

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 2015.

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/00570/FUL Full Application

Proposal: Erection of a warehouse with ancillary office (use class B2 and B8), 2no tank farms, 1no 20.0m high wind turbine and 43no space car park with associated landscaping and access. (Amended Description dated 21.07.2017).

Location: Land At Turbine Way Washington SR5 3QY

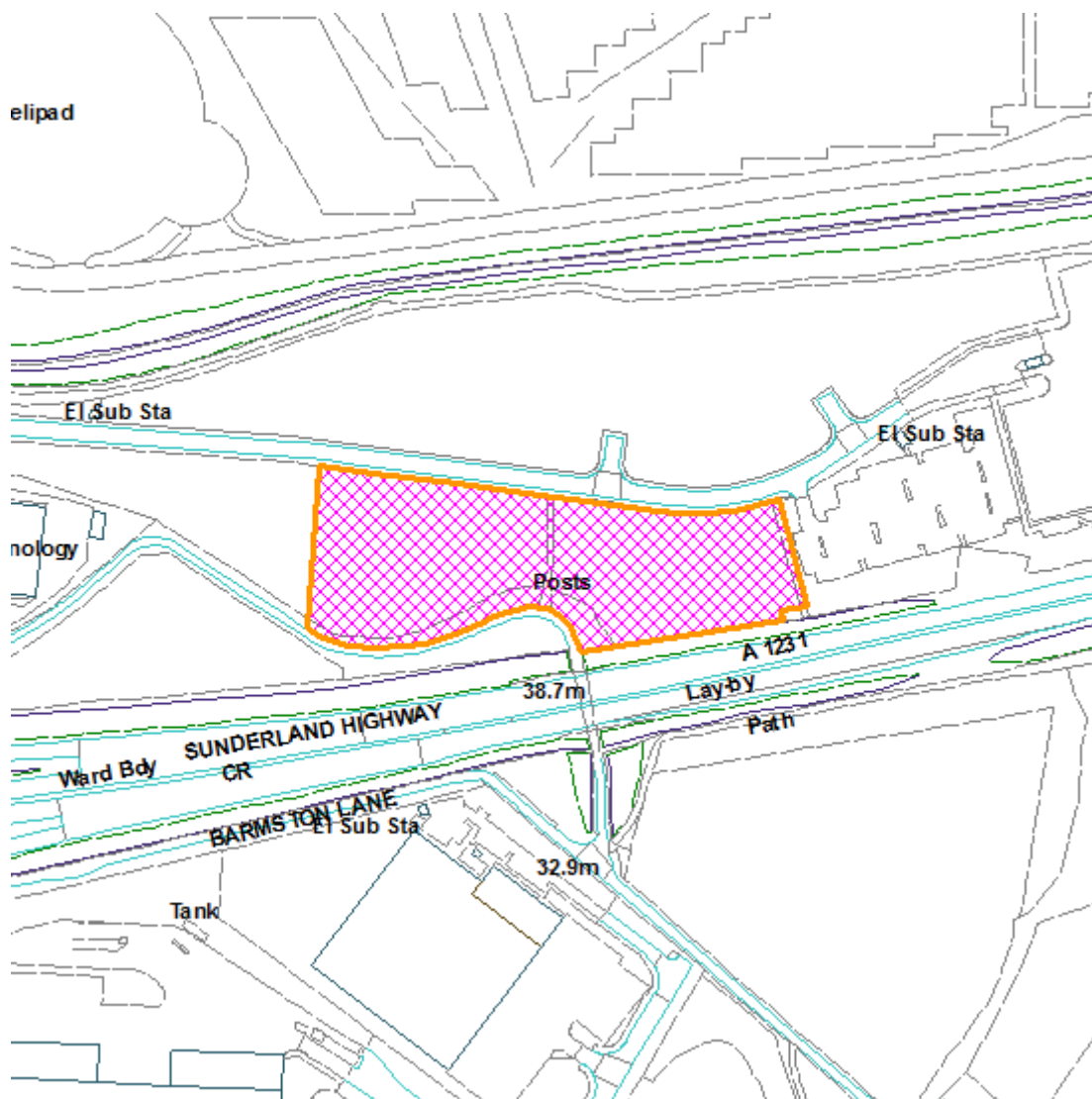
Ward: Washington North

Applicant: Barmston Developments Ltd.

Date Valid: 5 April 2017

Target Date: 5 July 2017

Location Plan



PROPOSAL:

The proposal relates to the erection of a warehouse with ancillary office (use class B2 & B8) 2 No. Tank farms, 1 No. 20m high wind turbine and 43 No. space car park with associated landscaping and access at land at Turbine Way, Washington.

The proposal is sited within a parcel of land identified as Plot 4 of the Turbine Business Park. The business park (ref : 07/03132/OUT was approved and subsequently a time extension granted (ref : 10/03039/EXT1) for a mixed use development, to include 54,349 sq.m of office/industrial units (Class B1, B2 & B8) 11,149 sq.m. of hotel (Class C1) and leisure (Class D2) and 929 sq.m of ancillary retail (Class A1-A5) along with the creation of associated access and infrastructure including stopping up of footpath and change of use of industrial /commercial land and creation of new bridleway.

