

**Development Control (Hetton, Houghton & Washington)
Sub-Committee**

23 May 2012

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

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

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

Houghton, Hetton &
Washington

S1	Land at Normandy Crescent /Queensway, Houghton-le-Spring
S2	Durham Wildlife Trust, Mallard Way, Houghton-le-Spring
S5	Land North of Station Road / North West of Pattinson Road and adjacent to Barmston Road, Washington

Development Control
(Hetton, Houghton and Washington) Sub-Committee

SUPPLEMENT

Number:	S1
Application Number:	12/00516/FUL
Proposal:	Erection of 23no. dwellings with associated hard and soft landscaping, drainage, services and associated infrastructure.
Location:	Land at Normandy Crescent /Queensway, Houghton-le-Spring

Further to the report contained in the agenda in connection with this application, additional consideration of the proposed development has been undertaken, the findings of which are set out below.

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

- Principle of development
- Appearance and design
- Impact upon residential amenity
- Highway Access and Car Parking
- Impact Upon Trees
- Open Space Requirements
- Ground conditions

Principle of Development

The principle of development in this instance is considered to be acceptable and in accordance with UDP Policy. The development proposed is for family homes in an area of primarily residential development.

Appearance and Design

The proposed houses are two storey in height and are finished in brick with some render panelling.

The existing housing in the area surrounding the site area a mixture of houses of differing ages and designs and it is acknowledged that the proposed houses are not of the same style as those existing on Normandy Crescent. However the development under consideration proposes houses of a contemporary design which are considered to be acceptable in urban design terms.

The houses proposed are laid out around a cul-de-sac. This arrangement is necessary to accommodate off site car parking throughout the development and to maximise the capacity of the site in terms of housing that can be accommodated. Some of the houses proposed will have their rear elevation and rear garden facing on to Normandy Crescent. In these instances the appearance of the rear boundary walls of the properties will be softened through the retention of a planting strip adjacent to the highway on Normandy Crescent. This is considered to be acceptable and unlikely to detrimentally impact upon visual amenity in the street scene.

Impact upon residential amenity

All of the dwellings proposed are positioned at least 21 metres from the main facing elevations of existing property in Normandy Crescent and Queensway in accordance with the minimum separation distances required by the Council adopted supplementary planning guidance. It is therefore considered very unlikely that the proposed dwellings will result in any unacceptable overlooking of neighbouring properties or gardens. Similarly all of the proposed dwellings are positioned an acceptable distance from one another.

All of the properties proposed have their own private off street parking area (driveway) and visitor parking bays are positioned throughout the development.

An existing area of open space located in the eastern portion of the site is to be retained and enhanced as part of the proposals.

It is considered very unlikely that the proposed development will have any detrimental impact upon the residential amenity of the occupier of any near neighbouring property. The proposed development is considered to accord with the requirements of Policy B2 of the adopted UDP.

Highway Access and Car Parking

The proposed development is considered to be acceptable in terms of highway access, car parking and layout.

The Executive Director of City Services (Network Management) has been consulted regarding the proposed development and has confirmed that there is no objection to the proposal. A minor modification is required to the layout plan in order to accommodate 2 metre wide footways along Normandy Crescent and Hall Lane. An amended plan has been requested from the applicant, it is anticipated that this will be received in advance of the Committee meeting.

A representation in connection with this application was received in the grounds that the approval of the scheme including a visitor parking space on the north side of Queensway adjacent to plot 23 of the development would compromise future traffic calming initiatives in the locality. However, the Executive Director of Network Management has confirmed that there are currently no proposals to install traffic calming on Queensway and that such a proposal would be part of a wider 20mph zone, of which there are 15 zones proposed City wide, 'Racecourse Estate' does not feature on the list of proposed 20mph zones.

In the event that traffic calming measures were deemed necessary in the future; the design of any physical measures would take into account any on site constraints such as lay-bys. It is therefore considered that there is no benefit to the deletion of the lay-by at this stage as any future traffic calming measures would take its presence into account.

The proposed development is considered to be acceptable in terms of highway safety and layout and is considered to be in accordance with the requirements of Policy T14 of the adopted UDP.

