

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director Economy and Place

**Reference No.:** 18/01236/MAW Minerals- Waste (County Matters)

**Proposal:** Installation of a water tank and associated pump house/plant room, fuel tank and the change of use of existing wood bays to vehicle wash bay.

**Location:** Veolia ES (UK) Ltd 1 Monument Park Washington NE38 8QU

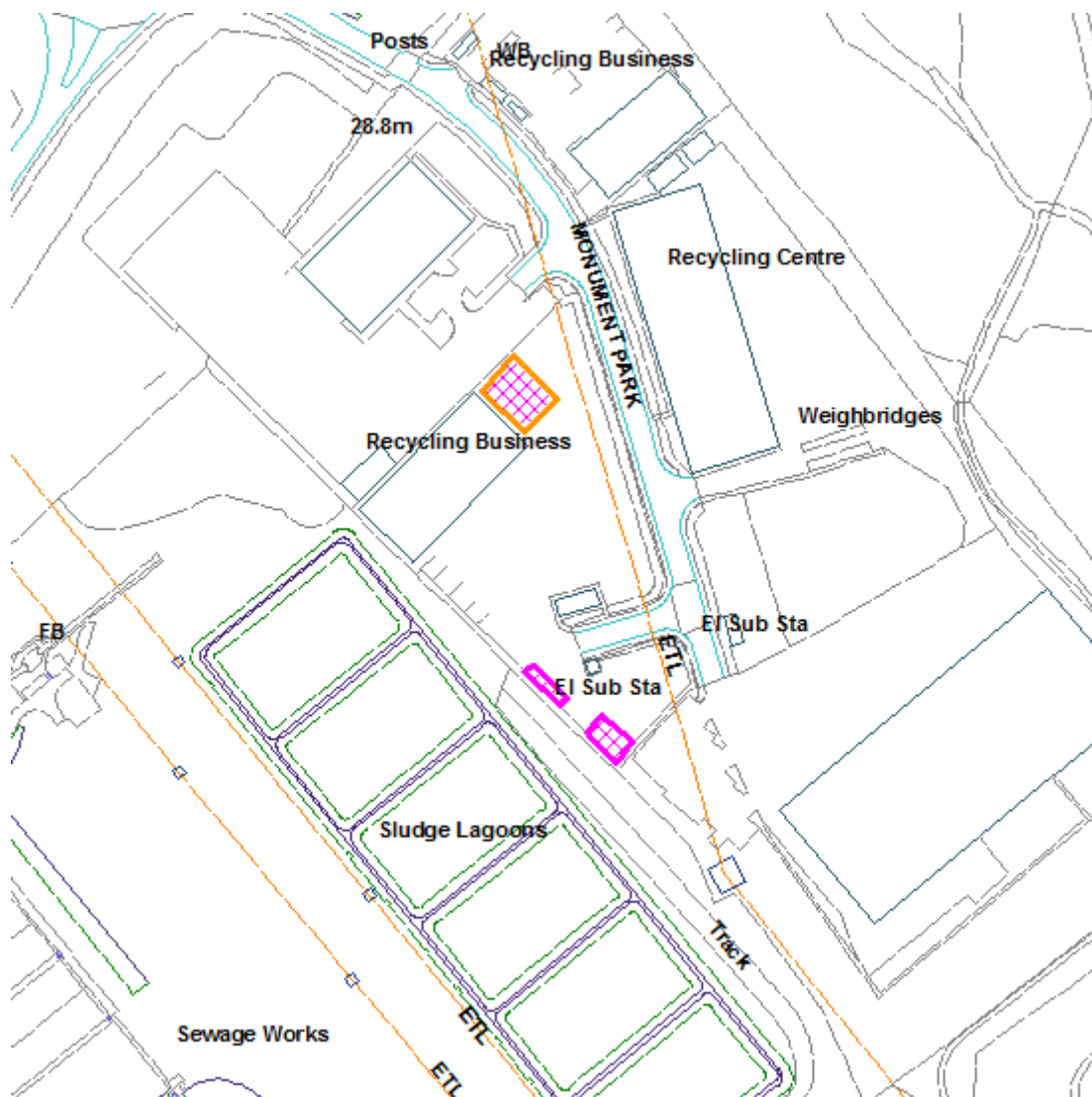
**Ward:** Washington East

**Applicant:** Veolia ES (UK) Ltd

**Date Valid:** 23 July 2018

**Target Date:** 17 September 2018

## Location Plan



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## **PROPOSAL:**

The proposal relates to the installation of a water tank and associated pump house/plant room, fuel tank and the change of use of existing wood bays to vehicle wash bay at 1 Monument Park, Washington.

The site was previously operated by Niramax Group Ltd, but currently operated by Veolia (UK) Ltd. The site is one of a number of industrial units accessible off Monument Park located on the developed area of Pattinson North Industrial Estate, which is occupied by similar B2, B8 and sui generis uses.

The existing site accommodates a number of buildings that include a large waste transfer station building (WTS) to the north west and the existing office/welfare building located adjacent to the site's access point. The eastern area of the site is mainly used for container storage and vehicle parking and the southern area is occupied by car parking and existing wood bays.

The current proposal seeks to provide a water tank that measures 10.7 metres in diameter, reaches 9.4 metres in height and is attached to a pump house with are both sited north east of the existing WTS. The water tank is to be constructed in a galvanised finish and the pump house will be finished in a Holly Green colour.

The fuel tank element of the proposal includes a 40,000 litre white diesel tank, 10,000 litre red diesel tank and a 2,500 adblue tank. Each tank will be enclosed, double skinned and protected by barriers to ensure full containment and protection.

The proposal seeks the removal of the two existing wood bays to introduce an area for washing vehicles. The bays are made up of concrete panels supported by steel beams that measure approximately 12 metres by 12 metres and 3 metres in height are to be converted into one bay reduced in size to approximately 12 metres by 6 metres, sufficient in size to house a refuse collection vehicle.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **18.08.2018**

