

**Development Control (South Sunderland)
Sub-Committee**

13 August 2013

REPORTS FOR CIRCULATION

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

South Sunderland

S1 Dewhirst Group Plc, Robinson Terrace, Hendon

**Development Control
(South Sunderland) Sub-Committee**

REPORT FOR CIRCULATION

13 August 2013

Number:	S1
Application Number:	13/01332/MAW
Proposal:	Change of use of existing industrial site to scrap yard for the purpose of processing and recycling ferrous and non ferrous metal, to include the partial demolition of existing single storey factory building, the removal of existing roof, retention of external walls and construction of new walls and roof to create smaller building with external yard.
Location:	Dewhirst Group Plc, Robinson Terrace, Hendon, Sunderland

Further to the main agenda, Members may recall that the consideration of all relevant issues pertaining to the development were still under consideration.

These matters have now been given consideration and are discussed below.

COMMENTS:

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

- Principle of development
- Impact upon visual amenity/design.
- Impact upon Residential Amenity.
- Highway Access and Transportation.
- Ecology
- Land Contamination
- Noise and vibration
- Flood risk

Principle of development

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number

of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The site to which the application relates lies within the boundary of the area wherein the adopted UDP alteration No.2 (South Sunderland) is applicable. Within this document, the site is not allocated for any specific purpose, but it does lie within the area where policy SA6A.2 seeks to ensure that the City Council will support the regeneration of Central Sunderland, seeking to maximise investment in employment generating uses.

It should also be noted that the application site lies within the Hendon Industrial area which is governed by Unitary Development Plan (UDP) Policy SA1.3. This policy seeks to retain and improve the established industrial area for the primary uses outlined below;

- Light Industry, offices, research and development, general industry and storage and distribution. (Use Classes B1, B2 and B8).

In addition, The Councils draft Core Strategy (revised preferred options) does identify Hendon as a Key Employment area where existing business uses (B1, B2 and B8) are expected to be continue. Whilst the proposed use (being Sui generis) does not specifically accord with primary uses identified above, it is considered to be largely corresponding with a B2 General Industrial use. In this respect and from land use perspective, the proposed use is considered to be generally appropriate within the context of planning policy for the area.

In respect of the above, it is noted that one objection to the application has been received from a consultant acting on behalf of Arndale Properties who are understood to own adjoining land to the west and south of the application site. The representation has cited the Council's Economic Land Review undertaken in 2009 which identified the land and buildings within the Hendon Industrial area as being of a considerable age with many currently empty and difficult to let. In this respect the representation considers the application to be premature and prejudicial to potential regeneration plans for the wider employment area and adjoining sites.

Whilst it is understood from the representation that the adjacent land owner may wish to come forward at some point in the future with residential led mixed use development, the use proposed in this application is appropriate within the context of planning policy for this area and there are currently no agreed plans to significantly change land uses in this area either through the development plan or via an approved planning application. In this respect there are no grounds to reject this application on the grounds of prematurity.

Although the proposed land use is considered to be largely compatible with surrounding land uses, policy EC4 stipulates that proposals which could potentially involve incompatible or bad neighbour uses will be required to conform to policies EC12, EC13 and EC15.

Policy EC12 states that proposals for the development of potentially polluting industries will normally be required to;

1. Have adequate physical and visual separation from other developments to ensure both safety and general amenity (especially in respect to residential areas).
2. Have transport routes available to the primary road/rail network which avoid densely built up areas and provide for the safe passage of materials.
3. Provide for the restoration of the site should the use be discontinued.
4. Be designed to minimise any adverse impact on the environment.

Policy EC13 states that proposals involving the introduction, storage or use of hazardous substances which would create potential risk to surrounding areas will not normally be permitted.

Policy EC15 is of particular importance in respect of this proposal and states that development or the extension of sites for bad neighbour uses including scrap yards and the sorting and storage of waste materials will only be permitted in localities where it can be shown that;

1. There will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noises, pollution of controlled waters, mud or slurry.
2. The site is adequately screened or is not visually prominent.
3. Appropriate facilities are provided for the storage and treatment of by-products and for waste disposal.
4. The site is of sufficient size for the operations and has adequate car parking and servicing

The issues pertaining to policies EC12, EC13 and EC15 will be discussed in the paragraphs below;

Impact upon visual amenity/design

The proposed development site is located to the east of Commercial Road (the A1018) and would be accessed via Robinson Terrace to the immediate north. The western curtilage of the site is currently enclosed by a combination of a 4.6m high boundary wall and the pitched roof of an existing building which runs along the majority of the western perimeter. The north facing elevation presents a lower bricked wall measuring approximately 2.2m in height with the peaked gable elevations of 6no adjoined warehouses located behind. The eastern curtilage of the site bounds a railway line whilst the southern perimeter is bound by commercial buildings which do not fall within the extent of the site.