Impact upon Trees

There are twelve trees currently on site. Of the twelve trees on site five are to be retained:

- One opposite No. 10 Queensway
- Two on the open space in the east of the site
- One opposite No. 7 Normandy Crescent
- One opposite No. 11 Normandy Crescent

The trees to be removed have been examined by the applicant and either have roots very close to the surface which constitute hazards; are damaged or diseased or constrain the proposed development to an unacceptable degree.

Removal of trees from the site remains under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the Development Control Sub Committee and reported at the meeting accordingly.

Open Space Requirements

The proposed development is considered to include an appropriate portion of open space which is to be enhanced by planting.

In terms of formal equipped children's play space, the applicant was unable to accommodate these facilities on site. As such it has been agreed that a financial contribution towards the upgrade or provision of such facilities at Kirklee Field of £16123 will be made through an agreement under the provisions of Section 106 of the Town and Country Planning Act.

Archaeology

The County Archaeologist has been consulted regarding this development and has advised that

should Members be minded to approve this application conditions should be attached to any approval granted requiring that a programme of archaeological excavation and recording be undertaken prior to any groundworks or development commencing and that an archaeological post excavation report should also be required by condition.

Providing that these conditions are applied to any approval granted the proposed development is considered to comply with the requirements of Policy B11 of the adopted UDP.

Ground Conditions

A desk top study has been submitted to identify any ground remediation works necessary to enable development to proceed on site.

If Members are minded to allow a positive determination of this application it is recommended that conditions should be attached to any approval granted requiring remediation measures to be put in place where these are considered to be necessary and also to require any contamination not previously identified to be adequately dealt with.

On the basis that the above conditions are included on any approval granted the proposed development will be considered to comply with Policy EN14 of the adopted UDP.

Summary

The proposed development is considered to be generally acceptable. However, an amended plan is awaited illustrating 2 metre wide footways around the site. Furthermore consideration to the loss of trees from the site is on going as is the completion of a legal agreement to provide a financial contribution towards off site play facilities at Kirklee Field.

It has also been brought to the Council's attention that the proposals for development remain under consideration by the Ward Councillor and some local residents. The Ward Councillor has indicated that a meeting to discuss that application is to be held on 21 May 2012 and that feedback will be provided to planning officer in advance of the meeting of the Development Control Sub Committee on 23 May.

Based upon the above Members are requested to delegate the final decision regarding this application to the Deputy Chief Executive who is minded to approve the application subject to any conditions deemed necessary providing that all outstanding matters can be satisfactorily resolved.

This will allow the application to be determined within the statutory 13 week target date, i.e. by 1 June 2012.

In the event that additional representations in objection to the proposed development are received the application will be referred back to Members at the next available committee in order that they can fully consider all representations made in advance of a final decision being made in connection with the application.

RECOMMENDATION: Delegate to the Deputy Chief Executive.

Number: S2

Application Number: 12/00955/FUL

Various earthworks to enable creation of new reedbeds and wetland areas to enhance bird habitats. Works include pond islands and erection of two 2 metre high stone wall bird viewing screens with bunds.

Location: Durham Wildlife Trust, Mallard Way, Houghton-le-Spring.

Further to the main agenda report in connection with this application additional consideration of this application has been undertaken response to consultation has been received.

The main issues to consider in connection with this application are:

- Principle of development
- Impact of the proposed development upon ecology and wildlife
- Impact of the proposed development upon the visual appearance of the application site
- Ground conditions

Principle of Development

The area proposed for development is within the boundary of Durham Wildlife Trust. The entire 60ha site occupies an area identified on the Unitary Development Plan Proposals Map as Open Space subject to the requirements of Policy B3 and Policy L1 of the adopted UDP.

Policy B3 of the adopted UDP requires that:

Public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation values; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such to the established character of the area.

Policy L1 of the adopted UDP requires that:

In the provision of recreation and leisure facilities the City Council will seek to:

(iii) Improve and extend opportunities for public enjoyment of the countryside (both urban fringe and rural) and its wildlife;

(iv) Promote dual use of educational and community facilities;

(v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations.

The proposed development aims to improve the nature reserve site and is considered to be in accordance with the requirements of the policies set out above.

Furthermore it is not considered that the proposed development is contrary to any of the policies or guidance set out in the National Planning Policy Framework (national planning guidance that was introduced in March 2012).

Impact of the proposed development upon ecology and wildlife

The proposed earthworks have been designed by Durham Wildlife Trust in order to enhance the environment for wading birds in particular and are considered to be of benefit to the ecology of the site.