## **REPRESENTATIONS:**

Representations - No letters of representation were received.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

WA\_1\_Retention and improvement of established industrial / business area

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

EC\_4\_Retention and improvement of existing business and industrial land

B\_2\_Scale, massing layout and setting of new developments

## **COMMENTS:**

The main issues to consider with regard to the proposed development are :

1. The principle of the of the proposed development;
2. The impact of the development upon residential and visual amenity;
3. The impact of the development upon highway safety;
4. The effect of the proposal upon land contamination.

Principle.

National Planning Policy Framework (NPPF). The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): These objectives are economic, social and environmental.

With the above in mind, the current proposal seeks to improve the facilities of the existing site and subsequently improve the site's role in managing commercial waste materials higher up the hierarchy.

The National Planning Policy for Waste - Appendix A the Waste Hierarchy.

- the most effective environmental solution is often to reduce the generation of waste, including the re-use of products - prevention
- products that have become waste can be checked, cleaned or repaired so that they can be re-used - preparing for re-use
- waste materials can be reprocessed into products, materials, or substances - recycling
- waste can serve a useful purpose by replacing other materials that would otherwise have been used - other recovery
- the least desirable solution where none of the above options is appropriate - disposal.

The site is allocated within the saved adopted Unitary Development Plan (UDP) under policy WA1

- Existing Employment Sites which are to be retained and improved for the purposes of offices, research and development, light industry, general industry, warehouse and storage and distribution (uses B1, B2, and B8). WA1.7 is subject to the overarching policy of EC4 which states that existing business and industrial land will be retained and improved for the appropriate uses as outlined.

In light of the above the current proposal is considered to be aligned to the business needs of the existing user, is compliant with National and Local Planning Policy and is therefore acceptable for the continued use of the site.

The impact of the development upon residential and visual amenity.