Sited between the Sunderland Highway (A1231) to the south, and Turbine Way to the north, the topography of the site is generally flat, with Washington Bridleway 31/33 located to the south boundary of the proposal. At present, the land lies as a cultivated meadow and has been cleared in recent years of any significant features in order to facilitate development.

The current proposal seeks to develop plot 4 of the above consent, covering an area of 1.37 hectares, the proposal requires two separate access points to be taken from the south of Turbine Way, one acting as the main access to the site, the second providing an emergency access only.

Contained to the west of the site, the proposal seeks the erection of large warehouse and office building measuring approximately 50 metres in length (north/south axis) and 30 metres in width (east/west axis). Designed with a dual pitched roof that includes approximately 10% coverage by proprietary rooflights that measures 8.0 metres in height at eaves level and 10.8 metres at ridge level. The single storey building provides a mezzanine office level, and is supplied with two vehicular access doors which are located in the east facing elevation with a canopy sited directly above, further access doors furnish each of the buildings elevations. The appearance of the building comprises a mix of horizontal and vertical cladding along with aluminium frame powder coated windows providing light to the office areas.

Sited to the east of the above warehouse facility is the main yard area for the warehouse with HGV turning circles, along with the two separate storage areas (tank farms) necessary for the storage of materials essential to the operational model of the business.

In addition to the aforementioned building, the proposal seeks to provide 43 parking spaces for staff including a cycle shelter to the north west of the site.

Context : The current development proposal seeks consent to store, package, dilute and distribute an extensive range of chemical goods in both dry and liquid form for customers in the North East of England. As a result of the quantities of some substances stored in bulk storage tanks and packages the site is categorised as Lower Tier COMAH (Control of major Accident Hazard regulations 1999) status regulated by joint enforcement authority, the Health and Safety Executive (HSE) and the Environment Agency. (Both bodies have been consulted regarding the current proposal).

The proposal seeks to store an bulk storage tanks, a range of inorganic chemicals such as Hydrochloric Acid, Sodium Hydroxide and Sodium Hypochlorite used in predominantly in water treatment applications. The bulk chemicals are repackaged into containers within dedicated processing areas with full containment.

The site also provides a warehouse to hold a range of chemicals both in solid and liquid form for supply into industries such as food, pharmaceutical, leisure, automotive and construction. One of the sites main products stored in bulk and packaged is Sodium Hydrochlorite classified as H410 (Regulation (EC)) No,1272/2008) very toxic to aquatic life with long lasting effects. The storage of the aforementioned will necessitate an application for Hazardous Substances consent.

In addition to the above, the site will store products in packages, classifies as toxic, such as Sodium Nitrite and also products classified as flammable.

The site infrastructure and controls are focused on preventing major accidents including loss of a substance to the environment. Bulk storage tanks are constructed to current European standards for material of construction and are located within bunds which provide secondary containment and prevent accidental mixing with incompatible materials.

To prevent over-filling, all tanks are fitted with level instrumentation and an overspill protection system.

It is proposed that the entire site will be fully contained with a dedicated surface water drainage system which will be fitted with a Penstock Valve on the site outfall. It is proposed that this valve will remain closed under normal site operation. Wast water from the processing areas will be collected in a separate, dedicated drainage system and transferred to storage tanks for treatment. Discharge from these tanks will be subject to a Trade Effluent consent to discharge issued by the local water authority.

Packaged chemicals will be stored on an impermeable concrete hard standing. The majority of liquid chemicals are stored in small packages ranging from 25/30 litre containers to 1000 litre Intermediate Bulk containers (IBCs) The chemicals will be stored in separate, segregated areas around the site to prevent mixing of incompatible substances.

The application has been advertised accordingly, with consultation letters, site and press notices posted.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington North - Ward Councillor Consultation
Network Management
Environmental Health
Business Investment
Flood And Coastal Group Engineer
Environment Agency
Southern Area Command - Police
Fire Prevention Officer

Final Date for Receipt of Representations: **11.05.2017**

REPRESENTATIONS:

Health and Safety Executive : The proposed development site does not currently lie within the consultation distance of a major accident hazard pipeline.

Environment Agency : No objections to the proposal.

Tyne and Wear Fire and rescue Service - No objections.

Lead Local Flood Authority : Sunderland City Council Local Flood Risk Management Strategy requires all greenfield developments to include source control and attenuation SUDS and for discharge to be restricted to greenfield run off rates for the 1 in 1 and 1 in 100 year events with consideration of climate change. The current proposals do not meet this requirement and other requirements. In light of the aforementioned the LLFA would currently recommend objecting to the development.