An extended phase one habitat survey accompanies the application and Natural England and Durham Bat Group have been consulted and their comments are awaited. Given that the applicant is Durham Wildlife Trust who are concerned with the conservation and enhancement of Wildlife and their habitat, it is not considered likely that any problematic issues will arise following receipt of consultation responses.

However, if Members are minded to allow the positive determination of this planning application any conditions required by consultees whose responses remain outstanding will be added to any approval issued.

Impact of the proposed development upon the visual appearance of the application site

The proposed development site is a nature reserve which is remote from residential areas and which is largely screened from the surrounding area by its topography and remoteness.

It is not considered that the groundworks proposed will have significant impact upon the overall appearance or character of the nature reserve. The works proposed will have the effect of enlarging the existing ponds through creating of additional reedbeds.

The bird hides proposed are considered to be in keeping with the surroundings on site and are required to enhance the function of the site as a nature reserve used by ornithologists.

Ground conditions

The proposed development site is situated on an area previously used for Opencast Mining and as such a coal mining report and coal mining risk assessment was submitted to support the application for development.

The Coal Authority has been consulted in connection with the proposed development and has confirmed that they have no objection to it and do not require any specific mitigation measures to address coal mining legacy issues.

The Environment Agency has been consulted regarding the proposed development and their response to consultation is awaited. Should Members be minded to approve this application any conditions considered necessary by the Environment Agency will be added to any approval granted.

Summary

The proposed development is considered to enhance the ecological habitat and opportunities bird populations within the proposed development site. Furthermore the proposals are considered to enhance the nature reserve in terms of its educational and leisure facilities and as such the proposed development is considered to be acceptable and in accordance with Council policy.

To date, no representations in connection with the proposed development have been received. However, the period for publicity in connection with this application (conducted via site and press notices) remains in force and Members are requested to delegate the final decision in connection with this application to the Deputy Chief Executive who is minded to approve the application subject to conditions as appropriate.

In the event that representations in objection to the proposed development are received the application will be referred back to committee at a later date in order that Members can fully consider any representations received prior to final determination of the application.

RECOMMENDATION: Delegate to the Deputy Chief Executive

Number:	S5
Application Number:	12/00333/FUL
Proposal:	Residential development comprising of 170 houses with associated access, parking and landscaping, to include public open space. Stopping up of highways and change of use to residential
Location:	Land North of Station Road / North West of Pattinson Road and adjacent to Barmston Road, Washington

Further to the preparation of the main report to the Sub-Committee, the following representations have been received.

External Consultees:

Network Rail confirmed that it has no objection, in principle, to the proposal, but suggested a number of measures to protect railway infrastructure in relation to drainage, operations on site and the provision of safety / Armco protection barriers and fencing. In addition, it is advised that all buildings be sited at least 2m from a Network Rail boundary, soundproofing is provided to any potentially affected dwelling, a selection of species is suggested of planting adjacent to the railway line, details of external lighting is requested and it is stated that all means of access to any land owned by Network Rail should remain available at all times. It is specified that the items relating to boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping be conditioned in the event that the application is approved.

Internal Consultees:

The Play and Physical Activity Delivery Manager has requested a financial contribution of £119 170 to facilitate the provision of new and/or an upgrade of existing play facilities within the locality.

The Executive Director of City Services: Environmental Services provided substantive comments on the proposed remediation of contaminated land, which is elaborated upon later in this report.

As stated in the main report to the Sub-Committee, the main issues to consider in the assessment of this application are as follows (as amended):

- The principle of development;
- Sustainability;
- The viability of the scheme;
- Education provision;
- Play space provision;

- Affordable housing provision;
- Design, scale, massing and layout, including landscaping;
- Highway implications;
- Ground contamination;
- Noise and vibration;
- Odour;
- Ecology and wildlife;
- Archaeology; and
- Local employment.

Principle of Development

Chapter 6 of the National Planning Policy Framework (NPPF) sets out measures to be adopted by local planning authorities to significantly boost the supply of housing. In particular, paragraph 51 states that local authorities 'should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'.

The northernmost section of the site is allocated for housing by the UDP, so the principle of the residential development of this part of the site is acceptable. The remainder of the site is allocated for B1, B2 and B8 uses in the UDP under policy WA1.8 and is also subject to the provisions of policy EC4, which states that only the above mentioned uses and ancillary developments are appropriate in this location. Therefore, the application is a departure from the adopted development plan and has been publicised accordingly.