Policy B2 of the UDP states that new development should respect and enhance the best qualities of nearby properties and the locality. The host site is located within an established industrial estate and is sited a significant distance from the nearest residential property (approximately 350 metres). Further to consultations with the City Council's Public Protection and Regulatory Services, it is considered that the introduction of the additional plant will be housed inside a building structure and will only be operational in the event of a fire and as such any impact upon the nearest sensitive receptors to the site are considered to be acceptable.

Visually the proposal is considered to be commensurate with the scale and form of equipment expected to be installed within an industrial area and is therefore considered not to conflict with the provisions of policy B2.

The impact of the development upon highway safety.

Policy T14 of the adopted UDP seeks to ensure that new development does not result in any significant detrimental impact on highway safety. In addition policy T22 requires new development to provide adequate levels of car parking.

Further to consultations with the Transportation Development Section, the proposal raises no concerns.

The effect of the proposal upon land contamination.

Paragraph 178 of the NPPF relates to ground conditions and pollution and states that planning decisions should ensure that:

"a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination."

In addition the UDP covers ground conditions under policy EN14 and requires applicants to demonstrate that any proposal will not be detrimental to existing ground conditions.

Following initial concerns from the Environment Agency (EA) and the City Council's Public Protection and Regulatory Services Section (PPRS), the applicant has provided additional information. The information to the EA states that:

"The proposed new fuel tank consists of a 40,000 Ltr white diesel fuel tank, which will be stored above ground only and located along the western boundary of the site. The new white diesel fuel tank will be double skinned in steel. Therefore the inner fuel storage tank will be enclosed within another tank that will form the bunded tank. The bunded tank will ensure that the inner fuel tank is protected with an outer layer that can prevent spillages in the unlikely event of damage to the inner fuel storage tank. A red diesel fuel tank already exists onsite, which is also stored above ground level and is also double skinned. The existing red diesel tank will be relocated adjacent to the new proposed new white diesel tank along the western boundary of the site. Further a cut off drain will also be installed alongside the fuel tanks for the purpose of capturing any spillages.

The new vehicle bay will utilise an existing external bay that was previously used for storing wood. The wash water from the new wash bay activity will be discharged to the existing foul sewer via the existing foul drainage connection located adjacent to the existing office building on site."

The EA responded stating this information was sufficient to enable the previous objection to be removed.

Information provided to PPRS states that:

"For clarification the existing red diesel fuel tank onsite is not stored underground but rather above ground and is double skinned in steel. Therefore the inner fuel storage tank is enclosed within another tank which forms a bunded tank to ensure there are no spillages in the event of any damage to the fuel tank. The existing bunded fuel tank will not be decommissioned but simply relocated to the western boundary of the site and adjacent to the proposed white diesel fuel tank which will also be a bunded tank (double skinned) and above ground."

Further to consultations with PPRS the additional information is considered to be acceptable.

In summary, the proposal is considered to provide a form of development that implements appropriate safeguards and contingencies in order to remove any potential concerns relating to ground contamination. This element of the proposal accords with relevant national and local planning policy and is considered to be acceptable.

Conclusion.

The proposed introduction of the equipment proposed is considered to provide an acceptable form of development, without causing harm to the amenity of the locality, highways or the ground conditions of the site.

The proposal therefore complies with relevant NPPF policies and UDP policies WA1.7, EC4, B2, T14, T22 and EN14 and is recommended for approval.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION: APPROVE**

### **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:

Drawing No. VES\_DT\_WASH\_200\_000, Site Location Plan received 23.07.2018.

Drawing No. VES\_DT\_WASH\_100\_001, Existing Site Layout received 23.07.2018.

Drawing No. VES\_DT\_WASH\_200\_001 Rev C, Proposed Site Layout received 23.07.2018.

Drawing No. VES\_DT\_WASH\_200\_002 Rev A, Proposed Elevations received 23.07.2018.

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 external materials to be used, in the construction of the water tank and pump house/plant room shall be of the same colour, type and texture as those described in Section 7 Materials of the submitted planning application form dated 13.07.2018, 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.