

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 Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

Reference No.: 16/00430/FUL Full Application

Proposal: Erection of 120no. dwellings and 32no. garage blocks comprising substitution of house/garage types approved by reserved matters application ref. 09/02328/REM including reduction in roof pitches and heights of 89no. dwellings from 42 degrees to 35 degrees, replacement of 'contemporary' elevational treatment of Plots 150-200 with 'traditional' design and amend garage roof pitches to hipped design

Location: Former Lambton Coke Works Lambton Lane Houghton-le-Spring

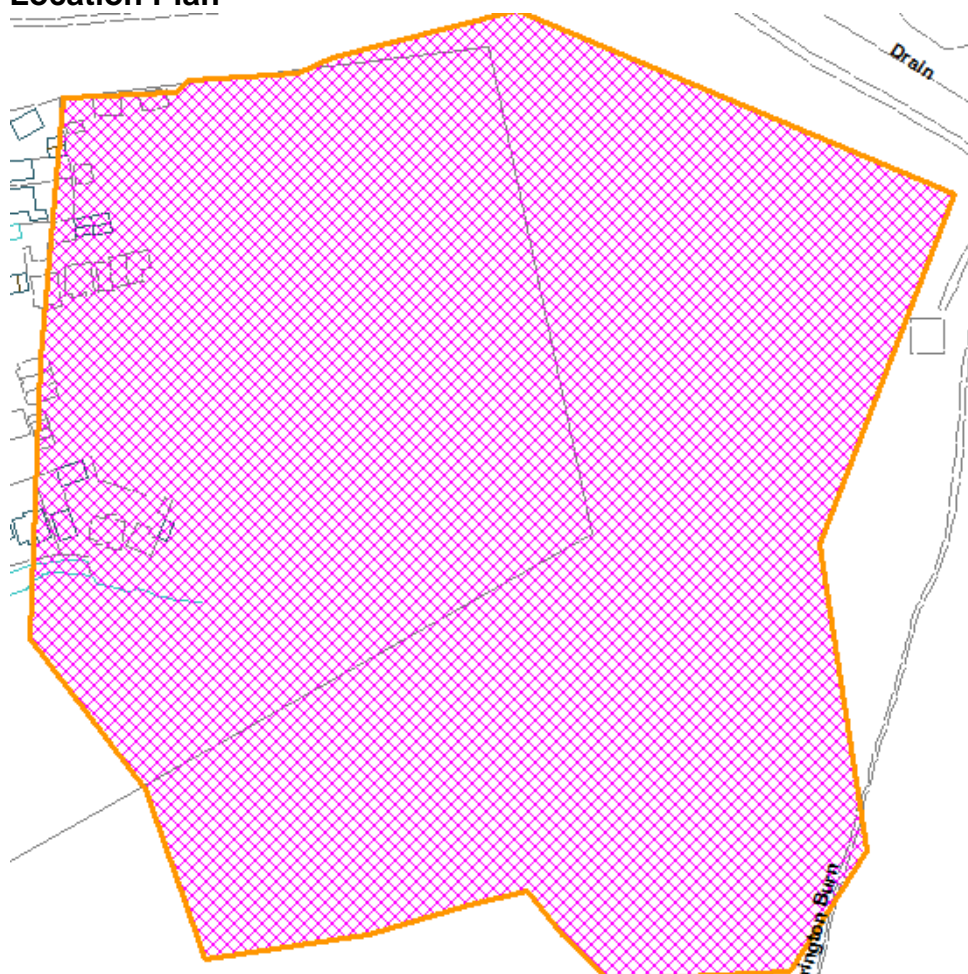
Ward: Houghton

Applicant: BDW Trading

Date Valid: 31 March 2016

Target Date: 30 June 2016

Location Plan



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PROPOSAL:

Full planning permission is sought to amend dwellings and garage blocks of the approved reserved matters application ref. 09/02328/REM for a residential development of 254no. dwellings which comprises Phase 2 of the former Lambton Cokeworks, now known as Elba Park.

The current application affects 120no. of the approved dwellings and 32no. of the adjacent double/triple garage blocks.

It is proposed to reduce the roof pitches of 89no. dwellings (Plots 152, 153, 155, 156, 161, 163, 164, 166, 170, 179, 183, 186-188, 192-194, 197, 200, 203-209, 213-215, 218-225, 228-235, 243, 246, 247-254, 256-264, 267-270, 274-286 and 291-298) from 42 degrees to 35 degrees, thereby reducing the ridge height of each affected unit by a minimum of 660mm and a maximum of 1100mm.

The elevational treatment of Plots 150-200 is proposed to be replaced from a 'contemporary' to a 'traditional' design and a revised materials schedule has been submitted in accordance with such revisions. The developer has stated that the previously approved contemporary house designs are not proving popular to customers, hence the submission of the current application. It is noted that the housing layout and individual floorplans of the affected plots would not be altered.

The proposed alterations to the garage blocks comprise the provision of hipped roofs with a 900mm lower ridge height than the previously approved gabled roofs.

Elba Park, the former Lambton Cokeworks, lies to the south of Chester Road, east of the route of the proposed "Central Route" west of Blind Lane and north of the Sedgeleth Sewage Treatment Works and Fencehouses. The development comprises a mix of detached, semi-detached and terraced two-storey properties and construction works are on-going.

Planning permission for the reclamation of the former Lambton Cokeworks site was granted in October 1998 (ref. 98/01135/LAP) and an outline planning application 350 no. dwellings (ref. 06/00843/OUT) which subsequently was approved in May 2006.

Phase 1 of this 350 dwelling development, comprising 96no. dwellings, was granted consent in September 2009 (ref. 09/02185/REM), whilst Phase 2, to which the current application relates, accounts for the remaining 254no. dwellings and was granted consent in December 2009 (ref. 09/02328/REM).

Consent was subsequently granted in January 2013 (ref. 12/02340/FUL) for an alteration to the housing layout granted by 09/02328/REM comprising a substitution of house types affecting 6no. plots and the construction of an electricity substation and for a minor material amendment (ref. 12/02339/VAR) to change fenestration, materials and elevations of house types of Plots 203-225 and 228-306, which also involved the replacement of 'Contemporary' elevations to 'Traditional'.

An application for full planning permission (ref. 15/02328/FUL) was approved in January 2016 to carry out alterations and add a rear extension to 6no. plots (104, 147, 157, 158, 165 and 171) within Phase 2.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **03.05.2016**

REPRESENTATIONS:

The Council's Flood and Coastal Group Engineer, acting in the capacity of the Council as Lead Local Flood Authority, has recommended that the application be refused in lieu of the provision of SuDS (Sustainable Urban Drainage Systems) within the curtilage of the site, which will be elaborated upon below.