Public Protection and Regulatory Services - The preliminary geoenvironmental appraisal (Desk Study) by Sirius dated March 2017 has assessed. Contaminated is not a constraint to development and it is recommended that conditions for a Phase II Report, Remedial Strategy/Verification Plan, Verification Report and for unexpected contamination are appropriate for safe development of the site.

The Desk Study includes a walkover survey conducted on 17th February 2017, an account of the site development based on historical Ordnance Survey mapping from 1857 to 2016 at scales of 1:10,560 to 1:2,500, "Envirocheck" computerised search of environmental databases dated 13th February 2017 from landmark, published geology from BGS Sheet NZ35NW at 1:10,560 scale and Sheet 21 Solid & Drift at 1:50,000 scale, Coal Authority Mining Report dated 13th February 2017.

The site is a roughly rectangular flat and level grassed area measuring 210m by 70m with the long axis orientated east to west bisected by a north to south orientated path. The northern and eastern boundaries abut against shallow 0.5m high and 1 to 2m wide bunds, and there are similar bunds either side of the path within the site. There are immature trees in the southeast of the site. A southern portion of the site is separated by a chain link fence and there is raised ground (2m high) centrally on the southern boundary associated with construction of the Barmston Road overbridge which crosses the A1231.

The site history indicates no significant development of the site from open land (field) since 1857 with only minor encroachment of earthworks associated with the road infrastructure 1978-86 and growth in the southeast from 1990s onwards being the only site change noted on historical mapping. The only development offsite within 500m anticipated to potentially impact the site are sheep pens c.60m west from 1939-1980 mapping, construction of Barmston Lane (southwest boundary) and Sunderland Highway (cutting on south boundary) 1978-86, Nissan Test Track 100m north 1989-93 and warehouse (200m SW) and commercial buildings and associated infrastructure (200m W) shown in 2000, and new road on the northern boundary together with retail warehousing (95m S), technology college (130m W) and a large factory (200m E).

The published geology has underlying drift recorded as Pelaw Clay (silty clay with pebbles and cobbles) which is generally 1m to 2m thick but can be up to 4.5m locally, overlying glaciolacustrine (Tyne-Wear Complex) deposits of laminated clays with sands & gravels of typical thickness 5m to 15m with maximum thickness of 55m. The bedrock is an unnamed sandstone

member of the Middle Coal Measures. The Coal Authority Mining Report indicates that the site may be underlain by a shallow coal seam which is anticipated to be the Top Hebburn Fell, which is generally 0.4 to 0.8m thick. The separation between this and the Bottom Hebburn Fell seam of 0.3 to 0.5m thickness is considered to be c.5m. Recorded mining has occurred in four coal seams between 300m and 430m depth last worked in 1972. Ground movement associated with this deep mining should by now have ceased.

The Coal Measures are a Secondary (A) aquifer however there are no Groundwater Source Protections Zones or licensed groundwater abstractions in the vicinity of the site. The overlying deposits have a low leaching potential therefore the aquifer would not be regarded as particularly sensitive. The nearest surface watercourse noted is Toby Gill (tertiary river) which is 147m east of the site.

The site does not appear to be affected by quarrying. A landfill license for importation of inert fill for making the test track is not believed to impact the site. A license was also obtained for inert materials at Woodhouse Farm 116m to the east.

Some investigation has previously been undertaken on the site (Factual Report dated March 2007) with one borehole (BH205) and two trial pits (TP221 and TP243) being located within the site from a much larger investigation. Topsoil from TP243 was tested for metals, inorganic and organic contaminants with no elevated concentrations being reported. Further investigation in 2014 included one borehole BH404 and three trial pits TP404, TP405 & TP408 on the site (with BH401 just on the western boundary). The borehole logs are not located in Appendix E as indicated although a location plan is provided from correspondence with AECOM. It is reported that natural and reworked topsoil (the latter with some brick debris) of between 0.1m and 0.8m thickness was encountered across the site overlying cohesive drift up to 15m depth or more.

The preliminary risk assessment for the site considers the risk of soil contamination to be low. Notwithstanding it is proposed to carry out a contamination investigation of soils by trial pitting to provide baseline data for the purpose of permitting. In addition light percussive boreholes will be constructed over the footprint of the proposed building.

Ground gases / mine gases are also considered unlikely to be a problem however it is proposed to install combined ground gas and groundwater monitoring wells at the location of the proposed building in cable percussion holes as a precaution to measure methane, carbon dioxide, oxygen, carbon monoxide, hydrogen sulphide and gas flow rates on four occasions over a period of one month.

The mining risk assessment by Sirius suggests there is no risk of shallow mining. This appears to be based on previous investigation to the west of the site which has not been presented. Since this information is in the public domain it has proved possible to plot the locations of offsite boreholes and depth of coal in two of the holes where it was encountered, together with the sub-crop from 1:50,000 mapping of the sandstone below the site and the two named seams sub-cropping to the southwest of the site (see Figure 1 below). Coal was only found in two boreholes (R01 & R03) however the geology was inconsistent with BGS mapping. Since only one seam of 0.4m thickness was encountered it is not obvious whether this was the Top or Bottom Hebburn Fell although the thickness might slightly incline one to think it could be the bottom seam. Unfortunately only one seam was likely to be proven because drilling was not continued more than 5m below the coal. One possible interpretation is that the subcrop of the Top Hebburn Fell seam is further to the north underlying the site. The Coal Authority Development High Risk Area associated with the subcrop coal either borders or slightly transgresses onto the southern boundary of the site.