As the site is allocated for employment use, it could play an important role in the City's economic regeneration. The role of the Washington estates in the regeneration of the City's economy is highlighted in the emerging Core Strategy, where Washington is identified as having a key role in ensuring long-term economic success. The value of the Washington employment estates to the City's economy is emphasised in the Employment Land Review (ELR), which notes that the site is in a good position with easy access to trunk roads.

Notwithstanding this, it is recognised that the employment allocation for the site has not been taken up since it was reclaimed in the 1980's and that the abnormal costs associated with the mitigation of the site would be a real and demonstrable factor in bringing this site back into employment use. As such, the release of this portion of allocated employment land is accepted.

The site was submitted as part of the LPA's Strategic Housing Land Assessment 2012 (SHLAA) process. Although the majority of the site is allocated by the UDP as employment land, housing schemes have been approved on a number of similarly allocated sites within the local area, due principally to the extent of the contamination issues in the locality, making economic development unviable. Housing is now an established use in this location and is therefore considered to be acceptable, in principle; the SHLAA identifies the site to come forward in the short term (i.e. 1-5 years).

Proposals should accord with the aims of paragraph 50 of the NPPF in terms of delivering high quality homes and providing housing choice in terms of a mix of housing type and tenure. The Strategic Housing Market Assessment 2008 (SHMA) identifies a need for a mix of all housing types in the Washington East area, with a particular need for 1 and 2 bed dwellings and semi-detached properties. The applicant has proposed a mix of 2, 3 and 4 bed detached, semi-detached and terraced properties, which accords with the aforementioned criteria.

For the above reasons, it is considered that the applicant has demonstrated, in accordance with paragraph 51 of the NPPF, that there is no real prospect of the site being brought forward for employment uses (Classes B1, B2 and B8), given the exceptionally high costs associated with remediating the site, which can only be justified by the higher land values associated with an alternative form of development, and there is an identified need for additional housing in the area. In addition, in accordance with paragraph 50 of the NPPF, the proposed mix of housing is considered to be appropriate relative to the locality. As such, the principle of the proposed redevelopment of the site for housing is considered to be acceptable.

Sustainability

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

As part of the SHLAA process, the accessibility of each housing site is assessed to understand levels of accessibility to key services either on foot, bicycle or by using public transport. The Facilities Plan for this particular site highlights that it is currently unsustainable in terms of access to key facilities such as schools, chemists, doctor's surgeries and local shops, all of which are over 1 kilometre away from the site. Although there exists a bus stop adjacent to the site on Pattinson Road, only one service currently operates at this location, namely the no. 73 which runs from Concord to Sunderland City Centre on a half-hourly basis and there is no evening or Sunday service or any link to Washington Town Centre. Similar concerns have also been raised by Nexus in their consultation response, as summarised in the main report to the Sub-Committee, wherein it is suggested that the developer make a financial contribution to improve the local bus service.

In respect of the above, it is noted that Condition 7 of planning permission ref. 10/03726/HYB, for a mixed-use development of a site to the southeast side of Pattinson Road, requires the introduction of a series of highway measures on Pattinson Road, including the provision of 2no. new bus stops, prior to the development being brought into use. The current application would provide pedestrian and cycle routes to the new bus stops, thereby improving the sustainability of the site, and a similarly worded condition may be imposed in this instance to ensure that the site is adequately served by public transport, should Members be minded to approve the application. It is noted that residents of properties to the northwest of the site would still have to travel up to 900m to reach the nearest bus stop. However, for reasons to be elaborated upon later in this report, whilst bus service improvements are clearly desirable, it is not considered reasonable to request such a contribution from the developer in this instance given the viability issues associated with the scheme; greater priority should be given to education, play space and affordable housing for this particular site. In addition, should sufficient demand from residents be forthcoming, it is likely that a bus provider will

expand their service in the future to better serve the dwellings to the northwest part of the site.

It is also noted that the aforementioned consent for a mixed-use development to the southeast of Pattinson Road includes a small number of retail units, which must be constructed once more than 50no. of the 95no. dwellings approved by this consent have been occupied. This would further improve the sustainability of the current site, in accordance with paragraph 70 of the NPPF which, in part, promotes the provision and use of community facilities.

