

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

**Reference No.:** 12/00057/FUL Full Application

**Proposal:** **Demolition of existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing.**

**Location:** Former Hanson Building Products Wilden Road Pattinson South Washington NE38 8JU

**Ward:** Washington East

**Applicant:** G'Obrien And Sons

**Date Valid:** 29 March 2012

**Target Date:** 28 June 2012

### Location Plan



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### PROPOSAL:

The proposal is for the demolition of the existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing.

The application covers the demolition and clearing of the existing production building on the site whilst retaining the office building and associated car parking

area. A 4,100 square meter portal framed industrial building is proposed to replace the existing building in the southern area of the site to accommodate the proposed waste recycling processes. Attached to the north east of the building, offices are proposed for administration and on site meetings whilst a viewing gallery is proposed along the full south eastern elevation. To the northern and extreme southern area of the site, recycled materials will be stored via a series of external storage bays.

A 6 m high steel fence is proposed to surround the South, East and North boundary of the site to reduce the visual impact and screen the proposed development from the nearby roads and buildings.

The application has been submitted by O'Briens as they have seen a continuous period of growth for the past 5 years. They have stated in order to continue to provide a recycling service to local schools, universities, local authorities and other clients, they need to invest in a new waste sorting site in the Washington area to process waste received prior to the recycling of the materials. To reduce the carbon footprint produced, a waste recycling facility based in Washington will reduce the miles travelled by O'Brien's collection vehicles.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

#### **CONSULTEES:**

City Services - Network Management  
Street Scene (Environmental Service)  
Northumbrian Water  
Environment Agency  
Network Rail

Final Date for Receipt of Representations: **05.06.2012**

#### **REPRESENTATIONS:**

Neighbour Objections

Two letters of support and 100 letters of objection have been received to the application.

The main concerns raised in the objections letters are listed below:-

- Competition
- Health Concerns
- Inappropriate Use
- Increased Litter
- Loss of Heritage
- Loss of Light
- Loss of privacy
- Noise from the use
- Overdevelopment

- Poor Access
- Smells from the extractor fans
- Traffic Generation
- Proximity to residential properties
- Devaluation of residential properties
- Potential harm to wildlife
- Hours of Operations
- Increase in flies and vermin
- Light pollution

#### Environmental Health

Awaiting response from the applicant on issues raised concerning the Noise Assessment.

#### Network Management

It is recommended that the HGV's associated with the site are routed via Wilden Road, Pattinson Road and vice versa, avoiding the use of Teal Farm Road and Barmston Way.

Dust and Litter control - The applicant has indicated that mud, dust and debris deposited on the road will be removed by hand and cleaning the road with a road brusher/washer twice daily. Whilst these reactive measures may be necessary at certain times, it is recommended that the applicant employ additional preventative measures, in addition to those intended, such as inspecting and if necessary cleaning vehicles before they leave site.

Car Parking - The applicant has proposed 45 car parking spaces in front of the existing offices.

#### Environment Agency

The Environment Agency has no objections to the proposal as submitted, but wishes to provide the following information:-

Land Contamination, in respect of controlled waters. The Environment Agency considers that the controlled waters on this site are of low environmental sensitivity and therefore have not offered any site specific information.

Surface Water Disposal: - This should be controlled as near to its source as possible through a sustainable drainage approach.

Disposal of Foul Sewerage - An Acceptable method of foul drainage disposal would be connection to the sewer.

#### Northumbrian Water

Northumbrian Water has no comments to make on the proposed scheme.

## Network Rail

Network rail has no objection to the proposal subject to applicant complying with requirements which Network Rail have issued them in respect of development next to a railway line.

### **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\_15\_Protection of land required for new highways / improvements

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

M\_12\_Strategic requirements for development/extension of waste disposal/transfer sites

M\_13\_Consideration of applications not complying with M12

M\_14\_Location and planning of waste disposal activities acceptable under M12 or M13

EC\_12\_Criteria relating to potentially polluting industries

EC\_15\_Development or extension of bad neighbour uses

### **COMMENTS:**

In determining the application the following issues need to be considered:

- Land use / UDP Allocation.
- National Policy PPS 10 Planning for Sustainable Waste Management.
- Visual Impact
- Affect on residential amenities/Noise Assessment.
- Sustainability / Environmental factors.
- Highways.