Sirius advises that an invasive plant survey be conducted prior to the ground investigation as a precaution.

The soil descriptions (as summarised) and confirmation of chemical testing for one (unreported) sample strongly suggest there is unlikely to be significant contamination on the site for this relatively insensitive land use; however it cannot be confirmed from the information provided that features of the site such as bunds or pathways have been investigated. Borehole logs are missing and the borehole location plan is not legible off the Planning Portal. However since a fairly comprehensive Phase II investigation is proposed this is a bit of a non-issue.

Structures such as tanks and associated infrastructure and tall structures may be particularly sensitive to ground stability and therefore risk from shallow unrecorded mine workings. We recommend that the thickness of rock head above the shallowest workable seam be proven by rotary drilling below the site or at least to a minimum of 10x seam thickness for the Top Hebburn Fell seam. In our experience a proportion of rotary holes should be cored (particularly across the expected depth of seam if known) in order to avoid ambiguity.

Third Party Representations - No letters of objection have been received to date.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EC_1_General Support for economic development proposals and initiatives
EC_2_Supply of land and premises for economic development purposes
EC_3_Support for new and existing economic activity
EC_4_Retention and improvement of existing business and industrial land
EC_10_Maximising the potential of the Enterprise Zones
EN_11_Restrictions upon new development or intensified use of land liable to flooding
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_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

Land Use Policy;
Highway Implications;
Visual and Residential Amenity;
Ground Conditions and Hydrogeology
Ecology.

Land Use Policy

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A

planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision- taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- (b) specific policies in this Framework indicate development should be restricted.

City of Sunderland saved adopted Unitary Development Plan (UDP) 1998.

The main strategic aims of the UDP in part include:

- provide sufficient employment opportunities in both range and number to allow the City's residents to find appropriate work without being forced to commute to other towns or move away;
- exploit the significant benefit to the local economy of higher education provision in the City;
- protect and enhance the best features of both the built and natural environment;
- develop a transportation system which emphasises accessibility rather than mobility, thereby minimising traffic movements , whilst allowing residents the choice of more environmentally acceptable modes of transport.

To achieve these aims the UDP provides a number of relevant strategic policies. These include:

Sustainable Development Policy R1 which states in part that:

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the city."

Economic Development Policies EC1, EC2, EC3, EC4 and EC10. In summary policy EC1 states that:

"The City Council will encourage proposals and initiatives which:

- (i) develop the City's role as a major manufacturing centre, especially in relation to advanced or high technology processes;
- (ii) assist the creation and growth of local businesses;
- (iii) further develop the service sector, especially education, offices and tourism;
- (iv) are targeted at areas of economic and social deprivation."

Whilst policy EC2 seeks to ensure through the allocation of some 1250 ha of adequate land and premises that the City's economic development needs are achieved, maximising choice by identifying a wide range of sites.

Policy EC3 states that:

"The Council will support new and existing economic activity by:

- (i) providing land and premises for business and industrial use;
- (ii) encouraging initiatives which improve employment opportunities for disadvantaged groups;
- (iii) creating a higher quality environment for industry, business and the workforce;
- (iv) encouraging the re-use of land and premises; and,
- (v) developing and improving infrastructure.

Policy EC4 states that existing business and industrial land amounting to some 1215 ha will be retained and improved for the following range of uses; offices, research and development, light industry (B1); general industry (B2); warehouses and storage (B8). Policy EC10 relates to Enterprise Zones and seeks to maximise their potential.

The application site forms part of the wider Turbine Business Park and Nissan Employment Area. Outline planning permission (ref. 07/03132/OUT) was granted for the development of this wider site in 2007 comprising 54,349 sq.metres of office/industrial space (Use Classes B1, B2 and B8) along with 11,149 square metres of hotel/leisure (Classes C1 and D2) and 929 square metres of ancillary retail (Classes A1 - A5). The site, along with the wider Nissan employment area, is allocated for light industry, offices, research and development , general industry and storage and distribution (Class B1, B2 and B8 uses) by policy WA1.5 of the saved adopted Unitary Development Plan (UDP). Policy WA1.5 is considered to be broadly compliant with the National Planning Policy Framework (NPPF) with proposals being considered against the latest evidence contained within the up to date Employment Land Review.

In addition to the above the City Council are currently undergoing a period of public consultation on the first draft of the Core Strategy and Development Plan 2017 - 2033. The plan sets out our long-term strategy on managing development across the city to 2033. Policy EP2 : Primary Employment Areas (PEA's) states in part that:

"Turbine Park will be safeguarded for B1 (Business excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment use." PEA's are those existing employment areas which are considered essential to the long-term success of the city. These are located in the strongest demand areas and should be entirely protected from non-employment uses which could impact upon their viability as employment locations.