As such, on balance, it is considered that the proposed residential development of the site is adequately sustainable, given the improvements proposed as part of the current application and an adjacent development.

Viability, Education, Play Space and Affordable Housing Provision

Due primarily to the cost of remediating the site, the applicant has stated in their Planning Statement that they are not in a position to make any financial contributions or affordable housing provision in this instance. A viability statement, including a completed Homes and Communities Agency Economic Appraisal Tool, has been provided as justification, the details of which cannot be disclosed due to their commercially sensitive nature. The viability statement still being analysed and discussions are ongoing with the developer; it is anticipated that the findings, together with an assessment on the requirement for education, play space and affordable housing provision, will be reported and circulated at the Sub-Committee meeting.

Design, Scale, Massing and Layout, including Landscaping

Whilst the principle of the proposed perimeter block approach for the layout of the proposed development is considered to be acceptable, the LPA have raised a number of concerns to the applicant in relation to the detailed composition of the blocks of housing and the proposed house types.

In particular, in terms of layout, there are concerns over the proposed parking arrangements, which would dominate vistas and streetscenes in certain parts of the site, the lack of outlook onto the proposed area of open space and the relationship with Phase 1.

In respect of the proposed house types, the two- and three-storey massing is considered appropriate, however the architectural style and detailing of units within this phase of development are considered to be incompatible with Phase 1 and the planning consent granted for an adjacent site to the south (application ref. 11/03442/FUL). The units within these previous consents generally have a simple, modern aesthetic comprising gabled roofs and the use of interface elements limited to changes in material and flat-roofed porches/bay features and the currently proposed scheme should reflect this design rationale.

Accordingly, negotiations with the applicant are currently ongoing and it is anticipated that a revised layout and house types will be provided in due course, an analysis of which will be detailed on a

report to be circulated at the Sub-Committee meeting.

Highway Implications

As summarised in the main report to the Sub-Committee, the Executive Director of City Services: Network Management raised a number concerns in relation to the proposed highway layout, visitor parking and footway/cycleway provision, culvert diversion and the number of dwelling which would be accessed from private courts, which should be limited to no more than three. Further comments are provided in relation to the requirement for a Stopping Up Order and a number of shortcomings and inaccuracies are identified within the Transport Assessment.

As per above, it is anticipated that a revised layout will be provided in due course and an analysis of this, together with any supplementary documentation and a synopsis of any further consultation comments, will be provided on a report to be circulated at the Sub-Committee meeting.

Ground Contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would:

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

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

Given the previous industrial use of the site, the applicant has provided an Outline Remediation Strategy, prepared by Shadbolt Environmental LLP. It is proposed to carry out enabling works and the remediation of coke works contamination prior to the development of the site. The enabling works are required to investigate the former gasworks and culvert (Area 3 of Figure SK01 of the Outline Remediation Strategy), which is currently inaccessible due to the presence of asbestos contaminated stockpiles thereon.

The information submitted has acknowledged that the investigation of the site is incomplete with

regard to land contamination and that further investigation is required. In particular, there have been difficulties investigating Area 3 due to the presence of stockpiles of demolition material. Further investigation of the site is therefore necessary to determine what remediation is needed together with its viability.

The EA has no specific comments but has requested a Controlled Waters risk assessment. A semi-qualitative assessment has been provided by the applicant, but given the lack of certainty for the gasworks area and the lack of consideration of leachable potential for made ground, this assessment requires further refinement. Remediation targets should be set for protection of controlled waters.

It is proposed to excavate waste from tanks/gasholders, possibly under an Environmental Licence, treat this material on another area of the site prior to offsite disposal or reuse and replace this ground with asbestos impacted soils generated elsewhere on the site. Capping material would then be provided, again initially from asbestos contaminated wastes, followed by suitable clean capping. These works will be carried out under a Detailed Remediation Statement to be prepared subsequent to the granting of planning permission, should Members be minded to approve. No remediation targets have been set for the works and they may be perceived to constitute a waste operation unless carried out under the CL:AIRE Industry Code of Practice Materials Management Plan, given that there does not appear to be substantiation for suitability of use, certainty of use or known reuse volumes.

The remediation of gasworks waste is proposed using windrows or biopiles; appropriate controls for these should be incorporated into any remediation proposals, given the risk they could pose to neighbours and the environment if not properly managed.