### **Land use / UDP Allocation**

The application site is allocated for economic development under Policy WA1.8 of the UDP. The Policy requires that such areas i.e. Pattinson South Industrial area in this case, should be retained and improved for B1, B2 and B8 uses. Both operations undertaken on the site at present fall within Use Class B2 General Industry . WA1.8. With respect to this planning application it is therefore only the proposed built development that requires planning permission (i.e. the new industrial building, external storage bays, weighbridge office and perimeter fencing).

The site currently operates under a B2 use classes order, the proposed application does not seek to change the use of the site. The application is for the new industrial building, external storage bays, weighbridge office and perimeter fencing).

The applicant considers that the proposal has been designed in order to operate in compliance with these policies. The relevant policies are as follows:-

## Policy M14

Proposals for waste disposal acceptable under the terms of Policy M12 or M13, must be located and planned to ensure that:

the amenity residential, recreational commercial and B1 industrial areas and other sensitive uses is protected;  
there is acceptable means of access to the strategic road network for the number and size of vehicles involved in the operation, and to the rail network, where readily available;  
discharges to the air or in to ground water or surface water features are minimised (notwithstanding that they meet pollution control standards and regulation)s;  
during its operation, the visual impact of the site on the surrounding landscape is minimised

## Incompatible Industries Policy E12

Proposals for the development of potentially polluting industries will normally be required to:

- (i) have adequate physical and visual separation from other developments to ensure both safety and general amenity (especially in respect of residential areas);
- (ii) have transport routes available to the primary roads/rail network which avoid densely built up areas and provide for the safe passage of hazardous materials;
- (iii) provide for the restoration of the site should the use be discontinued;
- (iv) be designed to minimise any adverse impact on the environment.

## Bad Neighbour Uses EC15

Development or extension of sites for bad neighbour uses including scrap yards and the sorting and storage of waste materials will only be permitted in areas identified as suitable provided that:

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

The proposed use is considered acceptable; however the proposed 24 hour operation of the site is still under consideration by Environmental Health, it is anticipated a response will be made on the hours of operation on the supplementary report.

## National Policy.

It should also be noted that there is also National Policy in relation to this application, which is provided by PPS 10 (waste management)

Paragraph 27 of PPS10 indicates that planning and pollution control are separate but complementary and that the planning system should focus on whether development is an acceptable use of that land. Paragraph 32 indicates that it should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility is regulated by the relevant pollution control authority. National policy in respect of the use of conditions in planning permissions is also provided by Circular 11/95. This sets out a number of tests in respect of the validity of the planning conditions. These include the condition being necessary, relevant to planning, relevant to the development being permitted, enforceable, and precise and reasonable in all respects. In discussing the test of being relevant to planning, paragraph 22 points out that some matters are subject to control under separate legislation, yet are also of concern to the planning system. It indicates that a condition which duplicates the effect of other controls will normally be unnecessary.

### **National Planning Policy Framework**

The National Planning Policy Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. This is why PPS 10 has not been replaced by the National Planning Policy Framework.

However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

### **Proposed Operation of the Site**

O'Brien's Management Statement:-

"In the local area there are a number of other waste sites, none however that sort waste to the level O'Brien's do. We are determined to achieve 100% landfill diversion in 2012 and this site will enable this. O'Brien's are currently promoting free school recycling in the area and require the Washington site. We also determined to reduce our carbon footprint as a business and be reducing the amount of vehicles required/miles travelled to our nearest waste sites then we are contributing to the government's reduction targets. O'Brien's will also use this facility to show local school children and residents how waste is processed in order to improve waste recycling rates and contribution via the raised cabin walkway.

The materials collected by O'Brien's such as paper, cardboard, plastics and cans would be segregated manually within the warehouse these materials, once segregated, would be baled on site and loaded into suitable containers destined for UK re-processors.