It is noteworthy that the application site falls within the Turbine Park Enterprize Zone which is subject to a Local Development Order until 30th September 2017, however whilst in general compliance with the order, the current proposal sought a full planning application as the use was not considered to be inherently linked to Ultra Low Carbon Vehicle and Advanced Manufacturing Corridor that the LDO sought to deliver.

In light of the above, it is considered that the proposed development proposal is acceptable in principle, in accordance with both local and national planning policy.

Highway Implications

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

Policy T14 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. Policy T21 relates to the provision of parking within the City and the need to take account of the need to maintain safe road conditions and ensure the economic viability of existing retail and commercial centres whilst policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Further to consultations the following comments have been received.

Access - Two access points need to be created within the existing adopted highway. The applicant is required to enter in to a section 278 Agreement.

Barmston Lane - Barmston Lane to the south of the site is an unadopted highway and not maintained at public expense.

Public Rights of Way (PROW) - Washington Bridleway 31/33 is located to the south of the site. It is acknowledged that a new 3metres Bridleway to be created to the west of the site. Construction details of the new PROW to be agreed with the PROW Officer Tim Ducker.

In addition to the above the PROW Officer has reported that the current connection through the site between Turbine Way and the Barmston Lane bridleway was provided on a permissive basis with site signs conditioning as permissive only on our advice, in order to retain perogatives for easy removal once further development layouts emerged. With this development it would be timely to set out the permanent connection, as proposed at the west end of the current proposals (as shown on the site plan), to meet the Travel Plan commitment to do so.

In summary, the current provision is permissive and can be removed, but it is suggested to set out the new alignment as an early priority for this development to enable continuity of sustainable travel access to Turbine Business Park. This should be built to adoptable standards irrespective of whether it is to be adopted, to provide continuity of quality provisions so as to support the character of Turbine Business Park.

Traffic Impact - Based on the scale of the developemnt there is sufficient capacity for vehicle trips generated by employees, however confirmation is required for the number of HGV trips to the site on a daily basis.

Freight Management Plan - A Freight Management Plan is recommeded to assist in the daily transportation. This plan will assist the movement of HGV's between the site and local and strategic network.

Sustainable Transport - The nearest busstops are located on the A1290 Washington Road to the north and A1231 slip road to the south.

The development is located in close proximity to multi-user routes and National Cycle Network route 7, located to the south of the A1231.

Section 278 Works - The proposed development will entail alterations to existing highways, which will require the Developer to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. Alterations to the street lighting layout may also be required.

In light of the above, the above proposal is considered to be compliant with both local and national planning policy and is therefore acceptable in terms of impact upon the highway network.

Visual and Residential Amenity.

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings." Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

UDP policy B2 reflects the above stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

Further to a site visit and consideration of the surrounding area, the proposed warehouse building and associated structures are considered to be acceptable in terms of scale in massing and appropriate to the design and style of structures found within a Business Park. The proposal is therefore considered compliant with both national and local planning policy in terms of design and impact upon amenity in this instance.

Ground Conditions and Hydrogeology

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policies EN11 and EN12 relates to flooding and water quality. 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 landfill gas or mine, adequate investigations should be undertaken to determine the nature of the 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.

The application has been supported by a Preliminary Geoenvironmental Appraisal by Sirius Report C7260 dated March 2017. The executive summary of the aforementioned report recommends that further works are undertaken in the form of a gas risk assessment to confirm that risks due to hazardous ground gas are low. The summary also states the following:

"A detailed intrusive geoenvironmental investigation should be commissioned to confirm the geotechnical parameters of the soils to assist with foundation of design, to determine the potential presence of contaminants and ground gases, to inform a baseline survey of the site and to assess risks to the proposed end use. It is recommended the following intrusive works are undertaken:

- Trial pitting;

- Light cable percussive drilling;
- Geotechnical and chemical laboratory testing;
- Ground gas and groundwater monitoring, and,
- Geoenvironmental Appraisal."

Further to consultations with the City Council's Public Protection and Regulatory Services Section it is recommended that should Members be minded to approve the current proposal, conditions should be attached that are appropriate for the safe development of the site. Such conditions would require the submission of a Phase II Report, Remedial Strategy/Verification Plan , Verification Report and for unexpected contaminants.

The application has also been supported by a Drainage and Floodrisk Statement by JPG dated March 2017. Following initial consultations with the Lead Local Flood Authority (LLFA) additional information has been sought in the form of an amended Flood Risk Assessment, details of maintenance program and on-going maintenance responsibilities, detailed flood and drainage design drawings, calculations of the surface water drainage design and detailed landscaping details. It is expected that further to receipt of the above information, an additional response shall be reported from the LLFA.

