

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

**1 December 2009**

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**REPORTS FOR CIRCULATION**

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**REPORT BY DEPUTY CHIEF EXECUTIVE**

**PURPOSE OF REPORT**

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of the main agenda report. This information may allow a revised recommendation to be made.

**LIST OF CIRCULATED ITEMS**

Applications for the following sites are included in this report.

Hetton, Houghton  
& Washington

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| 3 | 5B Freezemoor Road, New Herrington          |
| 4 | Westbourne Surgery, Kelso Grove, Shiney Row |
| 5 | Washington School, Spout Lane, Washington   |

# Sunderland City Council

Hetton, Houghton & Washington  
Sub-Committee

## REPORT FOR CIRCULATION

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Number: 3

Application Number: **09/02813/FUL**

Proposal: Change of use from scrap yard to waste transfer station to include relocation of crusher and screener and stockpile and erection of attenuation bund (RETROSPECTIVE)

Location: 5b Freezemoor Road, New Herrington Industrial Estate, Houghton-Le-Spring.

Further to the main agenda report it has come to light that further clarification of the distances to residential properties is required to ensure that Members have the correct information before them in considering the proposal.

The distance from the middle of the site to the nearest dwelling is on Langley Street and scales off at approximately 160 metres. The next nearest dwellings are in Fenton Terrace approximately 190 metres distant.

There are intervening land uses and buildings in the form of the northern end of Philadelphia workshops and the northern area of the New Herrington Industrial Estate respectively between the application site and these dwellings thus they were not consulted by letter though site notices were posted.

The 5th paragraph on page 44 of the main agenda should more accurately have made reference to the nearest residential properties to raise issues with the application are 250 metres away on Travers Street.

It is not considered that the above changes the overall consideration of the application and Members are therefore recommended to approve the proposal with the conditions set out on the main agenda.

**RECOMMENDATION: APPROVE subject to conditions as set out on the main agenda**

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Number:	4
Application Number:	<b>09/03250/FUL</b>
Proposal:	Erection of single/two storey extension to western elevation)
Location:	Westbourne Surgery, Kelso Grove, Shiney Row, Houghton-Le-Spring.

At the Members Site visit on 27<sup>th</sup> November a number of queries were raised in respect of pedestrian movement, parking and servicing arrangements for the surgery.

**Pedestrian movement**

The agent has submitted an indicative sketch of the proposed/suggested pedestrian routes through the site should the extension be granted consent. Further, the applicant has agreed to the insertion of a new pedestrian gate in the fence along the western edge of the site should consent be granted in order to preclude the need for patrons of the surgery to walk along the carriageway of Kelso Grove when approaching from the south west/west. Members did raise the possibility of additional footway being provided adjacent to the northern edge of the Kelso Grove carriageway. However, it is not considered that there are sufficient grounds for requesting such provision given there was no such requirement for the original surgery building and the improvements to pedestrian access now proposed.

The clarification of the pedestrian routes is considered to be acceptable and in accordance with policy T8 of the approved UDP.

### Car Parking

The plans for the new car park include four disabled spaces located in the south west corner, which is nearest to the surgery, with level/ramped access available to the surgery entrance from that corner of the car park. It is considered that those arrangements comply with the requirements of policy T14 of the adopted UDP.

### Servicing

The applicant has further clarified that it is intended to remove the current gate from the access to the existing car park to the west of the surgery building and replace this with fencing to match that around the remainder of the site. As a result the agent has clarified the servicing arrangements for the premises, particularly deliveries. General refuse disposal will continue in the same way as at present from the carriageway of Kelso Grove at the same time as that of residents in the street. Clinical waste will be collected once per week prior to the opening of the surgery and will be from the new car park, causing no undue issues for residents or users of the surgery. Finally deliveries are also proposed to be made via the new car park thereby reducing the level of disturbance to residents in Kelso Grove. However it should be noted that while the Surgery can advise that deliveries use that route individual drivers may not follow the instructions.

It is considered that the proposed refuse collection and delivery routes are acceptable and in accordance with policy T14 of the adopted UDP.

### Landscaping

The information submitted by the applicant indicates that the southern part of the existing car park is to be landscaped to soften the impact of the replacement weld mesh fence and thereby improve the outlook for residents facing the site and improving the amenity of the area.

It is considered that additional conditions are required in respect of the pedestrian routes and landscaping and those are set out below.

It is considered that the arrangements for car parking, pedestrian movement and

servicing are satisfactory and in compliance with the relevant UDP policies T22, T8, and T14 respectively and consequently members are recommended to approve the application.

**RECOMMENDATION: APPROVE subject to conditions as set out on the main agenda together with the following additional conditions.**

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, including additional screen planting, and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
8. All planting, seeding or turfing comprised in the approved details of the agreed replacement tree planting and landscaping scheme shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants 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, unless the LPA gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 and CN17 of the UDP.
9. The area of the former car park and frontage to Kelso Grove shall be laid out as shown on drawing no. 1001 Rev P1 received 01.12.2009...unless otherwise first agreed in writing with the Local Planning Authority. The scheme shall be fully implemented before the extension hereby approved is brought in to use, in the interests of pedestrian safety and to comply with policy T8 of the approved UDP.