Visually, the principal physical changes to the site would surround the complete demolition

of three and the partial demolition (approximately 50%) of a further three of the existing peaked roofed warehouses whilst the extent of any new development would be limited. The external development would include a small canteen/store and W.C facilities which is to be located towards the north eastern corner of the site and two weighbridges (in and out) together with a weighbridge office/cabin which is to be positioned to the east of the retained buildings. A new metal sliding gate measuring 4.55m in height would be erected to the north allowing vehicular entry and egress from Robinson Terrace.

Internally the majority of the site would remain undeveloped to allow for the proposed sorting/baling and shearing operations to be carried out whilst the retained buildings would provide internal storage equating to 2400m².

Due to a combination of the sites positioning and the extent of the existing boundary treatment enclosing it, public views into the site are considered to be limited. It is also evident that the plans propose the retention of the existing 4.6m high boundary wall whilst approximately 50% of the existing building would also be retained along this western elevation. Further to the above, it is evident that the site is set back from Commercial Road by approximately 57m due to the presence of a former car park.

Notwithstanding the above and in order to maintain the visual appearance of the area, it would not be appropriate for any materials to be stacked above the height of the wall which runs along the western perimeter of the site. This would be conditioned should the application be approved.

In respect of the above, it is clear that the existing appearance of the site would not be significantly altered as a consequence of the proposed use whilst the operations to be conducted from within the site would be largely screened due to the presence of the retained storage building and the 4.6m high boundary wall which run along the western perimeter.

The proposed design of the proposed use is therefore considered to be acceptable and in accordance with Para 2 of Policy EC15 and B2 of the adopted UDP which requires that:

The scale, massing, layout and setting of new development and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality, and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

Impact upon Residential Amenity

Whilst the existing site is located within a predominantly industrial location, it is evident that there are some residential properties located within the surrounding vicinity. The closest residential to the site is located approximately 100m to the North West of the site.

In respect of the above it should be noted that the Executive Director of City Services: Pollution Control has been consulted regarding noise and other amenity issues in connection with the proposed use and has not objected to the development, considering that it is unlikely that nuisance will arise from the site based upon the information provided

within the application. Nonetheless, appropriate conditions would need to be attached to the application should Members be minded to approve the application. The issue of noise is discussed in more detail later in the report.

On the basis that appropriate conditions are imposed on the application, it is not considered that the proposal would have any unreasonable impacts on residential amenity in accordance with policies EC12 Para 1 and B2 of the UDP.

Highway Access and Transportation

The site is located off Commercial Road approximately 1.8km South East of Sunderland City Centre. Commercial Road is classified as the A1018 and is subject to a 30mph speed limit along its immediate length. The road is lit to main road standards and is not subject to any weight restrictions or speed enforcement measures within proximity to the site access.

To the north of the site, Commercial Road (A1018) continues into Sunderland City Centre and provides access to the A1231, linking Sunderland with the A19 and A194 (M) situated to the west. To the east, the A1018 ties in with the A183 which provides eventual access to South Shields and to the north the A1018 continues into South Shields where it terminates. To the south the A1018 comes to an end upon its intersection with the A19.

Directly opposite the site, access can be gained onto Corporation Road which is residential in nature and subject to a 30mph speed limit. Corporation Road provides access to a large well established residential area, the majority of which is included within a 20mph zone and traffic calming is present along the majority of the local streets.

Within proximity to the proposed site access, Commercial Road has a typical carriageway width of approximately 9metres and footways are present along either side which typically measure between 2 and 2.3 metres wide.

The application site is to be served off the adjacent roundabout which provides a standard design layout with four arms positioned equidistant from each other. Each arm provides a two lane approach and pedestrian crossing facilities, which are incorporated into the splitter islands. The pedestrian crossings include tactile paving and associated dropped kerbs.

Vehicular movements to/from the site

The Executive Director of City Services: Network Management has been consulted regarding the proposal and has confirmed that there are no objections to the proposed development from a highways perspective. Additional information submitted with the planning application indicates that there will be (the equivalent of) approximately 50 vehicles visiting the site on any given day (inclusive of staff vehicles and 44ft articulated wagons). This equates to around 100 vehicle movements. Network Management did however request that the weighbridge be set further back from entrance gates in order to reduce the potential for queuing to occur and for the agent to clarify the where the turning area for the vehicles would be positioned within the external yard. These issues have been addressed in an amended plan received 1 August 2013.

On site-traffic

The proposed on site traffic arrangements for the proposed development are considered to be acceptable. A total of twenty four car parking spaces are proposed to be provided for site operatives and private vehicle movements will be restricted to the designated car parking areas within the confines of the site.

Impact of traffic upon residential amenity

The proposed development will not result in any increase in traffic on the wider road network given that the waste operations that are to be undertaken at the proposed site are already undertaken within the Sunderland area albeit at alternative facilities. Commercial Road (including the roundabout located at the entrance to Robinson Terrace) does not have any weight restrictions in place and is intended for use by heavy traffic as part of the Southern Radial Route. Further the site is located within an existing industrial/commercial area wherein such forms of traffic are to be expected.