Following receipt of the initial comments from the LLFA the following additional information has been submitted for further consideration:

1. Drainage calculations.
2. A drainage layout which includes flow control, attenuation tank, porous car park surfacing and surface flooding details.
3. An operation and maintenance document for the cellular attenuation tanks.

The additional information has been considered by the LLFA and as such is considered acceptable in principle, it is considered that with the imposition of the conditions identified above in respect of the contaminated land issue and drainage issues the proposed development will be capable of successful implementation without any undue adverse impact upon groundwaters of human health or other receptors and therefore will be in accordance with policy EN14 of the UDP.

Ecology.

Chapter 11 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Reflective of such aims. policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly.

Further to consultations with the City Council's Natural Heritage Team it is considered that the information provided in the Ecology Statement by Envirotech Ltd, 4th April 2017, addresses the ecological issues associated with the site and proposed development, and as such should Members be minded to approve the proposal, the recommendations in the Ecology Statement should be conditioned and delivered, primarily with regard to pre-commencement checking surveys and provision of a habitat improvement, creation and management schedule to reflect the Landscape and Ecology Strategy and Design Framework for Turbine Business Park.

In addition, and by way of reassurance, the applicant's ecologist should confirm the following:

1. The ponds, ditch system and associated habitat to the west of the site, on either side of Turbine Way, created as part of the adjacent Vantec 1 development, are not suitable for great crested newt or other significant fauna.
2. The location and type proposed wind turbine will not affect commuting or feeding bats or birds.
3. Details are provided in advance of construction of the landscaping and habitat creation and management, including wetland and connective features.
4. The method statement for the construction phase of development includes that no excavations, pits or holes are left uncovered overnight or without a means of escape for mammals and amphibians.

In response to the above the applicant's ecologists have confirmed the following:

1. The ditches identified in point 1 have been assessed a number of times in recent years and are still, as yet, unsuitable for significant fauna.
2. The current site has a very low potential for use by bats and birds being open and exposed and devoid of significant ground flora. It is not possible to determine what level of bat and bird activity is likely to occur on site post development as landscaping and ecological enhancement measures across the wider business park development. It is likely the site will only become better for bats and birds, it can not be much worse. We can surmise that any potential impacts on bats or birds from the proposed turbine would likely be offset by ecological enhancements but this is not based on scientific fact, rather professional judgement.

3&4. This has already been suggested.

In light of all the above, the proposal is considered to be acceptable in terms of any potential impact upon ecology within and surrounding the site in accordance with both local and national planning policy.

Conclusion.

For the reasons given above, the proposal is considered to be acceptable in terms of land use policy, highway safety and in terms of potential impact upon both visual and residential amenity. Whilst it is acknowledged that significant infrastructure works have already taken place to facilitate the development of the business, through the imposition of appropriate conditions relating to land contamination, surface water drainage and ecology, it is considered that the development site can be adequately safeguarded to enable the current proposal to be constructed without detriment to the human health, existing ground conditions and the surrounding flora and fauna.

The proposal is considered to provide a satisfactory form of sustainable development, compliant with both national and local planning policies and subsequently it is recommended that Members approve the proposal subject to the draft conditions listed.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: Approve subject to the draft conditions listed below:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

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

Drawing No.1475-54-2000 Rev B, Site Plan received 30.03.2017.
Drawing No.1475-54-2001 Rev A, Proposed Building Plan received 17.03.2017.
Drawing No.1475-54-2002, Office Plans received 17.03.2017.
Drawing No.1475-54-2003 Rev B, Proposed Elevations received 30.03.2017.
Drawing No.1475-54-2004 Typical Section received 17.03.2017.
Drawing No.1475-54-2005 Location Plan received 17.03.2017.
Drawing No.1475-54-2006 Typical Bin Store Detail received 17.03.2017.
Drawing No.1475-54-2007 Cycle Hoop Details received 17.03.2017.
Drawing No.1475-54-2008 Tank Farm received 30.03.2017.
Drawing No.1475-54-2009 Rev A Site Section received 30.03.2017.
Drawing No.1475-54-2010 Proposed Roof Plan received 30.03.2017.
Drawing No.1475-54-2011 Rev P1 Tank Farm Plans received 30.03.2017.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 5 to number 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 8 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 5 No development shall take place until an updated Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment

must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
human health
property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 6 No development shall take place) until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the

verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 9 The development shall be carried out in complete accordance with the recommendations detailed in the ecology Statement by Envirotech Ltd dated 4th April 2017, which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 10 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority, to include the siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic and measures to ameliorate noise through the selection of plant, equipment and machinery and methods of mitigating dust, vibration and other relevant effects during construction work and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and highway safety and in order to comply with policy EN5, B2 and T14 of the adopted Unitary Development Plan.
- 11 The off street parking provision including disabled parking provision and cycle shelter as indicated on drawing no.1475-54-2000 rev B received 30.03.2017 shall be completed prior to the first occupation of the building hereby approved. This parking area shall then be retained and permanently reserved for the parking of vehicles in connection with the development hereby approved to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 and T22 of the saved adopted Unitary Development Plan.
- 12 The development shall be carried out in complete accordance with drainage drawings 3858-9-D1 Rev D the details in the Attenuation tank operations and maintenance requirements by JPG 2017, which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies EN11 and EN12 of the Unitary Development Plan.