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Number: 5

Application Number: **09/03824/LAP**

Proposal: Erection of a wind turbine adjacent to the south west elevation of the school

Location: Washington School, Spout Lane, Washington

Further to the report on the main agenda, additional consideration has been given to ecology, shadow flicker and tv/radio interference.

- Ecological considerations

Unitary Development Plan policy CN22 requires that if development is considered to adversely affect any animal or plant species afforded special protection, it will only be permitted if satisfactory mitigating actions are put into place to ensure any effects will not be detrimental to the species concerned.

In this regard a bat survey was undertaken prior to the erection of the new school building. This survey concluded that no bat roosts were present in any of the pre-existing buildings on the site. Therefore given the proposed wind turbine is essentially domestic in scale and in close proximity to the recently constructed school building, it is not considered that there are any implications for this species.

Furthermore, the Proven Planning Pack (PPP) submitted in support of the planning application discusses the likely ornithological issues arising from this particular wind turbine. The PPP explains that various ornithological studies have demonstrated that bird strikes for small-scale wind turbines are almost non-existent and stating that a bird is far more likely to collide with overhead power lines.

Nevertheless, during the bat survey it was noted that there were potential points of entry for bats in the hedgerows and wooded areas surrounding the school site. Consequently, it is considered that if Members are minded to approve the application, an informative should be attached to the decision notice highlighting to the applicant that should the wind turbine result in a bat or bird mortality, it should be switched off immediately and contact be made with Natural England.

In conclusion, given the essentially domestic scale of the wind turbine, which is sited in close proximity to the recently completed school building, ecological considerations are satisfied and the proposal is in accordance with policy CN22.

- Shadow Flicker

Under certain combinations of geographical position, time of day and year, the sun may pass behind the rotor of a wind turbine and cast a shadow. When blades rotate and the shadow passes a narrow window then a person within that room may perceive that the shadow appears to flick on and off; this effect is known as shadow flicker. However, only windows within 130 degrees either side of north relative to a turbine can be affected and the shadow can be experienced

only within 10 rotor diameters of the wind farm.

Consequently as the south west section of the school building, which contains class room and hall way windows within its elevation, is situated north and within 35m (10 X 3.5m diameter) of the wind turbine, it is theoretically possible that shadow flicker effects may occur. Please note that as the nearest residential property to the wind turbine is over 180m away, shadow flicker will not be an issue for the adjacent residents.

Therefore it is considered appropriate, should Members be minded to approve, to impose a condition to provide that the wind turbine should operate in accordance with an approved shadow flicker mitigation scheme prior to its operation, unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the Local Planning Authority (LPA) confirms that shadow flicker effects would not be experienced within the school window's affected.

- TV and Radio reception

Regarding the potential impacts on TV and Radio reception it is again considered that due to the proposed wind turbine's essentially domestic scale and given that it is centrally located away from residential properties, the impact on TV and Radio reception should be minimal. Nevertheless, in order to appropriately mitigate any potential for adverse implications arising a condition should be imposed, should Members be minded to approve, which requires the applicant to ensure that if, within a period of 12 months from the erection of the wind turbine, television and/or radio reception is shown to be adversely affected the applicant shall be responsible for implementing an agreed remediation strategy.

## Conclusion

Therefore with the imposition of conditions requiring, if necessary, mitigation strategies to be submitted to and agreed in respect to shadow flicker and/or TV/Radio reception, the proposal is considered acceptable and is recommended for approval subject to the conditions detailed below.

## **RECOMMENDATION: APPROVE, subject to 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:

Dwg. No. WAS-SPA-08-905, Proposed Location of Turbine, received 8 October 2009

Dwg. No. WAS-SPA-08-901, New Turbine-Contextual Elevations, received 8 October 2009

Dwg. No. WAS-SPA-08-904, Location Plan, received 8 October 2009

Dwg. No. 2500 PL 007.dwg, WT2500 wind turbine with TM900 Tilt Up Tower, received 8 October 2009

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 construction works required for the development hereby approved 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 in order to protect the amenities of the area and to comply with policy B2 of the UDP.
4. No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include details of the safe working practice methodology, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, 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 UDP.
5. If the wind turbine generator hereby permitted ceases to operate for a continuous period of 9 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine generator and other ancillary equipment and structures relating solely to that generator, shall be submitted to and agreed in writing by the Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its agreement by the Local Planning Authority. In the interests of visual amenity and to comply with policy B2 of the UDP.
6. The applicant shall ensure that television and/or radio reception in the locality is not detrimentally affected or reduced in any way as a result of the erection and operation of the turbine. Where within a period of 12



months from the erection of the wind turbine television and/or radio reception is shown to be adversely affected the applicant shall be responsible for implementing remediation measures to rectify any interruption in television and/or radio reception at their own cost in order that any future problems regarding television and/or radio reception arising from the operation of the turbine are corrected, in accordance with policy B2 of the adopted UDP.

7. The operation of the wind turbine, hereby approved, shall take place in accordance with the approved shadow flicker mitigation protocol, which shall be submitted to and agreed in writing prior to the operation of the turbine unless the Local Planning Authority gives it written prior consent to any variation. In the interests of the amenity of public safety and comfort and to accord with policy EN2 of the UDP.