

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

25th April 2017

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 16/01644/FUL - Faurecia Staithes Road Washington NE38 8NW
2. 16/01973/VAR - Smithers Oasis Uk Ltd Crowther Road Crowther Washington NE38 0AQ
3. 16/02308/VAR - Land North Of Station Road Barmston Road Washington
4. 17/00045/VAR - A D C Electrical Company Limited Brindley Road Hertburn Washington NE37 2SF
5. 17/00597/CAA - Land At White Rose Follingsby Park Follingsby Lane Felling
6. 16/01341/HE4 - Land North Of Nissan Agricultural Land West Of The A19, East Of A1290 And North Of Washington Road, Sunderland SR5 3HX SR5 3HU

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (019 561 8755) or email dc@sunderland.gov.uk .

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/

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 16/01644/FUL Full Application

Proposal: Erection of a modular industrial building to rear of existing factory, to be connected via 2 enclosed links to provide additional storage space for raw components and manufactured parts, serving the main factory.

Location: Faurecia Staithes Road Washington NE38 8NW

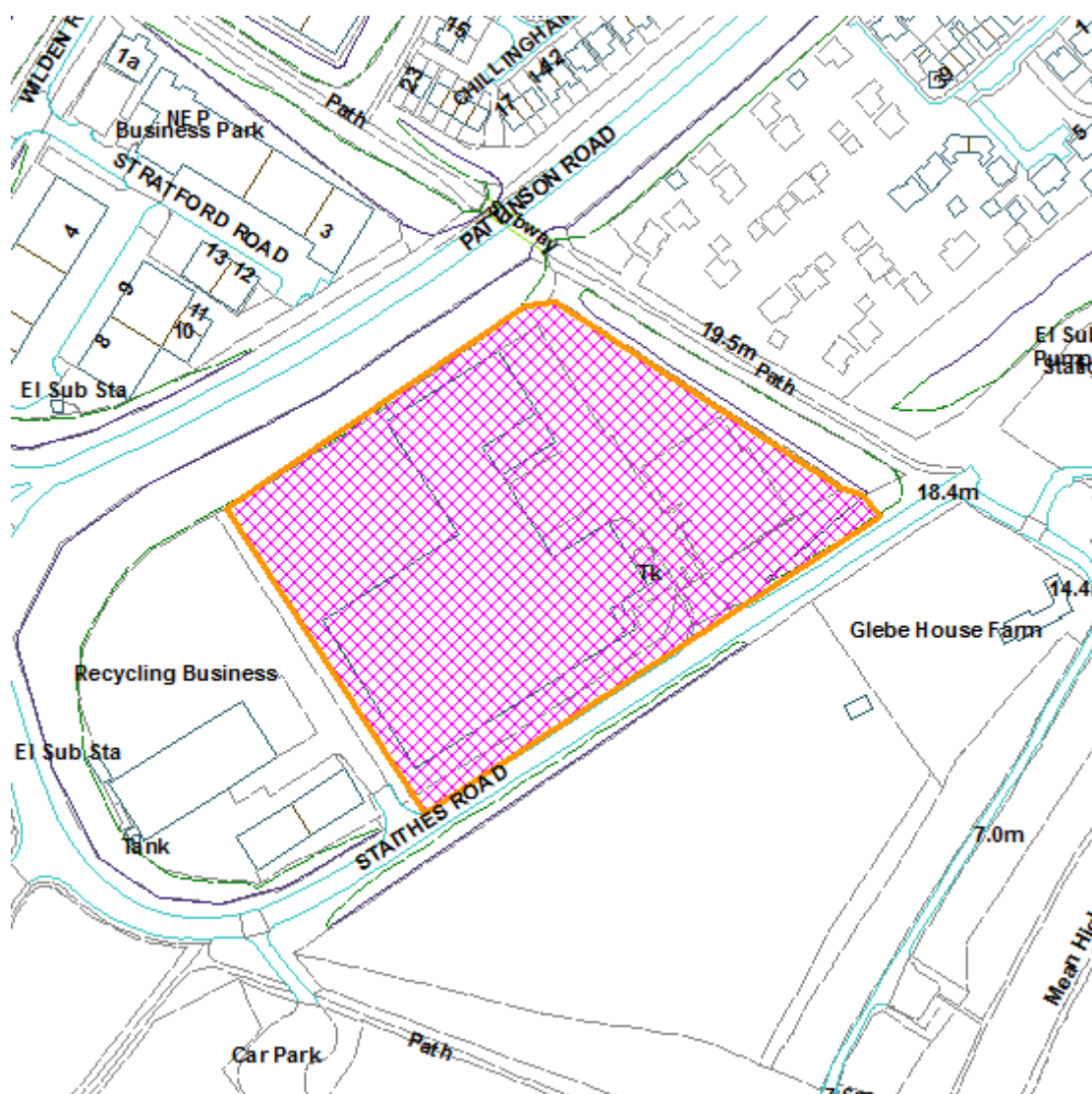
Ward: Washington East

Applicant: Faurecia

Date Valid: 2 March 2017

Target Date: 1 June 2017

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a modular industrial building to the rear of existing factory, to be connected via 2 enclosed links to provide additional storage space for raw components and manufactured parts serving the main factory at 'Faurecia', Staithes Road, Washington, NE38 8NW.