No representations have been received from neighbouring occupants.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_11_Restrictions upon new development or intensified use of land liable to flooding

EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

Given that the principle of the proposed residential development of the site has already been established by an extant consent, the main issues to consider in the determination of this application are:

- Design and Visual Amenity;
- Residential Amenity; and
- Drainage and Flood Risk

Design and Visual Amenity

One of the core principles of the National Planning Policy Framework (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'.

Policy B2 of the adopted Unitary Development Plan (UDP) 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'. Expanding upon Policy B2,

the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide SPD which set out standards and examples of good design practice. In particular, section 10C of the Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments.

A notable reduction in the ridge height of 86no. of the 254no. units of this phase of the Elba Park development is proposed, in addition to elevational alterations to 51no. dwellings and revisions to the roof design and 900mm reduction in height of 32no. garage blocks. However, the number of units and layout remains unchanged, the design concept and massing is similar to the originally approved development and the height of the units would be reduced rather than increased.

From a design perspective, the principle of changing the fenestrations of the house types to a more traditional style within this particular phase of Elba Park has already been established through the approval of application ref. 12/02339/VAR, as alluded to above. Nevertheless, it is considered essential that a coherent transition is achieved between the contemporary and traditional phases and the current proposal respects and incorporates design features of the wider development.

It is noted that house types EP38T, EP48B and EP48K incorporate artstone banding and contrasting brick in-fills within ground floor and first floor window openings in their frontage, a feature which mirrors the cladding and wood panelling detail on the contemporary first phase which has been incorporated into the traditional second phase of the wider development. The current application proposes three variations of house type EP38T, two variations of EP48B and two variations of EP48K which do not incorporate this feature, so the feature would be lost on a total of 12no. units relative to the previous approval of the affected properties. However, the majority of these units do not front onto the main estate road which runs east-west through the site but, instead, are situated in less prominent locations in culs-de-sac. The artstone banding and contrasting brick in-fills are proposed to be retained on 6no. units, 5no. of which front onto the main estate road, and this feature would be lost on only 4no. units which front onto this road. In addition, the traditional elevations will include rendered elements to complement those contemporary house types which also incorporate render within their fenestration. In addition, the banding feature would be incorporated on more than 10no. plots of the southern section of phase 2 of the development. Therefore, it is considered that the proposed amendments adequately reflect the character and appearance of the wider estate.

The proposed reduction in the roof pitches and consequent reduction in the ridge height of 89no. units by between 660mm and 1100mm. However, the ridge heights and house types of properties are notably varied throughout the development and, as such, there is no perceived uniformity in terms of heights and design of dwellings. Therefore, it is not considered that this reduction in roof pitches / ridge heights would appear out of keeping or compromise the overall design, scale and massing of the estate.

Residential Amenity

Having regard to paragraph 17 of the NPPF and UDP policy B2, as set out above, consideration must be given to the impact of the proposal on existing and future residents of the neighbouring and affected plots.

Given that the proposed amendments comprise a notable reduction in the height of dwellings and garage blocks and no units would be relocated, the affected structures would have a lesser visual impact on neighbouring residents and would result in a lesser degree of potential overshadowing

/ restriction of light. In addition, no additional windows are proposed, so privacy would not be affected relative to the previously approved arrangement.

In terms of the level of amenity afforded to the affected dwellings, whilst their height would be reduced, the internal floor area remains unchanged. Therefore, it is not considered that the proposal would offer any lesser amenity value to future residents of the affected units.

Drainage and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. This requirement is echoed by the Council's Local Flood Risk Management Strategy, which has recently been approved by Cabinet.

The majority of the site lies within an area classed as Flood Zone 1, so is at the lowest risk of flooding, and a narrow strip along the south-eastern edge of the development falls within Flood Zone 2, affecting plots 183-187. However, the channel of Herrington Burn in this vicinity was remodelled during the reclamation of the site and the finished floor levels of the affected and some adjacent properties have been altered to 40.600m above ordnance datum. Such measures were considered satisfactory, as confirmed by the Environment Agency, during the course of the previous reserved matters application ref. 09/02328/REM and subsequent discharge of condition submission ref. 11/00657/DIS.

A Flood Risk Assessment (FRA) has been provided which is an update of that which was submitted with the previous reserved matters application. The FRA specifies SuDS in the form of the drainage of storm water discharge from phases 1 and 2 into an open channel and pond which have been constructed to cater for the pre- and post-development site at a restricted rate of 3.5l/s/ha. The scheme requires separate foul and surface water drains and the foul water system will connect to that within phase 2 which will ultimately connect to the existing combined drainage system within Blind Lane via an approved pumping station.

It is noted that the pond into which storm water would be drained and connections falls outwith the application site as defined by the red-line boundaries of the submitted location plan, which is limited to solely the plots on which an amended house/garage type is currently proposed. On this basis, as set out above, a statutory objection has been received from the Council's Flood and Coastal Group Engineer, acting in the capacity of the Council as LLFA.

However, condition 4 of the reserved matters application ref. 09/02328/REM requires the development approved by this permission to be carried out in accordance with the FRA and condition 5 requires the submission of a scheme for the management of surface water, which was discharged by submission ref. 11/00657/DIS. Given that this consent has been implemented and,

in part, will be completed, particularly in respect of the dwellings which remain unaltered and the road network, the requirement to accord with these conditions remains extant.

Therefore, it is considered that similar conditions can be imposed in this instance, which would relate specifically to the plots which are the subject of the current application, whilst all flood protection measures and drainage details which fall outwith the current application site will be required to be implemented in accordance with existing planning permissions.

Other Considerations

In addition to conditions 4 and 5, as alluded to above, the approval of reserved matters (ref. 09/02328/REM) which the current application seeks to amend was subject to 6no. other conditions.

The first condition restricted permitted development rights for the dwelling houses and, for consistency and in recognition that this variation application forms part of the wider Phase 2, it is recommended that this condition also be imposed in this instance, should Members are minded to approve. The second condition restricted permitted development rights to alter the cladding and render system of the approved dwelling houses and, in view of render being proposed on a number of plots affected by this variation application, it is also considered appropriate to re-impose this condition.

Conditions 3 ('Green Route' footpath link) and 7 (Eastern Gateway Feature) have been formally discharged following the approval of application 09/02328/REM. Compliance with the details submitted to satisfy these conditions is still required, given that this previous consent has been implemented, so it is not considered necessary to re-impose these conditions in this instance.