Given the complexity of the site and the proposed remediation strategy, uncertainties regarding the feasible options for Area 3, possible issues relating to bioremediation works, waste management and lack of remediation targets it is essential that further investigation of the site is undertaken, which must consider the aforementioned matters.

It is noted that the Desk Studies and Site Investigation data have not been reviewed in detail, so the conclusions of the Outline Remediation Strategy in relation to the suitability of soils, gas and water monitoring have not been reviewed.

Accordingly, given the extent of the required remedial works are currently unknown, it is therefore recommended that, should Members be minded to approve the application, a suite of suitably worded conditions can be imposed relating to ground investigation and remediation of the site, requiring the implementation of works at various stages, whilst preventing dust generation.

Noise and Vibration

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'.

Policy EN6 of the UDP states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development, if necessary. Where such measures are not practical, permission will normally be refused.

A noise impact assessment was undertaken and submitted with the application in accordance with Planning Policy Guidance 24, which has since been superseded by the NPPF. This assessment seeks to assess the potential impact of the existing noise climate upon the proposed development, particularly given the proximity of the site to Pattinson Road; the report indicates that it was not considered necessary to undertake an industrial noise assessment given the lack of noise emanating from the nearby industrial estate and applicant has aired the view that the potential impact of the currently unused Leamside Line should not be considered, given that there are no immediate plans for its reuse. The report has been considered by the Executive Director for City Services: Environmental Health, the findings of which are detailed as follows.

Noise measurements were taken on three successive days in September 2011 at 6no. representative locations on the site. Noise Exposure Categories (NEC) were subsequently calculated for each monitoring location; location 1 was classified as NEC A, locations 2, 3 and 4 were categorised as NEC B, Location 5 as NEC C and Location 6 as NEC D. The former PPG 24 guidance for NEC C is that 'planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise'. The PPG 24 guidance for NEC D is 'Planning permission should normally be refused'. Whilst it is recognised that PPG24 is no longer extant, it is considered that it remains a valid and legitimate means of assessing potential noise exposure.

The results of the monitoring were also compared to the World Health Organisation (WHO) Guidelines for Community Noise which suggest that the steady noise level in gardens should not exceed 55 dB LAeq between 07:00 and 23:00 daily.

As such, the consultant employed to undertake the noise assessment has proposed that an earth bund along the eastern and southern boundaries of Area G running from Plot 15 to Plot 29 be provided at a minimum width of 10m and a maximum height of 3m. Calculations indicate that the provision of the bund would reduce noise exposure to Category A in locations 1 to 5 and Category B in location 6. The WHO guideline limit will therefore be met in all but one of the plot's gardens (Plot 29), for which two mitigation options are proposed, namely:

- A 2m acoustic fence along the boundary of Plot 29 continuing round to merge with the apex of the earth bund facing Pattinson Road; and
- Extending the earth bund approximately 5m to the southwest of the current boundary.

Internal Noise levels have also been calculated by the consultant for day and night time and a table is presented within the report of the required insulated glass units required to achieve an

acceptable internal standard inside the proposed dwellings. The units must have a sound reduction index of 25dB RTRA, which can be achieved using standard double glazing.

Concerns have been raised to the applicant over the proximity of some of the proposed dwellings to the Leamside Line, in particular Plots 112, 114, 120 and 125. Whilst this line is not currently in use and there are no immediate plans for it to be brought back into use, its legal status is that of a live railway line which is not currently operational, so its presence is considered to be a material consideration. To this regard, discussions are ongoing with the applicant and a revised layout is to be provided wherein the aforementioned plots would be repositioned further from the railway line.

With reference to the above, on the proviso that a suitable revised layout is provided, it is considered that the proposed acoustic treatment measures are adequate to protect future residents from unacceptable levels of intrusive noise and vibration. As such, should Members be minded to approve the application, it is recommended that suitably worded conditions be imposed on the consent in accordance with the recommendations of the assessment and those suggested by Network Rail, as summarised previously in this report. The necessary noise mitigation works must ensure that the occupants of the proposed residential development are afforded suitable and sufficient noise mitigation with regard to the WHO Guidelines for Community Noise (1999) and British Standard 8233:1999, Sound insulation and noise reduction for buildings – Code of Practice.

Odour

In keeping with the core principle of the NPPF cited in the previous section of this report, wherein a good standard of amenity for existing and future occupants of buildings is promoted, policy EN9 dictates that the relationship between proposed residential development and existing nearby uses giving rise to air pollution, dust or smell will be a material consideration.