In summary, the proposed development is considered to be acceptable in terms of highway arrangements and impact upon the road network and surrounding area and is considered to comply with the requirements of policy EC12 Para 2, EC15 Para 4 and T14 of the adopted UDP which states that:

Proposals for new development should:

- i. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- ii. Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- iii. Make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- iv. Make provision for the loading and unloading of commercial vehicles;

Ecology

The ecological implications of a proposed waste transfer facility on the site have been investigated by the applicant and an Extended Phase One Ecological Survey of the site was undertaken in March 2013 by E3 Ecology Limited.

The survey undertaken by the applicant has concluded that the application site is of low ecological value being dominated by hard standing and a large industrial building whilst the opportunity for bats roosting within the existing building is considered to be very low. The report does however confirm that there is potential for the existing building to support nesting birds during the breeding season and thus the removal of the roof would need to be undertaken outside the bird nesting season (March to August inclusive) unless an

appropriately qualified ecologist confirms active nests to be absent with the use of a cherry picker.

Subject to compliance with the mitigation measures as outlined in Section F.1 of the Extended Phase One Ecological Survey, it is not considered that the proposed development will result in any detrimental impact upon the ecological value of the proposed development site or the surrounding areas.

Land Contamination

The proposed development site is located in an area of previous industrial use. A Desk Top Study was therefore submitted as part of the planning application for the development.

The Environment Agency and the Executive Director of City Services: Pollution Control have been consulted regarding the proposed development and have both confirmed that they have no objection to the proposed development providing that conditions requiring the applicant to submit additional information (for the written approval of the Local Planning Authority, prior to development commencing). In order to ensure that the development does not pose any risk of pollution to nearby receptors or to controlled waters conditions.

On this basis the proposed development is considered to be acceptable and in accordance with the requirements of UDP Policies EN14 which states that:

Where development is proposed on land which there is a reason to believe is either:

- i. Unstable or potentially unstable;
- ii. Contaminated or potentially at risk from migrating contaminants;
- iii. Potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations 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 preventative, 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.

Noise and Vibration

Policy EN5 of the adopted UDP states that:

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

Accordingly an assessment in connection with the proposed development has been undertaken with respect to potential noise and vibration impacts associated with the

proposed development and the Executive Director of City Services: Pollution Control has been consulted regarding the submitted assessment report.

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

The assessment suggests that the proposed development should be able to operate in the proposed capacity without adversely impacting upon nearby residential premises and whilst this may be the case, the precise location and type of plant has yet to be confirmed. In this respect, the Executive Director of City Services recommends that conditions will need to be attached to ensure that the amenity of nearby residential properties is not compromised. These conditions will include;

- Mechanical devices not being brought onto the site before their technical details, including sound power levels, proposed location and orientation are provided to and approved in writing;
- A validation noise assessment is carried out once all plant and equipment is on site to demonstrate that the assumptions made in the report are accurate. Any additional noise shall be mitigated to the levels set out in the noise assessment.
- The noise barrier currently in situ shall remain in situ.

The inclusion of such conditions on any approval granted will ensure that residents of the nearby residential areas are not subjected to excessive noise levels from the facility. The proposed development is therefore considered to be acceptable in terms of noise generation.

Flood risk

A Flood risk Assessment has been undertaken in connection with this development in accordance with the requirements of Para 99 of the NPPF and Flood risk.

The proposed development site is located outside of the Environment Agency's indicative flood zones 2 and 3 and is therefore categorised as being located in flood zone 1. Flood zone 1 is considered to be the zone with the lowest risk of flooding from the sea or rivers, with a risk each year of 1 in 1000 or less.

Environment Agency has been consulted regarding the proposed development and the associated flood risk assessment and no objection to the development in terms of flood risk or risk to controlled waters from the development.

On this basis the proposed development is considered to be acceptable and in accordance with the requirements of the NPPF and UDP Policy EN12 which states that:

In assessing proposals for development the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal 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 in 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.

Conclusion

It is considered that the proposal for the change of use of the site to a scrap yard for the purpose of processing and recycling ferrous and non ferrous metal is acceptable for the reasoning provided above subject to the imposition of appropriately worded conditions. As such, Members are recommended to approve the application for the proposed change of use, subject to the following conditions.

Recommendation: Approve subject to conditions:

1. Time Limit
2. In accordance with approved plans
3. Materials to Submit
4. Technical details and proposed location/orientation of all mechanical devices to be provided to the LPA prior to being brought into use on site.
5. Validation noise assessment to be carried out once all plant and equipment is on site to demonstrate that the assumptions made in the noise report are accurate.
6. Retention of noise barrier
7. No stacking of materials above height of enclosure
8. No burning of materials
9. Scheme of working
10. Hours of operation
11. Ecology mitigation
12. Internal site layout submitted for approval
13. Preliminary Risk Assessment and site investigation for Ground Contamination
14. Verification report
15. Monitoring and maintenance plan
16. No piling
17. Unsuspected contamination
18. Network Rail (fencing)
19. Details of external lighting (rail safety and amenity)
20. Network Rail (Failsafe use of Cranes Plant)