Condition 6 lists the approved plans with which the development must be built in accordance and it is recommended that this condition be amended to include the drawings submitted with the current application.

Finally, condition 8 (Noise Attenuation) requires the development to be built in accordance with details submitted with the approved application 09/02328/REM and testing of the effectiveness of the specified noise attenuation measures after they have been installed. However, the Noise Assessment which was submitted with this previous application sets out that only the proposed dwellings along the western boundary may be exposed to excessive noise levels whilst the dwellings in other areas of the wider site, including those currently proposed, fall within Noise Exposure Category A, so standard double glazing would be appropriate. Therefore, it is not considered necessary to impose any such condition in this instance.

Conclusion

For the reasons given above, it is considered that such amendments are acceptable in design terms, would not be detrimental to visual or residential amenity and would not increase the risk of flooding. It is therefore considered that the proposal accords with UDP policies B2, EN11 and EN12 and the relevant criteria of the NPPF set out above and, as such, it is recommended that Members grant consent, subject to the conditions set out below.

RECOMMENDATION:

Members are recommended to Grant consent subject to the conditions set out 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 and documentation:

Materials Schedule received 06 June 2016

Drawing no. H5019/PLANNING/LOCATION/02: Location Plan dated 07.03.2016 received 14.03.2016

Drawing no. SL007 S: Proposed Site Layout: Phase 2 - Revised Proposals received 14.03.2016
The following house type drawings received 14.03.2016:

EP21T (1no. sheet)
EP22T (5no. sheets)
EP23T (6no. sheets)
EP33T (2no. sheets)
EP34T (5no. sheets)
EP38T (7no. sheets)
EP40T (6no. sheets)
EP46T with variations (6no. sheets)
EP48B-T (4no. sheets)
EP48K-T (5no. sheets)
EP57T (3no. sheets)

The following house type drawings received 06.06.2016:

EP20T (3no. sheets)
EP21T (3no. sheets)
EP44T (4no. sheets)

Drawing no. H5019/GARAGE/TYPEN/01: Floor Plan and Elevations received 06.06.2016

Drawing no. H5019/GARAGE/TYPEO/01: Floor Plan and Elevations received 06.06.2016

Drawing no. H5019/GARAGE/TYPER/01: Floor Plan and Elevations received 06.06.2016

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

3 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2 Parts 1 and 2) or any statutory instrument re-enacting that Order, either in whole or in part, no extensions or other development shall be undertaken to the dwellings hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the adopted Unitary Development Plan.

4 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2 Part 1) or any statutory instrument re-enacting that Order, either in whole or in part, the cladding and render on the residential dwellings hereby granted consent shall be retained and stained, varnished, painted or coloured in accordance with the agreed scheme and shall be retained as such. Thereafter the cladding and render shall not be re-coloured or otherwise altered without the prior written consent of the Local

Planning Authority in order to retain the design scheme for the development in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

5 The development hereby approved shall only be carried out in accordance with the approved Phase 2 and 3 Flood Risk Assessment (FRA) ref. QD249-90-14 rev. C dated 17 December 2009 and the following mitigation measures as detailed within the FRA:

- (i) The development layout is as per Drawing No. QD249-03-02 rev. D dated July 2009;
- (ii) Minimum finished floor levels are set no lower than 40.600 mAOD;
- (iii) Surface water discharge from the site must be attenuated to 3.5l/s/ha of impermeable area;
- (iv) Flood resilience construction measures must be incorporated into the foul flow pumping house;
- (v) The carriageway access over the Herrington Burn must be raised above the flood zone levels.

In order to reduce the risk of flooding to future occupants and downstream as a result of the development and to ensure the pumping house remains operational during times of flooding and to provide road access and egress from the site at all times and to comply with policies EN11 and EN12 of the adopted Unitary Development Plan.

6 The development hereby permitted shall only be carried out in accordance with the Category 4 Surface Water Run-off Design Stage Evidence document ref. QD249 rev. B dated 25 March 2011, drawing no. 60031948/SK39 rev. P1 dated 06.04.2009 and Appendix D of Phase 2 and 3 Flood Risk Assessment (FRA) ref. QD249-90-14 rev. C dated 17 December 2009. Thereafter, all associated equipment shall maintained to remain fully operational in accordance with the specification provided, in order to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with policy EN12 of the adopted Unitary Development Plan.

2.

Washington

Reference No.: 16/00459/MAW Minerals- Waste (County Matters)

Proposal: **Extension to material recycling facility and installation of 2 no. windows to north east elevation of office accommodation.**

Location: Timberpak Limited Waste Recycling Centre Staithes Road Washington NE38 8NW

Ward: Washington East
Applicant: Timberpak Limited
Date Valid: 5 April 2016
Target Date: 5 July 2016

Location Plan



PROPOSAL:

Planning permission is sought to provide a covered extension to the main processing building and the insertion of 2no. windows within the office accommodation at the Timberpak Limited Waste Recycling Centre on Staithes Road, Washington. The site is located within Pattinson South Industrial Estate and is largely screened from the surrounding roads and footpaths by a tree belt which runs around the northern and western perimeter.

The host site is currently operated by Timberpak Ltd who specialise in the processing and recycling of wood. The site is occupied by two large metal clad buildings one of which is utilised in connection with the processing of materials with the other utilised for training and office based accommodation.

The purpose of the new extension is to enclose an existing area which is currently open and exposed to the elements. The external area subject to the extension is utilised for the storage of timber prior to being transferred into the main building for processing. Following processing, the material is then loaded onto vehicles leaving the site for onward recycling.

The new extension will correspond with the general scale and massing presented by the main processing building and will reflect its appearance through the use of matching materials and finishes.

The agent has qualified that the facility is licensed by the Environment Agency and under the terms of the licence the facility is restricted to the amount (tonnage) of materials that can be processed. Consequently, the amount of materials arriving and leaving the site is strictly monitored and the permitted facility tonnage cannot be exceeded. The agent has therefore confirmed that the extension to the facility would not result in additional vehicle movements to and from the site.

The two new windows are to be inserted into the north eastern elevation of the smaller building to serve reconfigured office and recreational space.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington East - Ward Councillor Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer
Environment Agency

Final Date for Receipt of Representations: **17.05.2016**

REPRESENTATIONS:

Internal consultee responses

Network Management

Initial observations questioned the fact that the application form indicated that 14 car parking spaces were to be lost as a result of the development. Based on the details contained within the submitted plans and following an officer site visit, it was not apparent where these spaces were to be lost. The agent has since qualified that the application form was incorrectly annotated and that no parking would be lost as a result of the development.