O'Brien's would use storage bays to process other recycling materials such as brick, rubble and soils otherwise destined for landfill. To further increase recycling

O'Brien's would use the facility to shred wood which would then allow us to recycle this material. The site would be a huge benefit to both O'Brien's and the local environment in terms of reducing the amount of waste going to landfill, the site would operate under health, safety and environmental legislation with a dedicated site manager overseeing operation.

O'Brien's and Sons are licensed to carry out waste operations under regulation 27(2) of the Regulations, standard rules SR2008 No 7 (Household, commercial and industrial waste transfer station with treatment and asbestos storage,) as company registration number: 3016374;

Key Benefits from the proposed scheme:-

- Creation of 50 new jobs
- Longer term vision of over 150 employees
- 100% Diversion from Landfill

### **Location of Building and dimension**

The proposed building is to be located in a similar position to the building which currently exists on the site.

The proposed building is 118m in length with a maximum height of 15m at its highest point and has a width of 44m. The proposed building materials to be used should planning permission be granted will be grey profiled metal walls and roof cladding which is similar to the other building located within the surrounding area. The proposed building is considered acceptable and is not considered to be visually intrusive due to the site being set down from the highway and is heavily screened by a mature tree line and the proposed perimeter fencing. The proposed building is considered acceptable in principle and complies with policy B2 of the adopted Unitary Development Plan.

### **Screening Fencing**

The proposed fence is 6m in height and is proposed to the South, East and North boundary to further reduce the visual impact of the proposed development and screen the nearby roads and buildings. The proposed fence is considered acceptable due to the site being set down from the main road by approximately 4m and is set in front of the existing mature tree line, the screen fencing is considered to comply with policy B2 of the adopted Unitary Development Plan.

### **Storage bays**

The concrete external storage bays proposed are no higher than 4m in height and will not be visible from outside. Conditions can be imposed to ensure that materials stored here are no higher than the bays themselves, ensuring that materials are stored in an orderly fashion and to comply with the policy B2 of the adopted Unitary Development Plan policies.

### **Visual Impact**

The expanded site is almost completely visually contained by either mature woodland peripheral landscaping belts, the Pattinson Road embankment (to the south of the site) or the screen fencing on the existing Holystone site. The proposed fence and building are considered acceptable in terms of their visual appearance and as such are considered to comply with policy B2 of the adopted Unitary Development Plan.



## **Highways**

O'Brien's have indicated in their Design and Access Statement that the vehicles will approach the site from the dual carriageway to the North (Sunderland Highway) or from the west ( Washington Highway), from both entry points vehicles will travel along a single carriageway (Pattinson Road) to the 8.5m wide access road (Wilden Road).

O'Brien's have confirmed there will be a slight increase in the vehicle movements in comparison to the existing site, due to the wider range of materials to be recycled

It should be noted that O'Brien's are proposing to implement a one way system within the site boundary as detailed on the proposed site plan drawing. Furthermore all vehicles must adhere to the following vehicle movement and site rules:-

- Observe a 10mph speed limited at all times
- All drivers must report at the weighbridge upon arrival and leaving the site
- Pedestrian and Visitor routes must be adhered to

The existing office and car park near to the site entrance will remain. The existing car park area houses 45 spaces which are considered sufficient for the proposed waste facility and adjacent offices. Cycle stands are also located in the existing car park. The applicant proposes to mark the bay parking bays out, an amended plan has been received indicating how the car parking spaces will be delineated.

The Councils Highways Engineers are satisfied that there will be no effect on the highway safety of other road users by the proposal and as such the proposed development is considered to comply with T14 of the adopted Unitary Development Plan.

## **Sustainability / Environmental factors.**

All waste to be processed at the expanded site would be in the 'non-hazardous' category. Waste recycling operations will also be the subject of either a Waste Management Site Licence or an IPPC Permit issued by the Environment Agency. The licence or permit will strictly control the detail of waste recycling operations and environmental controls.

## **Noise Assessment**

An additional noise assessment has been submitted in respect of night time operating, the report is currently under consideration by Environmental Health. It is anticipated a full response will be made on the supplement to the noise assessment together with consideration of the representations received.

**RECOMMENDATION: Deputy Chief Executive to Report**