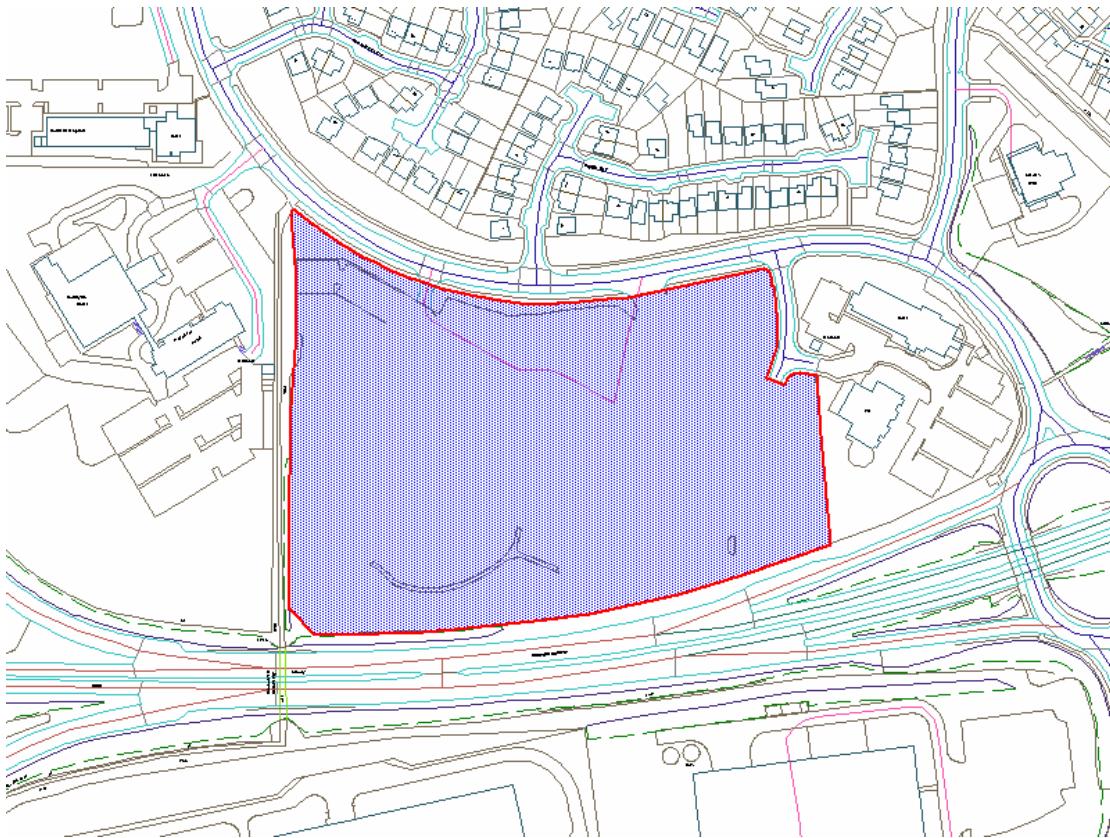
Reference No.: 11/03181/OUT Outline Application

**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 - has indicated that the proposal should be resisted as there is a shortage of potential office development sites in Washington without encroaching on the Green Belt. It is argued that test marketing of the site did not start until late summer 2011, at which time the regional office market was stagnant, and that the site had been effectively unavailable when the demand for offices was buoyant, because the landowner was seeking residential land values. It is pointed out that there has been a strong take up of other employment land and buildings in this area, including BAE systems and Rolls Royce as it is a very attractive location for business investment being close to the A1 (M), hotel and restaurant facilities. Office development on the site would be unlikely to conflict with the development of sites in the city centre as it would serve a different market. Further it is contended that the site offers a significant opportunity to facilitate the implementation of the Sunderland Economic Masterplan - particularly inward investment for software development. Finally, it is argued that, if developed for housing, the 9.5 acre site will never again be available for employment purposes and the opportunity for the provision of 1000 - 2000 office jobs on the site will be lost, further limiting the opportunities for job creation for Sunderland's growing jobless

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)

### **COMMENTS:**

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

- The Principle of the Development (including the loss of employment land)
- Highway Issues
- Affordable Housing Provision
- Archaeology Issues
- Ecological Issues
- Noise Issues
- Flooding Issues
- Ground Contamination Issues
- Provision for Children's Play
- Provision for Education
- Design
- Impact on the Amenities of Neighbouring Occupiers
- Dust and Fumes
- Sustainability

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 are 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. which both 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. 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 relationship of the application to the above policies, the findings of the strategic Housing Land Availability Assessment and the Employment Land Review and the views of the Business Investment Manager are being given further consideration.

### **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 has 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 in the residential estate.