As raised in the main report to the Sub-Committee, Northumbrian Water (NWL) has raised concerns that the proposed dwellings would be subjected to unpleasant odours dispelled by the Washington Sewerage Treatment Works, situated on the opposite side of Pattinson Road to the east of the site, which could give rise to complaints.

The Executive Director of City Services: Environmental Health has been consulted on this issue and concludes that, historically, it has received complaints from existing residents within the area surrounding the application site with regards to odours from the treatment works. A breakdown of the number of complaints received year on year is detailed as follows:

Year	No. of complaints
2005	1
2006	6
2007	3
2008	0
2009	1
2010	1

The majority of these complaints were received as a result of equipment failure or breakdown as opposed to an odour associated with the day to day operation of the site and, in this regard, a notice under Section 80 of the Environmental Protection Act 1990, relating to statutory nuisances, has never been served.

An odour scoping assessment was undertaken for the application on the site of the approved mixed-use development to the southeast of Pattinson Road (ref. 10/03726/HYB), which adjoins the NWL facility. This assessment considered the potential odour sources and location of receptors and concluded that a significant odour impact was unlikely to occur at that development. In addition, NWL, as part of its objection to this previous planning application, submitted contour maps which predicted the potential areas that may be affected by odour. Whilst these maps do not accompany NWL's representation to the current planning application, they do show that the current application site does not fall within the contours and is therefore unlikely to be subjected to significant odours.

For such reasons, whilst anyone purchasing a property which is within close proximity of a sewerage works may expect to experience, at certain times, a degree of odour in the atmosphere, depending upon the direction of the wind, it is not considered that the future residents of the development currently proposed would be adversely impacted upon by odours to any such degree whereby a refusal of planning permission is warranted.

Ecology and Wildlife

A Phase 1 Habitat Survey and Risk Assessment undertaken by Penn Associates dated March 2011 has been provided, section 6.5 of which recommends the carrying out and submission of a bat and barn owl survey and habitat suitability study for great crested newts. Clarification has been sought from the applicant as to whether this is available and a response is currently awaited.

Accordingly, it is recommended that these matters will be addressed on a report to be circulated at the Sub-Committee meeting.

Archaeology

Paragraph 141 of the NPPF advises that LPAs should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

In keeping with the nature of this paragraph, policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

This is the site of the former Washington Chemical Works and an archaeological desk based assessment was completed in 2004. Further archaeological work is required, however health and safety is a notable concern given the industrial and chemical processes that historically took place on the site, as discussed in the previously in the Ground Contamination section of this report.

The site is of considerable industrial archaeological interest and the County Archaeologist has been consulted accordingly, who provided the following comments, dividing the site into 4no. areas as per Figure SK01 of the Outline Remediation Strategy prepared by Shadbolt Environmental.

- **Area 1** (land to northwest of site between Barmston Road and the Leamside Line):

No archaeological work is required.

- **Area 2** (northeastern section of Site Area D):

This is the site of the former Pattinson Town, where two rows of housing for chemical workers were built between 1862 and 1898. The houses were demolished in 1967/8 and their buried remains may survive. Little archaeological work has been previously done on chemical workers housing. Made ground varies in depth from 0.35m to 3m and contaminants in this area are largely below the relevant screening values, however asbestos tile fragments are present.

Given the lower concentration of contamination on this part of the site, the undertaking of archaeological work should not be problematic. However, the appointed archaeologist must be provided with sound health and safety advice from the developer and will have to be vigilant regarding the presence of asbestos tiles, which would have to be removed from site by a registered organisation. Two preliminary trenches of 2m x 50m are likely to be required across the rows of the former Pattinson Town. Depending on the survival of the foundations of the cottages, further archaeological excavation may be required.

Shadbolt Environmental recommend the excavation of the made ground from this area down to natural clay, with the made ground being used as a fill material in Area 3. The excavation of made ground will destroy any buried remains of the houses which survive, so it is imperative that the archaeological work is undertaken before any earthmoving takes place.

- **Area 3** (southernmost section of Site Area D and the whole of Site Area E):

This section includes the site of the bleachery and paper mill which occupied the site before the chemical works and gas works. Foundations of these buildings and the chemical works may survive, although the remains are likely to be buried relatively deeply under spoil. Made ground varies from 0.70m in the north part of this area to 11m in the south part. Given that this contains asbestos, contamination on this part of the site is likely to be high.