The proposed development affects an existing factory unit located within the Pattinson Industrial Estate in Washington. The unit occupies a plot of land measuring approximately 10,300 sq. metres in area, which is bordered by Staithes Road to the south and, along its north side, a tree belt which screens the site from Pattinson Road. To the east, the plot is bordered by the corridor of a public footpath/multi-user route, whilst to the west is another business/industrial plot occupied by a timber recycling business (Timberpak). Vehicular access to the site is taken directly from Staithes Road.

As indicated above, the development site is located within an established industrial estate occupying land to the south side of Pattinson Road. The land immediately to the north of Pattinson Road is also characterised by industrial/commercial buildings and uses. To the north-east of the application site and Pattinson Road is, however, the new residential development of Teal Farm Gardens, whilst to the east, beyond the aforementioned footpath corridor, is a further new residential development known as Teal Farm Manor. To the south, meanwhile, on the opposite side of Staithes Road, is undeveloped land stretching towards the River Wear, which forms part of the Tyne and Wear Green Belt.

The existing factory building at the site is currently occupied by a company named Faurecia, which is a major manufacturer of automotive parts and supplies seats, cockpits, door panels, acoustics and soft trims to the nearby Nissan factory. The existing building occupies the western half of the plot, with the eastern part primarily used for staff and visitor car parking, loading and external storage.

The application proposes the erection of a new modular industrial building on land immediately to the rear of the existing factory (but still within its existing plot). The site of the new building is bounded by wings of the existing building on its eastern and southern sides, the tree belt to Pattinson Road on the north side and the Timberpak boundary to the west. The site slopes gently uphill towards the north (i.e. towards Pattinson Road) and it is currently covered by rough grass and scrub. The site is intended to be levelled prior to building work commencing.

The proposed building has a footprint of 62.8 metres x 30 metres, giving a floor area of just over 1800 sq. metres, and its roof has a maximum height of 11.2 metres, with an eaves height of 6.2 metres. It therefore stands no taller than the existing building at the site, to which it will be connected by two short covered links. The west elevation of the building stands 8.1 metres from the boundary with Timberpak, whilst the north elevation will be 19 metres from the site's northern boundary. There is no requirement for any additional hardstanding in association with the new building and the undeveloped ground around it will be re-graded where appropriate and then re-seeded with grass.

The proposed building is of an 'off-the-shelf' modular design and will feature an aluminium alloy and steel frame, an insulated metal wall cladding system finished in grey and a high-gloss white, PVC coated polyester fabric air-filled thermos roof system, designed to insulate the building and minimise internal condensation.

The Design and Access Statement submitted with the planning application advises that the new building is to be used for the storage of raw materials and manufactured parts, which will assist in increasing the productivity of the factory. Given this use, the development may lead to a reduction

in vehicular journeys to the site, for the ability to store materials on-site will mean fewer deliveries from off-site sources are required. All other existing access, parking and servicing arrangements associated with the existing unit are to remain the same, with the new building serviced via the existing dedicated delivery yard to the east of the existing factory building.

The application has also been accompanied by a Preliminary Ecological Assessment (produced by Arbtech), Phase 1 and Phase 2 Site Investigation Reports (including a Coal Mining Report) and a Drainage Strategy and Preliminary Flood Risk Assessment (both produced by Westlakes Consulting).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington East - Ward Councillor Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer
Southern Area Command - Police
Fire Prevention Officer
Northumbrian Water
Environment Agency
Washington East - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **14.12.2017**

REPRESENTATIONS:

Public consultation - one representation has been received, from the occupier of 39 Hebden Court within the Teal Farm Manor development. The representation raises the following concerns:

- there will be increased noise associated with fork-lift trucks operating in the building;
- the existing factory operates 24 hours per day and there will be substantial increased noise, disrupting residents in the area;
- if permission is granted, it should be subject to time restrictions;
- there are not many residents able to voice their opinion as the Teal Farm Manor development is not yet complete.

Environment Agency - no objections to the proposed development.

Northumbrian Water - no issues to raise with the proposed development, provided the developer is required to comply with the Drainage Strategy submitted with the planning application.