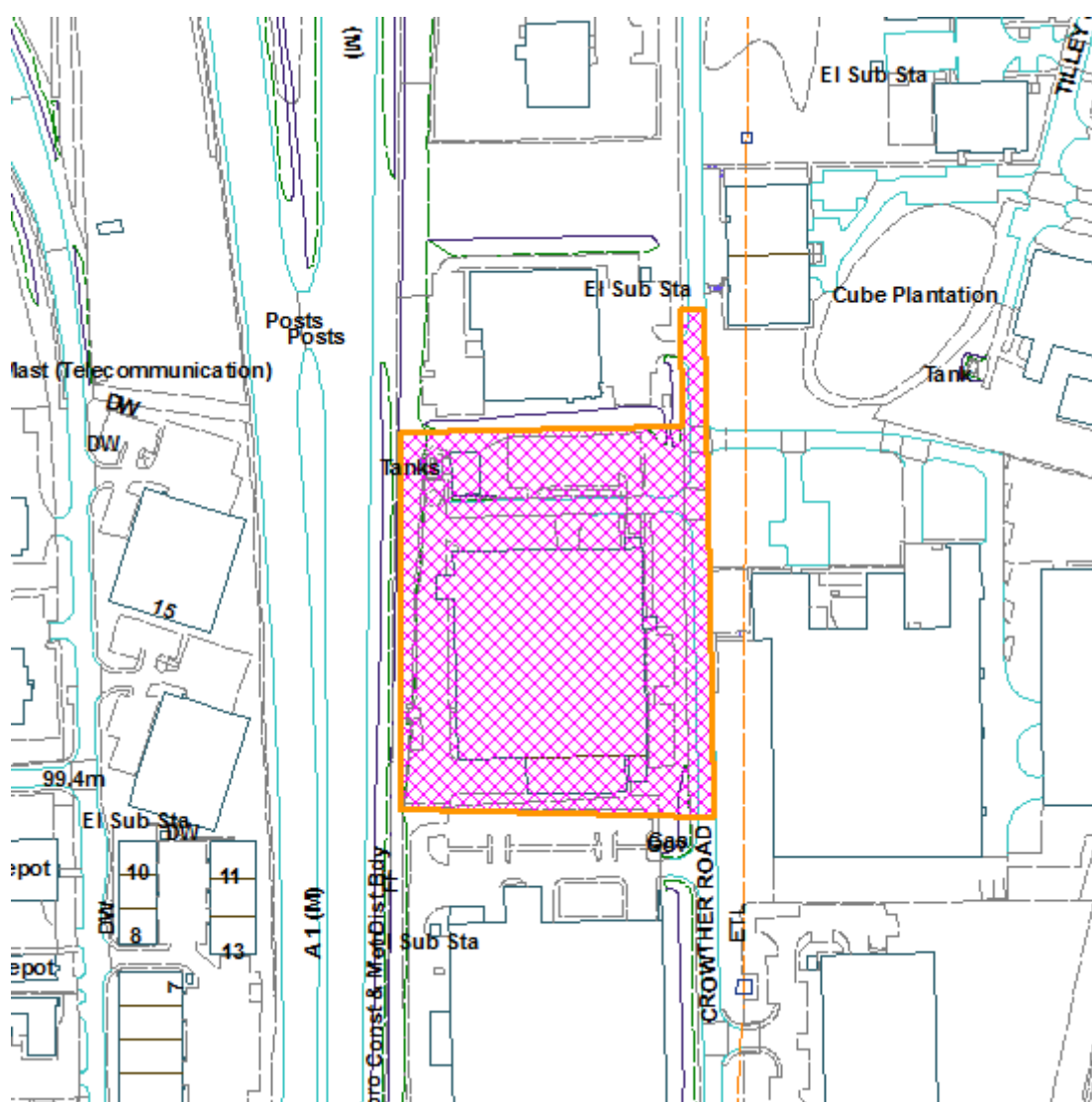
Reference No.: 17/01115/FUL Full Application

Proposal: **Erection of a 2.4 metre palisade fence around the boundary of the site and access gates to entrance.**

Location: Unit 2 Crowther Road Crowther Washington NE38 0AA

Ward: Washington South
Applicant: Mr Edmond Dickson
Date Valid: 30 June 2017
Target Date: 29 September 2017

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

PROPOSAL:

Site Description

This application relates to a commercial unit and its curtilage of some 1.8 hectares situated on the west side of Crowther Road amongst various other employment buildings in Crowther Industrial Estate. The site contains a two-storey flat-roofed building and is occupied by Ronbar who manufacture flexible tubing for cabling and store such products in addition to other electrical installation products on the site. The site is flanked by industrial/office buildings, further such uses are situated on the opposite side of Crowther Road and the A1(M) runs along the rear of the site. The west side of this section of Crowther Road includes well maintained areas of grassland and a row of mature trees which provide an attractive local environment and a bus stop is situated immediately adjacent to the application site. Nearby units have various means of boundary treatment, most notably in relation to the current proposal the adjacent unit to the south which has steel palisade fencing along its Crowther Road frontage similar to that currently proposed, albeit set further back from the highway.