Environmental Health

It has been suggested that the enclosure of the existing on-site facilities will generate a net benefit in terms of the potential for noise and dust generated from onsite activities.

It is however advised that in order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and that the amenity of nearby residents/occupiers are considered, a condition be attached to the application which requires the provision of a Construction Environmental Management Plan.

In addition, given the industrial nature of the site it is requested that a comprehensive desk top study and site investigation be carried out to ascertain whether the land is contaminated.

Flood and Coastal Group Engineer

No specific drainage details have been supplied with the application. As the application constitutes a major application through Minerals and Waste designation, then the development should comply with the new Sustainable Urban Drainage (SUDS) standards and the Councils newly adopted Flood Risk Management Strategy which outlines that SUDs be included within all major applications and that surface water be discharged at Green Field run-off rates.

Built and Natural Heritage

From an ecological perspective there appear to be no reasons the proposed development cannot proceed as described. If the construction and operational phases of the proposals vary or are likely to impact directly on features outwith the red line boundary, or on breeding birds within the site, an appropriate ecological assessment and mitigation measures will be necessary prior to works commencing or continuing.

Opportunities to enhance or create habitats on or adjacent the site should be developed wherever possible, for example through sensitive external lighting, tree/plantation management, wetlands and Sustainable Drainage Systems, and/or bird and bat roost units.

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_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EC_15_Development or extension of bad neighbour uses
WA_1_Retention and improvement of established industrial / business area
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
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
CN_23_Measures to conserve/ improve wildlife corridors

COMMENTS:

1. Principle

The site lies within an area allocated for economic development under Unitary Development Plan policies EC2, EC4 and site specific policy WA1.8.

Policies EC2 seeks to ensure that an adequate supply of land and premises are available to meet the city's economic needs whilst EC4 and WA1.8 seek to ensure that such areas are retained and improved to meet the requirements of the designated uses.

In line with the policy provisions outlined above, the development seeks to cover an existing external storage area to facilitate the improvement of the operational functioning of the processing plant. Consequently, in line with local policy and in considering the sentiments of paragraph 21 of the National Planning Policy Framework which stipulates in part that 'local planning authorities should support existing business sectors, taking into account of whether they are expanding or contracting', it is considered that the proposal represents an acceptable form of development from a land use perspective.

2. Impact on the amenity of the area

UDP policy EC15 requires that the development or extension of uses including scrap yards and the sorting and storage of waste materials will only be permitted where;

- o There will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, noise, or pollution.
- o The site is adequately screened or is not visually prominent.
- o Appropriate facilities are provided for storage and treatment of by-products.
- o The site is of sufficient size for the operations and has adequate car parking and servicing.

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

As with the existing buildings, the new development would be screened from Pattinson Road to the north by virtue of a relatively dense tree belt whilst further foliage also screens the western perimeter of the site on the approach from Staithes Road. Although some views into the site would be afforded from the south the development would appear in keeping with commercial nature of the site and has been designed to respect the appearance of the main building.

Consequently, it is not considered that the extension would be of detriment to the visual amenities of the area

The site is located within a largely commercial setting with the nearest residential properties located some distance away. As has been outlined above, the purpose of the extension is to enclose an existing operational area which is currently utilised for the storage of timber prior to processing. The storage of the timber would continue to be carried out within this area albeit under cover following the erection of the extension. Against this back drop the City Council's Environmental Health Section has stipulated that the proposed development would, if anything, likely result in a net benefit in terms of reducing levels of noise and disturbance that may currently be associated with the operations carried out from the external storage area.

A Construction Environmental Management Plan can be conditioned as part of any approval given to ensure that the construction of the development is adequately managed and mitigated and that the amenities of nearby residents/occupiers are appropriately considered.

In respect of the above, it is not considered that the new extension would give rise to the creation of any additional noise, disturbance or other by-products beyond those which may currently be experienced by the existing processes carried out from the site. It is therefore considered that the proposal accords with the requirements of UDP policies EC15 and B2.

3. Parking and Highway Safety

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

The agent has stipulated that there would be no parking lost to accommodate the extension and whilst 2 additional people would be employed, it is considered that the existing parking provision can comfortably cater for this small increase.

It has also been clarified that the extension would not intensify the existing operations carried out from the site and consequently there would be no additional vehicular movements resulting from the development.

In this respect the Council's Network Management Section has raised no observations or recommendations to the proposal. As such, it is not considered that the proposal would unacceptably compromise highway safety or the free passage of traffic in and around the site.

4. Drainage and flood risk

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. This requirement is echoed by the Council's Local Flood Risk Management Strategy, which has recently been approved by Cabinet.

In considering the requirements of the above against the context of this application it is acknowledged that any waste application, (no matter how small in scale which consists of operational development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials), will fall under the umbrella of a major planning application. As such and by definition, SuDS should be incorporated into all waste schemes on this basis.

However, notwithstanding the major classification outlined above, it must be reasonable to assess requirements for SuDS against the individual merit and nature of the development proposed. In this particular instance the proposed development is not of significant scale and merely proposes the enclosure of existing operational land. Whilst it is acknowledged that surface water would continue to be discharged via the main sewer it is evident that the impermeable area would not be increased as a result of the proposed development. Consequently, in respect of the above it is not considered that the absence of SuDS would be of overriding significance with regard to the potential for future flood risk within the site on this occasion.

5. Ecology

Whist located within an industrial locality, the site is also positioned within a wildlife corridor and is therefore subject to the provisions of policy CN23 which encourages measures to conserve and improve the environment and seeks to refuse development which adversely affects the continuity of the corridor. Based on the nature/use of the site, no adverse comment has been received from the Senior Heritage Protection Officer in this instance. Whilst suggestions of potential enhancements have been offered by the Heritage Protection Officer, the nature of the site and constraints proposed by the redline boundary would preclude tree planting and the creation of wetlands on this occasion.

Conclusion

For the reasons outlined above, the principle of the proposed development is considered to be acceptable without unduly impacting on the amenity of the area and it is not considered that the development would compromise highway safety, significantly increase the risk of flooding to occur within the site, or be of detriment to wildlife within the vicinity.

The development is therefore considered to accord with aforementioned policies and members are recommended to approve the application subject to the imposition of the following conditions;

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:-

- 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.

RECOMMENDATION:

Members are recommended to approve the application subject to the imposition of the following conditions:-

Conditions:

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

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

The floor plans, elevations and site plans as existing and proposed received 18.03.2016 (Plan ref's 3160/01, 02, 03, 04 and 05).

The location plan received 18.03.2016 (Plan ref 3160/00).