Council's Flood and Coastal team (as Lead Local Flood Authority) - the Council's Flood and Coastal Team has considered the application details and initially advised that additional

information was required before the drainage strategy could be agreed, in particular the proposed means of attenuation. Following further discussions between the Council and the applicant's drainage consultant, an attenuation scheme which involves the provision of a swale (a shallow ditch designed to manage water run-off) adjacent to the north elevation of the building, together with over-sized drainage pipes and a hydrobrake chamber has been proposed. The applicant's consultant has also provided drainage calculations to confirm the effectiveness of the scheme.

The Council's Flood and Coastal Team has confirmed that the proposed improved scheme is acceptable and that the development now raises no concerns in relation to flood risk and drainage.

Council's Natural Heritage team - the Council's Senior Ecologist has reviewed the Preliminary Ecological Assessment submitted with the application and has recommended that in the event the application is approved, it should be subject to conditions requiring the undertaking of the avoidance and mitigation measures identified on pages 8 and 9 of the report.

Council's Highways team - the City Council's Highways officers initially asked for clarification as to whether the proposed development is likely to give rise to any additional vehicular journeys to/from the site. The applicant's agent has confirmed that there are not anticipated to be any more journeys as a result of the development given that the new building will simply provide storage facilities. Indeed, the development may lead to a reduction in deliveries to the site. The Council's Highways officers have since confirmed that the proposals raise no concerns in relation to highway and pedestrian safety.

Council's Environmental Health team -

POLICIES:

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

EN_5_Protecting sensitive areas from new noise/vibration generating developments
B_2_Scale, massing layout and setting of new developments
CN_22_Developments affecting protected wildlife species and habitats
CN_23_Measures to conserve/ improve wildlife corridors
CN_1_Protecting and enhancing the rural area (general)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EC_4_Retention and improvement of existing business and industrial land
EC_1_General Support for economic development proposals and initiatives
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_12_Conflicts between new development and flood risk / water resources
WA_1_Retention and improvement of established industrial / business area
WA_1_Retention and improvement of established industrial / business area

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always:

- seek to proactively drive and support sustainable economic development and meet business needs;
- seek to secure a high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including Green Belt;
- contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EC4, WA1, CN5, CN22, CN23, EN12, EN14, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on visual amenity, Green Belt and residential amenity;
3. the impact of the development on ecology and biodiversity;
4. the implications of the development in respect of flood risk and drainage;
5. the implications of the development in respect of land contamination;
6. the impact of the development on highway and pedestrian safety;

1. PRINCIPLE OF DEVELOPMENT

The development site forms part of an established industrial/commercial estate and is identified as such by the proposals map of the Council's adopted UDP. Policy EC4 therein is applicable and this states that such estates will be retained and improved for a range of appropriate uses - those falling within use classes B1 (offices and light industry), B2 (general industry) and B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) are listed as being acceptable primary uses. On a more specific level, policy WA1 sets out that Pattinson South Industrial Estate will be retained and improved for the uses set out by policy EC4.

In this case, the proposed development provides additional storage facilities for the existing manufacturing business at the site, a use which falls into use class B2 of the Use Classes Order. The development therefore supports an existing use of the site which, as per the guidance of policies EC4 and WA1, is appropriate at this location and consequently, there is not considered to be any conflict with the objectives of these policies. The principle of the proposed development in land use terms is therefore considered to be acceptable.

2. IMPACT OF DEVELOPMENT ON VISUAL AMENITY, GREEN BELT AND RESIDENTIAL AMENITY

Policy B2 of the UDP requires new development proposals to respect the visual amenity of the locality in which the site is situated, whilst policy CN5 of the UDP states that great care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt. This echoes the objectives of section 9 of the NPPF, paragraph 79 of which sets out that the Government attaches great importance to Green Belts and that the fundamental aim of its policy approach is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

As noted previously, the proposed building is of an 'off-the-shelf' modular design, but it must be recognised that it is to be located within an area which is characterised by industrial and commercial buildings of functional design and appearance. In any case, the new building will primarily be screened by the existing Faurecia building in views from Staithes Road, whilst it will also be well-screened in views from the north by the thick tree belt flanking the south side of Pattinson Road. Given this context, it is considered that the impact of the development on the visual amenity of the locality is acceptable.

With regard to the aforementioned local and national planning policies relating to Green Belts, as noted in the preceding section of this report, the development site is not located within the Green Belt but is immediately adjacent to the Green Belt boundary running along the south side of Staithes Road. It is considered, however, that the proposed development will not be of harm to the openness of the Green Belt given the scale and design of the new building and its location between the existing factory unit and the tree belt of Pattinson Road, an arrangement which will also serve to ensure that the development is not be unduly conspicuous when viewed from within the Green Belt.