This area is covered by two large mounds of unprocessed demolition materials, which have prevented ground investigation on the site and presently prevent the undertaking of archaeological work.

The former gasholder tanks may have been in-filled with gasworks waste (tar, oxide deposits etc.).

The County Archaeologist has expressed alarm in discovering that 12no. particularly large and deep (up to 4.5m) trial pits were excavated across the site in December 2010 by Shadbolt Environmental to assess ground conditions around the culvert which brought water from Willows Reservoir on the opposite side of the Leamside Line into the site. There are archaeological conditions on previous permissions at nearby sites which stipulate that no ground works should take place before archaeological work has been completed. Accordingly, these trial pits should have been archaeologically monitored.

The Outline Remediation Strategy prepared by Shadbolt Environmental advises that further enabling work in the form of deep trenches is needed to confirm the presence/absence of the gasholders and to locate the culvert. This work may reveal remains of historic structures (indeed their report states that any in-ground structures will be broken out), so it is imperative that the work be archaeologically monitored.

The application proposes to spread out and level the stockpiles of material across Area 3, import a layer of recycled brick or concrete then undertake compaction and an engineering fill. The proposed dwellings would have raft foundations, which would leave any buried archaeological remains in-situ, buried beneath the imported material, unless for geotechnical or contamination reasons any excavations are required following the enabling work, in which case further archaeological work will be required.

Site clearance works will involve the demolition of existing structures and the excavation of relict foundations. The existing buildings on the site, according to the submitted archaeological assessment, are former chemical works buildings dating to the mid 20th century, previously occupied by Instrip Demolition. The adjacent Station Club and Institute may also be of historic interest, in which case they should also be photographed before demolition and the excavation of relict foundations must be monitored by an archaeologist as a watching brief should the foundations relate to 19th century industrial works.

- **Area 4** (the whole of Site Area G):

No archaeological work is required.

For the above reasons, should Members be minded to approve the application, it is recommended that conditions be imposed requiring the developer to carry out the following archaeological work:

1 Recording of any upstanding historic structures which relate to the chemical works, before demolition and site clearance. There is an old section of wall along the edge of the site on Station Road and some of the buildings previously used by Instrip Demolition are apparently old buildings whilst the station club and institute may also be of interest.

2 Excavation of archaeological trenches on Area 2, namely the site of the former housing for Pattinson Town workers, which must take place before any ground disturbing works / removal of made ground.

3 Archaeological monitoring of the site clearance work and enabling work in Area 3 to enable the recording of any buried remains of the culvert, chemical works, bleachery, paper mill and gas works.

4 If any remediation work/excavation works are required in Area 3 following the enabling work, a further programme of archaeological monitoring will be required.

Upon compliance with such conditions, it is not considered that the proposal would have any undue adverse impact on any assets of archaeological significance which may be present within the site.

Local Employment

The LPA actively encourages the recruitment, training and development of local people, particularly those who have been out of work for six months or more, and promotes supply opportunities for small businesses.

To this regard, the applicant has confirmed that it does not adopt any direct local labour policy, but remains the largest private sector employer of apprentices in the Country. In addition, it runs a graduate recruitment programme and the 'Barratt Academy' for the education of skilled work people. In labour only terms, 80% of on-site personnel live within a 10 miles radius and 95% of materials are taken from the same vicinity of the site.

Other issues

The Environment Agency has advised that it has no objections to the proposals but requested that conditions be imposed on any consent issued in respect of surface water drainage and the removal/eradication of Japanese Knotweed from the site. Accordingly, should Members be minded to approve the application, it is recommended that conditions be imposed to this effect.

Conclusion

It is considered that the proposal is acceptable, in principle, the site is adequately sustainable for residential development, would not subject future residents to undue levels of odorous emissions, would not have any undue adverse impact on any assets of archaeological significance which may be present within the site (subject to conditions) and would offer good local employment opportunities. However, in light of the outstanding issues relating to viability, education, play space and affordable housing provision, design, scale, massing and layout, highway implications, noise and vibration, it is envisaged that a further report addressing these matters along with a recommendation will be made on a report to be circulated at the Sub-Committee meeting.

RECOMMENDATION: Deputy Chief Executive to Report