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; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority. Such a scheme shall include hours of working, hours of deliveries to and from the site, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, measures to ameliorate noise, dust, vibration and containing construction dirt and debris within the site and construction methods. The development shall proceed in accordance with the agreed scheme, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the adopted Unitary Development Plan.

5 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the City Council as Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

Reference No.: 16/00497/VAR Variation of Condition

Proposal: Variation of conditions 2 & 3 of planning approval ref. 14/02701/FUL (Demolition of existing building and erection of foodstore, with associated access, parking, servicing and landscaping), in order to erect an external entrance lobby and to alter the total gross internal floor area of the foodstore so that it does not exceed 1740 square metres.

Location: Armstrong House Armstrong Road Armstrong Industrial Estate Washington

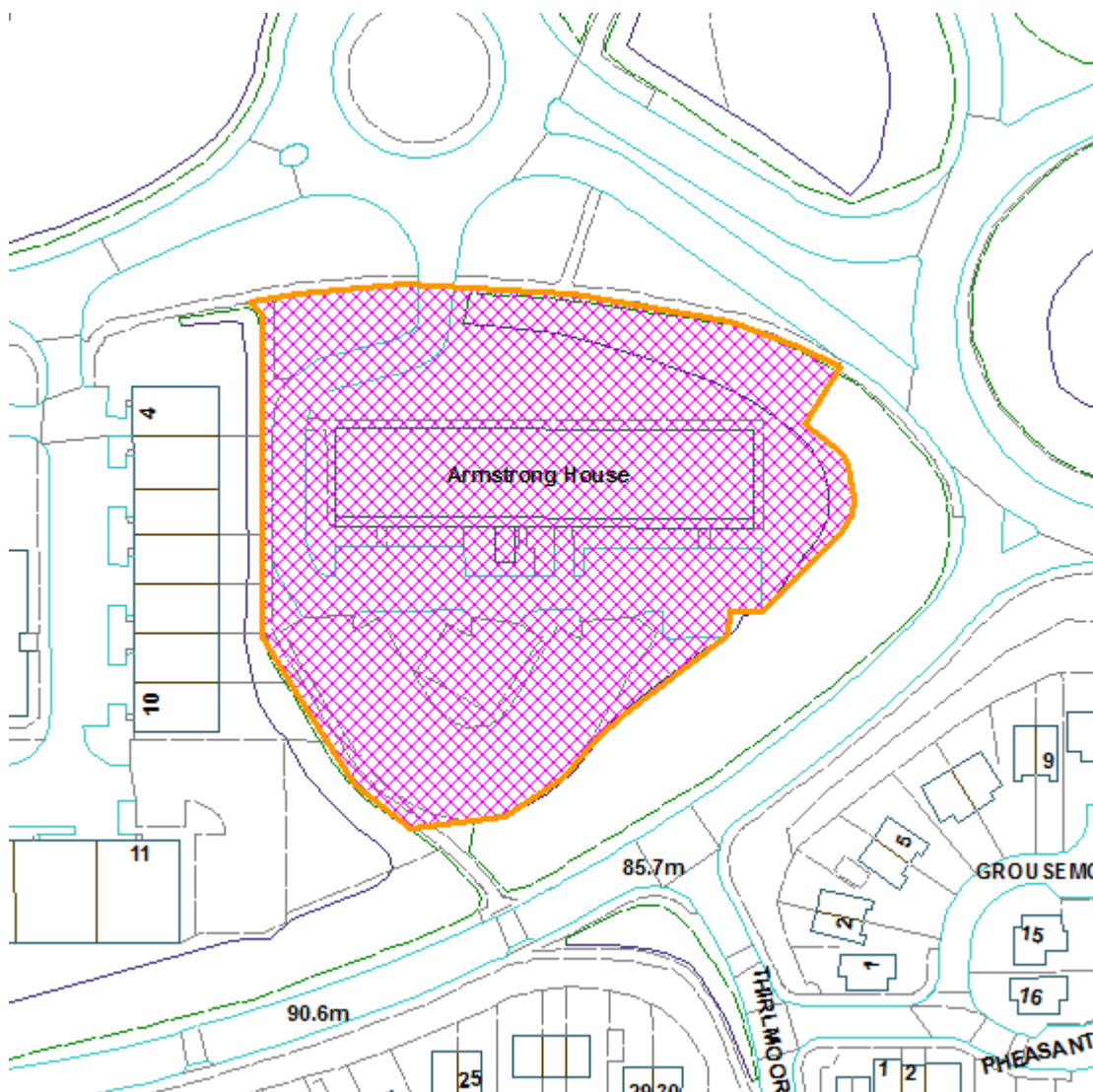
Ward: Washington West

Applicant: Aldi Stores Ltd

Date Valid: 24 March 2016

Target Date: 23 June 2016

Location Plan



PROPOSAL:

Members may recall that application ref. 14/02701/FUL granted planning permission to demolish the existing office building on site of Armstrong House in order to erect a foodstore, along with associated access, parking, servicing and landscaping. The application was heard and approved by Members at the 18 June 2015 Planning & Highways Committee. Given the time taken to draft and complete the required Section 106 Agreement the permission was issued on 8 September 2015.

The application that is now before Members is being made via Section 73 of the Town and Country Planning Act 1990. Section 73 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission, in this case permission 14/02701/FUL. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. Members should note that the original permission (i.e. 14/02701/FUL) will continue to subsist whatever the outcome of the Section 73 application.

The proposed variation before Members relates to the construction of an enclosed entrance/ exit lobby underneath the previously approved canopy, although this is being extended in length by an additional 7m in order to provide further cover within the trolley area of the store. The proposed entrance lobby projects out from the building by 2.8m, and has a maximum height underneath the previously approved canopy of 3.4m, with a total width of 5.9m.

In order to accommodate these changes this variation application is seeking to vary the pertinent plans approved via condition no. 2 "in accordance with the approved plans". Moreover, as the gross internal floor area of the store was limited to 1,723 square metres via condition no. 3, it is also necessary to vary this condition to accommodate the footprint of the lobby. The variation application is therefore seeking to increase the floor space to a maximum of 1,740 square metres, representing an increase of 17 square metres overall.

For completeness the two conditions that the applicant is seeking to vary are as follows:-

Condition 2 - Plans

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

- o Site Location Plan, Drawing Number 0201-AL(0)01;
- o Existing Site Survey Plan, Drawing Number 0201-AL(0)02;
- o Existing Site Plan, Drawing Number 0201-AL(0)03;
- o Proposed Site Plan, Drawing Number 0201-AL(0)04;
- o Proposed Floor Plan, Drawing Number 0213-AL(0)05;
- o Proposed Roof Plan, Drawing Number 0201-AL(0)06;
- o Proposed Detailed Building Elevations, Drawing Number 0201-AL(0)07;
- o Proposed Streetscape Elevations, Drawing Number 0201-AL(0)08;
- o Proposed Site Plan Dimensioned, Drawing Number 0201-AL(0)10.