The Executive Director of City Services: Network Management has reluctantly accepted the stance of the applicant in this regard.

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.

### **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 (discharged 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 is to submit an Affordable Housing Statement which will need to be given consideration.

### **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, while policy B15 allows the council to determine the extent of any archaeological excavation on major development sites and policy B16 requires an appropriate level of assessment of any historic sites or monuments discovered during 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 and B15 of the adopted Unitary Development Plan.

### **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 ecological aspects of the proposal are still being considered.

### **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 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 is 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.

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.

## **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 thereby comply with the requirements of policy EN12 of the adopted Unitary Development Plan.

## **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.

### **Provision for Children's Play**

Policy H21 of the adopted Unitary Development Plan requires that all new housing development 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.

### **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 house 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.

### **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 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 landscaping scheme is being given further consideration.

### **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.

### **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 an appropriate condition 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 with the imposition of the appropriate conditions in respect of dust, dirt and fumes the amenities of the nearby residents will be protected in line with the requirements of policy B2 of the adopted Unitary Development Plan.

## **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 is giving 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. A response is awaited.

## **Conclusions**

The issues of the principle of the development, affordable housing, sustainability, ecology and landscaping are being given further consideration. However, it is anticipated that these deliberations will be concluded in time to permit them to be reported with a recommendation to Members on the supplement.

**RECOMMENDATION: Deputy Chief Executive to Report**

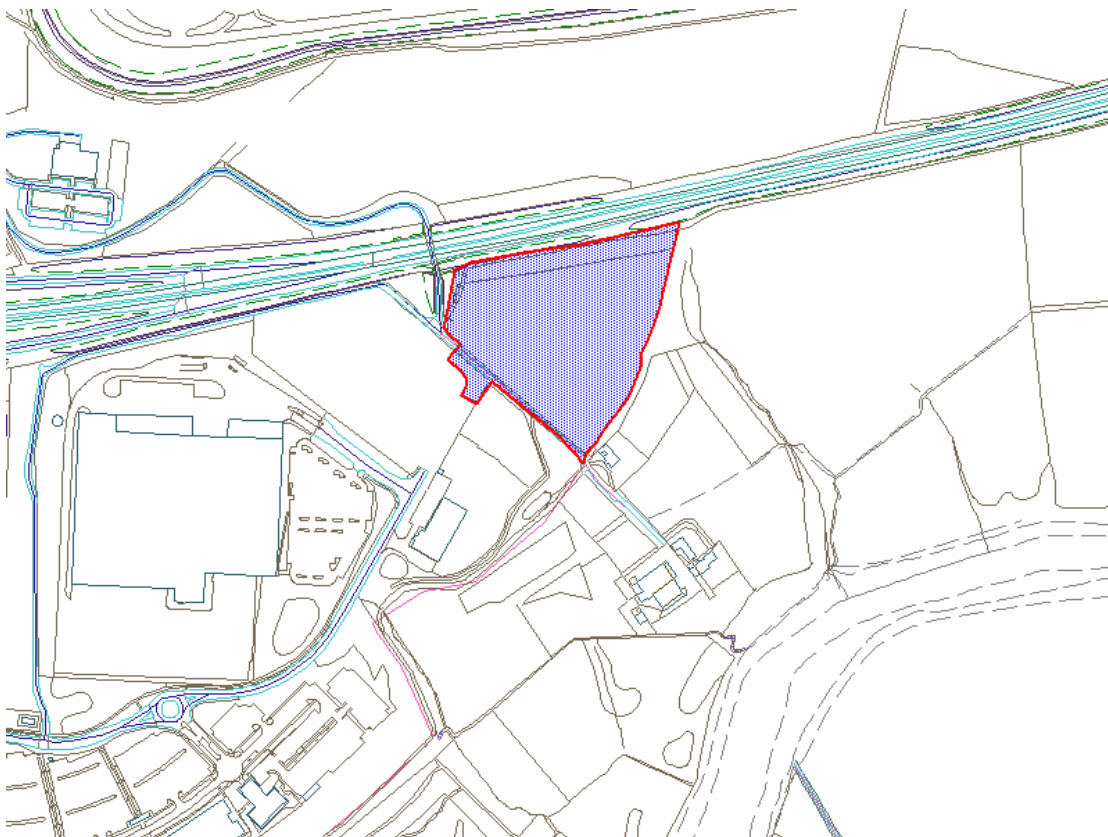
**Reference No.:** 11/03537/EXT1 Extension of Time

**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 m<sup>2</sup> 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 8-10,000m<sup>2</sup> 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  
Press Notice  
Neighbour Consultations

**CONSULTEES:**

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

Final Date for Receipt of Representations: **24.01.2012**

**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**