Proposal

Planning permission is sought to install steel palisade fencing around the boundary of the site to a height of 2.4 metres from ground level. A large proportion of the proposed fencing, in particular that to be provided along the side and rear boundaries, would be erected atop existing brick walls or replace existing fencing. That to be provided along Crowther Road would be installed in the existing grassed verge in front of the existing trees, the majority of which (a length of 118 metres) would be set 4.7 metres from the public footway whilst the 26.5 metre length to the northern part of the site fronting Crowther Road, in addition to the proposed gates, would be set 12.5 metres from the public footway.

In order to protect the trees from damage, a statement has been provided confirming that all fencing posts along the Crowther Road frontage are to be installed using a hand dig method.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Washington South - Ward Councillor Consultation

Final Date for Receipt of Representations: **01.08.2017**

REPRESENTATIONS:

One representation has been received from a local resident wherein concerns are raised that the submitted drawings are unclear and, if the proposed fencing is to be located adjacent to the public footway, it would appear out of character with Crowther Road. This resident has since been provided with additional details confirming the position of the proposed fencing.

The Council's Network Management section has confirmed that no observations or recommendations are offered in this instance, noting that the proposed gates are to be set 12.5m back from the adopted highway.

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_17_Tree Preservation Orders and replacement of trees

COMMENTS:

The main issues to consider in assessing the proposal are the impact of the proposal on the amenity of the local area and security.

One of the core principles of the National Planning Policy Framework, as set out by paragraph 17, is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" whilst paragraph 118 sets out that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

Policies B2 and CN17 of the Council's adopted Unitary Development Plan reflect the above, stating that "the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas" and, in respect of the latter of these policies, encouraging the retention of trees which make a valuable contribution to the character of an area.

As set out above, the area of landscaping between the host building and Crowther Road is considered to contribute toward a pleasant environment within this part of the Industrial Estate. The proposal represents an incursion into a well-maintained landscaped area which would appear highly prominent by virtue of its position along Crowther Road and the type of fencing proposed. However, it is accepted that the site is situated within an established Industrial Estate where there exists numerous examples of steel palisade fencing, including the immediately adjacent unit to the south. Therefore, the proposed type of fencing is accepted in this instance.

Discussions have been held with the applicant and a police liaison officer wherein it was recommended that the proposed fencing be set further away from Crowther Road, in order to reduce its visual impact. However, having assessed the proposal on site and following the submission of a tree survey, it is accepted that, should the proposed fencing be relocated further from Crowther Road, it would not provide adequate security for the building, given that adjacent trees could be climbed to scale the fencing. It is considered that the applicant has adequately demonstrated that the proposed fencing has been positioned as far as reasonably practical from Crowther Road to provide adequate security whilst minimising the detrimental impact of the proposal on the street scene.

In order to prevent damage to existing trees, should Members be minded to grant planning permission a suitably worded condition can be imposed requiring all fence posts to be installed using a hand dig method.

Having particular regard to on-going security concerns, the applicant has advised of a number of recent break-ins and a Crime Risk Assessment, prepared by Northumbria Police, has been submitted which details substantial costs to the business associated with this criminal activity. As such, the applicant is currently employing additional security staff at an average weekly cost of approximately £1000 which, the applicant has confirmed, is not sustainable for the business. It is considered that such issues add weight to the need for the proposed fencing and the security and continued operation of the business benefits the vitality and viability of the Industrial Estate which, it is considered, outweighs the amenity concerns set out above.

Equality Act 2010

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- o age
- o disability
- o gender reassignment
- o pregnancy and maternity
- o race
- o religion or belief
- o sex
- o sexual orientation

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) tackle prejudice; and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Summary

For the reasons set out above, it is considered, on balance, that the proposal accords with the provisions of the UDP and material considerations, namely securing the viable operation of the unit, indicate that the proposal is acceptable. It is therefore recommended that this application be approved, subject to the conditions set out below.

RECOMMENDATION: Approve subject to the conditions listed below:

Conditions:

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

- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan (extract from Non-Residential Coal Authority Mining Report) received 01.06.2017

Site Plan received 30.06.2017

Palisade Fencing and Gate Elevated Drawing received 30.06.2017

In order to ensure that the completed development accords with the scheme as approved.

- 3 All posts to support the fencing fronting Crowther Road shall be installed using a hand dig method only, in order to ensure that no damage is caused to trees during construction work, to protect the amenity of the area and to comply with policies B2 and CN17 of the adopted Unitary Development Plan and paragraphs 17 and 118 of the National Planning Policy Framework.