Reason:

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.

Condition 3 - Gross Internal Area

The total gross internal area of the foodstore hereby permitted shall not exceed 1,723 square metres, including any mezzanine floorspace.

Reason:

This is to safeguard the vitality and viability of nearby centres, particularly Washington Town Centre and Concord Local Centre, in accordance with the National Planning Policy Framework.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **12.05.2016**

REPRESENTATIONS:

Consultations

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the application has been subject to both a press and site notice; notification letters have also been sent out to surrounding neighbours and other interested parties. Following this extensive consultation exercise no letters of representation have been received.

Street Scene - Network Management

In their response engineering colleagues offered no observations or recommendations to the proposed variation.

Street Scene - Lead Local Flood Authority

The Council's Flood and Coastal Team advised that the application does not provide any consideration of SuDS, as required by the National Planning Policy Framework (NPPF) guidance, and no attempt has been evidenced to reduce discharge rates from the site nearer to greenfield run-off rates. It was recommended that the applicant consider utilising porous surfacing in the car park along with a flow restriction before discharge to the existing sewer, this would reduce water flow down to 5 litres/second/hectare.

COMMENTS:

Given the parameters of the affected conditions and in light of the consultations received the main issues to consider are the impact of the proposed alterations on the design, scale, massing and layout of the development; whether there are any material impacts on the vitality and viability of nearby centres, particularly Washington Town Centre and Concord Local Centre; and, flood risk considerations.

- Design considerations

UDP policy B2 requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity. Paragraph 17 of the National Planning Policy Framework (NPPF), in part, states that planning should seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed addition of the external entrance/ exit lobby is considered acceptable. In design terms it is considered that it will blend-in and read as a natural element of the development overall. The limited impact of the lobby is also mitigated by the fact that it is within and under the confines of the canopy already approved via 14/02701/FUL. It is therefore not considered that the proposed alteration will have a material impact on the overall scheme in terms of the appearance of the building or the layout of the development.

- Impact on centres

Paragraph 26 of the NPPF sets out the impact tests for applications for retail, leisure and office development that are located outside town centres and which are not in accordance with an up-to-date Local Plan.

For applications of over 2,500 sq. m gross (or over a locally set threshold in the Local Plan), these tests require an assessment of:

- a) 'the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made'.

Paragraph 27 of the NPPF then provides that 'Where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors [under the Paragraph 26 impact tests], it should be refused'.

Before moving onto the subject of the variation Members should be aware that during the course of considering application 14/02701/FUL significant consideration was given to impacts on the relevant centres within the catchment area of the site. It was concluded that the development proposal did not cause significant impact in relation to either of the impact tests under Paragraph 26.

Therefore, in light of the very recent nature of the approval of 14/02701/FUL (8 September 2015), which will continue to subsist whatever the outcome of this variation application, that an increase of 17 square metres overall will have a negligible impact on the vitality and viability of nearby centres. Particularly as condition no. 4, which controls the total sales area, will remain unaffected by the proposed variation.

Again for completeness condition no. 4 is as follows:-

The total net retail sales area of the foodstore hereby permitted shall not exceed 1,254 square metres net (using the Competition Commission's definition of net retail sales area), including any mezzanine floorspace.

Reason:

This is to safeguard the vitality and viability of nearby centres, particularly Washington Town Centre and Concord Local Centre, in accordance with the National Planning Policy Framework.

It is this condition that it controls the trading area of the store and therefore the trading impact on the nearby centres. Consequently, as this remains as previously approved it is not considered that there will be a material impact caused by the introduction of the proposed lobby.

- Flood Risk Considerations

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with other interested parties, will seek to ensure the proposal would not likely impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

As part of the decision-making process of 14/02701/FUL it was confirmed that the site was located within Flood Zone 1 (lowest probability of flooding) and therefore any form of development is acceptable in principle. Furthermore, 14/02701/FUL was supported by a Flood Risk Assessment, which highlighted that the site is also 1.5km from the nearest local water course. Consequently, the probability of river flooding is low. It also confirmed that after assessing the site against the Council's Strategic Flood Risk Assessment (SFRA) it was not within an area affected by surface water flooding.

In terms of groundwater flooding the FRA drew attention to the Phase 1 (Land contamination) desk study, which highlighted that the site is made ground over clay (i.e. relatively impermeable to water) over carboniferous Middle Coal Measures. It also confirmed that there are no reported flooding occurrences in the site area, whilst the Council's SRFA map does not identify the site as being affected by ground water flooding. Consequently, it was concluded that the site is not at risk from ground water flooding.

Lastly, in terms of flooding from sewers, which occurs when the existing system is blocked or during heavy rainfall periods, the FRA confirmed that there were no records of any flooding in the vicinity of the site. It also explained that as the proposed development will discharge surface water (and also foul water) at an agreed rate in-line with Northumbrian Water permissions, it would prevent its surface water flows from surcharging the sewer network. As such, it was considered that flood risk from sewers is low.

Therefore, given the above and when considering the LLFA's response regard has been given to the National Planning Policy Framework's (NPPF) planning practice guidance for flood risk and coastal change. It is stated therein at paragraph 081 that in considering a development, information sought by the local planning authority should be no more than necessary, having regard to the nature and scale of the development concerned.

In light of the above attention is again drawn to the fact that the approved development 14/02701/FUL will continue to subsist whatever the outcome of this Variation application. Allied to this key fall-back point is the fact that the alteration being sought is merely to incorporate a small-scale lobby area, one which totals only 17 square metres in area. Notwithstanding these key issues the Agent is liaising with the Applicant in respect of the permeable paving and flow restriction issue and a response is awaited. It is anticipated that a response will be received prior to the Committee meeting where it will be reported to Members at the meeting. Nevertheless, and not to prejudice the response received, having considered the nature of the actual physical development proposed by this application, which could in isolation be covered by minor planning applications, it is not considered that a reduction in surface water disposal could be insisted on this occasion.

On this basis and in the event that permeable paving is not accepted by the applicant given the potential viability and cost implications relative to the 14/02701/FUL 'live' approval and whilst the comments of the Lead Local Flood Authority are noted, given the scale of the development proposed, it is considered to accord satisfactorily with UDP policy EN12 and a refusal of planning permission on surface water runoff for this variation could not be justified.

Section 106

Planning permission 14/02701/FUL is subject to a Section 106 Agreement (Ref: JMR/75913) requiring financial contributions towards the following:-

- o the provision of a new bus stop and shelter to the north west of the development, on Armstrong Road;
- o the provision of new eastbound and westbound bus stops (including shelters) to the south of the development, on Blackfell Road, as well as improvements to the footpath to the west (including street lighting), which links Blackfell Road with Armstrong Road; and
- o improvements to the pedestrian crossing on Blackfell Road, to provide a pelican-controlled crossing.

Within that agreement "Planning Permission" was defined to include any subsequent planning permission that may be granted pursuant to Section 73 of the Act relating to, and or in connection with, the Planning Permission. Consequently, should Members be minded to approve, the variation will be tied to the same Section 106 Agreement and as such, the measures stated above will still be delivered.

Conditions

Apart from the two conditions that are the subject of this variation application given the fact none of the relevant conditions have been discharged and in light of the continued relevance of the other 'adherence' conditions it is recommended that all the previous conditions should be carried forward onto the variation, should Members be minded to approve the application.

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:-

- 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.

CONCLUSION

For the reasons given above and subject to the conditions listed below the revised proposal is considered to be acceptable in terms of design, scale, massing and layout, impact on nearby centres and flood risk.

It is therefore considered that the proposal accords with all relevant UDP policies and National Planning Policy Framework criteria and it is recommended that Members approve the application, subject to the following conditions.

RECOMMENDATION:

Members are recommended to Approve the application 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 the original permission was granted (8 September 2015) 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:

- o Site Location Plan, Drawing Number 0201-AL(0)01;
- o Existing Site Survey Plan, Drawing Number 0201-AL(0)02;
- o Existing Site Plan, Drawing Number 0201-AL(0)03;
- o Proposed Site Plan, Drawing Number 0201-AL(0)04 Revision A;
- o Proposed Floor Plan, Drawing Number 0213-AL(0)05 Revision A;
- o Proposed Roof Plan, Drawing Number 0201-AL(0)06 Revision A;
- o Proposed Detailed Building Elevations, Drawing Number 0201-AL(0)07 Revision A;

Reason:

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

3 The total gross internal area of the foodstore hereby permitted shall not exceed 1,740 square metres, including any mezzanine floorspace. Reason: This is to safeguard the vitality and viability of nearby centres, particularly Washington Town Centre and Concord Local Centre, in accordance with the National Planning Policy Framework.

4 The total net retail sales area of the foodstore hereby permitted shall not exceed 1,254 square metres net (using the Competition Commission's definition of net retail sales area), including any mezzanine floorspace.

Reason:

This is to safeguard the vitality and viability of nearby centres, particularly Washington Town Centre and Concord Local Centre, in accordance with the National Planning Policy Framework.

5 No development must commence on the site until a Phase 2 investigation and risk assessment has been completed in accordance with a scheme as approved by the Local Planning Authority to assess the nature and extent of any risks posed by the site's coal mining legacy. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be 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;
- (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.'

Reason:

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised at pre-commencement stage, 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.

6 Should any remediation be identified as being necessary as a result of the Phase 2 Investigation and Risk Assessment required by Condition no. 5, and unless otherwise first agreed by the Local Planning Authority, no development must commence until a detailed remediation scheme to bring the relevant part 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised at pre-commencement stage, 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 The remediation scheme approved under condition number 6 (Submission of Remediation Scheme) must be carried out and completed in accordance with its terms prior to the commencement of any development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report for that phase that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised at pre-commencement stage, 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 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the

Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 5, and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 7. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason:

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 Prior to the occupation of the foodstore hereby approved, the off street parking provision, as laid out in accordance with 'Proposed Site Plan', Drawing Number 0201-AL(0)04 Revision A; shall be constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles.

Reason:

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 UDP.

10 The development works, including construction related deliveries, shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason:

In order to protect the amenities of the area and to comply with policy B2 of the UDP.

11 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Pollution Prevention & Regulatory Services;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Control measures for dust and other air-borne pollutants;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o Storage of plant and materials used in constructing the development.

The development shall thereafter be carried out in complete accordance with the said Plan as approved.

Reason:

In order to ensure a satisfactory form of development and to comply with policies EN1, B2 and T14 of saved Unitary Development Plan.

12 Notwithstanding the approved plans, no development shall be carried out to the external public realm areas until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall have regard to 'Section 8 Mitigation and Enhancement' of the 'Risk Assessment Survey Report' (ecosurv) and shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate. The development shall thereafter be carried out in complete accordance with the details as approved.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2 and CN17 of the Unitary Development Plan.

13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the foodstore or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2 and CN17 of the Unitary Development Plan.

14 The felling of any tree, shrubs or other tree works as a consequence of the development, hereby approved, shall be undertaken outside the bird nesting season (i.e. not during the period March to September). If this is unavoidable, a walk over survey undertaken by a suitably qualified ecologist shall be undertaken immediately prior to the removal works in order to identify if any birds are nesting within the site. If nests are found, the affected removal works shall not commence until any dependent chicks have fledged.

Reason:

In the interests of nature conservation and in order to comply with policy CN18 of the Unitary Development Plan.

15 The development hereby approved shall be implemented in accordance with the Arboricultural Method Statement Tree Protection Plan, Drawing no AMS TPP-A received 1 December 2015.

Reason:

In the interests of nature conservation and visual amenity and to comply with policies B2 and CN17, CN18 of the Unitary Development Plan.

16 The development hereby approved shall be implemented in accordance with the Travel Plan (JN0929-Rep-0003.1 Travel Plan) Ref. PB/ 11139.300) November 2014.

Reason:

In order that the site is accessible by alternative modes of travel in accordance with policies T1, T2 and T14 of the Unitary Development Plan.

17 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure (including the noise attenuation barrier to the western edge of the loading bay that is to be retained and maintained throughout the lifetime of the development (Section 9 Supermarket noise impact assessment Report Number: 4546.1A)), shall be submitted to and approved in writing by the Local Planning Authority before any such boundary enclosures are constructed. The approved boundary treatments shall then be completed in accordance with the details as agreed prior to the occupation of the foodstore hereby approved.

Reason:

In the interests of visual and residential amenity and highway safety and to comply with policies B2, T14 and EN5 of the UDP.

18 Prior to the occupation of the foodstore, hereby approved, the elevational details, location and specification, including timescales for installation, of the Photovoltaic Solar Panels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as agreed.

Reason:

In the interests of visual amenity and energy conservation and to accord with policies B2 and R4 of the UDP.

19 No customers shall be admitted to the foodstore premises outside the hours of 08:00 - 22:00 on Monday to Saturday, and 10:00 and 16:00 on Sunday.

Reason:

In order to protect the amenities of the area and to comply with policy EN5 of the UDP.

20 No development shall commence (other than those investigative works required in pursuance of land contamination for the purpose of conditions 5-7), until the details of the following works (as more particularly described in the Local Highway Authority's document entitled "Retail Development on land at Armstrong House: Proposed Highway Works") have been submitted to and approved in writing by the Local Planning Authority:

- o Improvements to the western footpath which links Blackfell Road with Armstrong Road;
- and
- o Improvements to the pedestrian crossing on Blackfell Road.

The foodstore shall not be occupied until the above works have been fully completed in accordance with the details as approved by the Local Planning Authority.

Reason:

These works are necessary to ensure the development is accessible and in order to comply with policy T14 of the Unitary Development Plan and Section 4 of the National Planning Policy Framework.

4.

Washington

Reference No.: 16/00608/TP3 Tree Preservation order LAP Reg 3

Proposal: **Prune 4no Sycamore (T1-4) back to boundary fence and dead wood to TPO E.**

Location: 54 Beech Grove Gateshead NE9 7RE

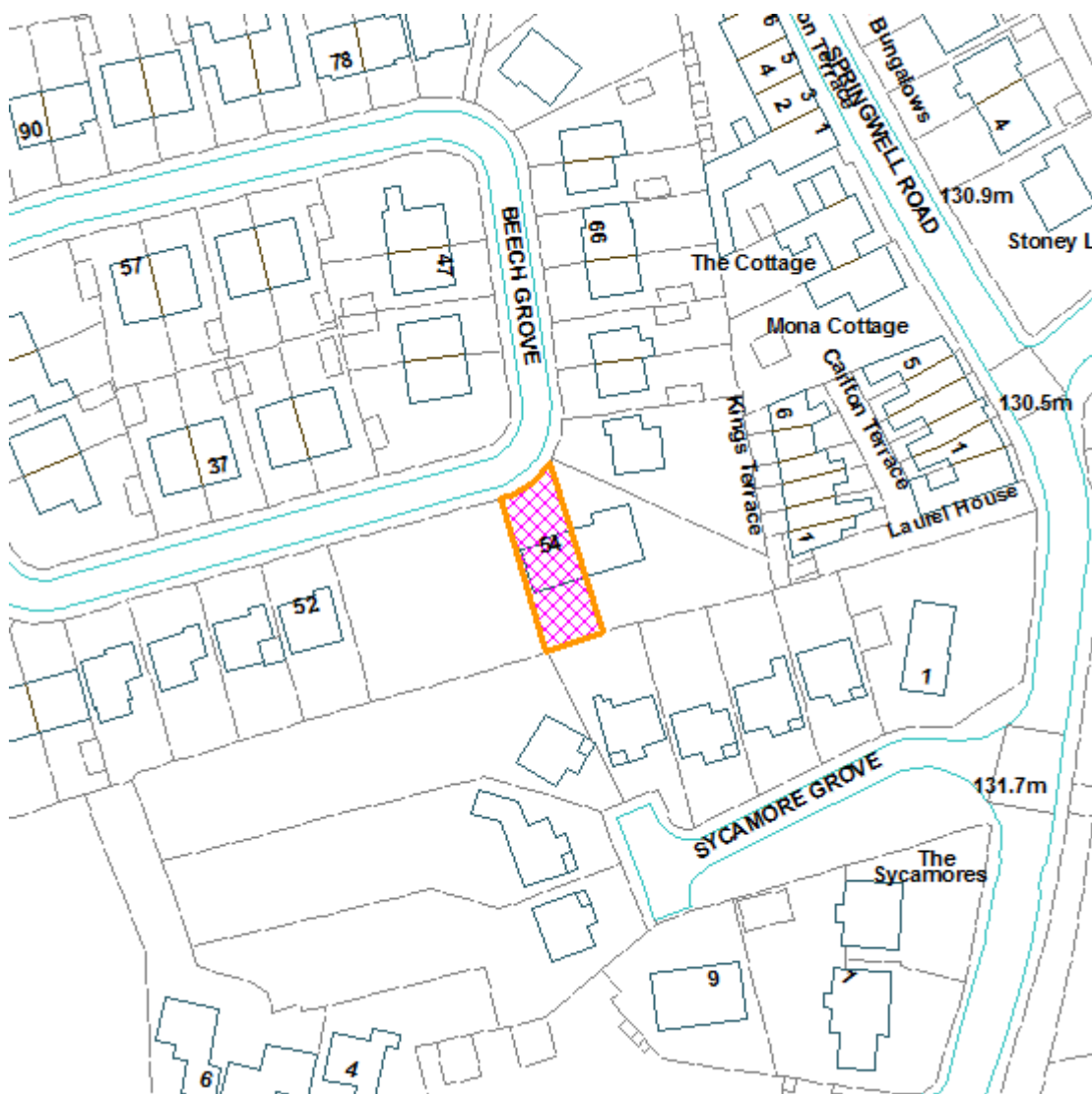
Ward: Washington West

Applicant: Mr Tom Cowe

Date Valid: 7 April 2016

Target Date: 2 June 2016

Location Plan



PROPOSAL:

Consent is sought for works to four trees located on land to the south west of 54 Beech Grove, Springwell, Washington. The application has been submitted by the City Council on land in its ownership and for this reason the application falls to be determined by Committee. The proposal follows a request from residents regarding the trees overhanging adjacent properties.

The trees lie within a linear area of public open space west of 54 Beech Grove all protected by Tree Preservation Order E in section G19 and G10 of the TPO.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.05.2016**

REPRESENTATIONS:

No representation has been received to the application for Tree works.

POLICIES:

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

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

It is proposed to carry out the following works :

- T1 - Sycamore - Prune back to boundary fence and remove deadwood.
- T2 - Sycamore - Prune back to boundary fence and remove deadwood.
- T3 - Sycamore - Prune back to boundary fence and remove deadwood.
- T4 - Sycamore - Prune back to boundary fence and remove deadwood.

All of the works are considered to be reasonable and in accordance with Policy CN17 of the adopted Unitary Development Plan and as such it is recommended that Members Grant Consent subject to the conditions listed below.

Conclusion

Members are recommended to Grant Consent Under Regulation 3 of the Town and Country Planning General Regulation Order 1992.

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:-

- 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.

RECOMMENDATION:

Members are recommended to Grant Consent Under Regulation 3 of the Town and Country Planning General Regulation Order 1992.

Conditions:

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy CN17 of the UDP.