Policy B2 of the UDP also requires development proposals to respect the amenity of existing residential properties, an approach echoed by the core principles of the NPPF. Also relevant is policy EN5 of the UDP, which requires consideration to be given to the potential for the amenity of sensitive properties to be affected by noise from development proposals - where a noise issue is likely, the Council will require an assessment of the nature and extent of likely problems and the incorporation of mitigation measures into the design of the development. The requirement to consider noise as an amenity issue is also highlighted by paragraph 123 of the NPPF, which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

With reference to residential amenity, it is observed that the nearest dwellings to the site of the new building are those of Chillingham Gardens in the Teal Farm Gardens development to the north-east of the site, with those of Teal Farm Manor more distant to the east. The nearest dwelling within Chillingham Gardens is approximately 115 metres from the location of the new building, a distance which ensures the development raises no significant concerns in relation to its outlook and privacy, particularly given the presence of the intervening tree belt flanking Pattinson Road.

The objector to the development (from Hebden Court in the Teal Farm Manor development) has raised concerns regarding the potential for the proposed development to give rise to noise, citing the 24-hour operations of the existing factory. It is observed, however, that the proposed building stands approximately 130 metres from the western edge of the Teal Farm Manor estate and in between it and the nearest dwellings are the existing factory building, its car park/loading area and the tree belts either side of the former railway line (now footpath). In addition, the proposed building is intended to be used for storage purposes associated with the existing operations at the site and it is anticipated that the proposed development will lead to a reduction in vehicular journeys to and from the site, an arrangement which may positively impact on noise levels generated by the use of the site. Finally, the applicant's agent has confirmed that the proposed development is not intended to facilitate any changes to the manufacturing processes and practices at the site.

As such, and given the relationship between the proposed development and the nearest residential properties, it is considered that the development is unlikely to give rise to any significant issues in relation to noise.

With regard to the above, it is considered that the impact of the proposed development on visual amenity, the openness of the neighbouring Green Belt and residential amenity is acceptable, in accordance with the requirements of the core principles, section 9 and paragraph 123 of the NPPF and policies B2, EN5 and CN5 of the UDP.

3. IMPACT OF DEVELOPMENT ON ECOLOGY AND BIODIVERSITY

Paragraph 117 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by, amongst other measures, refusing planning permission that would have significant harm on biodiversity, refusing permission for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged/veteran trees and by encouraging opportunities to incorporate biodiversity in and around developments. On a local level, policy CN22 of the UDP requires consideration to be given to the impact of development on protected species and their habitats.

The proposals map of the UDP also identifies the application site as being located within a wildlife corridor and policy CN23 of the UDP states that within such corridors:

- measures to conserve and improve the environment will be encouraged;
- development which would adversely affect the continuity of corridors will normally be refused;
- where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise detrimental impact.

The applicant has submitted a 'Preliminary Ecological Assessment', produced by Arbtech (November 2016), which considers the habitat value of the areas affected by the development proposals and the risks of the development in relation to protected species. The report concludes that at present, the site is of negligible ecological value given its small size and its separation from the wider landscape by physical features such as busy main roads. In addition, the available data does not record any protected species on or in close proximity to the site. The Assessment does, however, provide a summary of recommended avoidance, mitigation and compensation measures, including timing the clearance of vegetation to avoid harm to nesting birds, a hand search of scattered debris to ensure no amphibians or reptiles are accidentally harmed and the relocation of top soil to elsewhere within the site to maintain the established seed bank of wildflower species.

As noted in the 'Representations' section of this report, the Council's Natural Heritage team has considered the submitted Assessment and confirmed that it addresses the relevant ecological issues associated with the site and proposed development. It is advised that in the event the application is approved, the development should be undertaken in accordance with the aforementioned avoidance and mitigation measures recommended by the Assessment. To this end, it is recommended that in the event Members are minded to approve the application, a condition to this effect is imposed.

Subject to the recommended condition, it is considered that the implications of the development in relation to ecology and biodiversity are acceptable, in accordance with the objectives of paragraph 117 of the NPPF and policies CN22 and CN23 of the UDP.

4. FLOODING AND DRAINAGE ISSUES

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people of properties at risk of flooding.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government (dated 18th December 2014), to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. The primary objective set out by the guidance is that run-off volume from a developed site should be as close as reasonably practicable to the greenfield run-off rate and should never exceed the run-off volume from the site prior to the redevelopment.

The application has been accompanied by a Drainage Strategy (produced by Westlakes Consulting), which also includes a preliminary flood-risk assessment of the site. The flood-risk assessment concludes that the development site is located within Flood Zone 1 and is therefore at the lowest risk of flooding from watercourses and other sources. As such, there is no need to consider whether any sequentially preferable sites for the development are available.

With regard to drainage, the strategy has identified ground conditions which do not readily support discharge of surface water via infiltration. The strategy therefore proposes the discharge of surface water from the new development into the existing sewerage system serving the Faurecia site, but with attenuation measures integrated into the development to ensure that run-off is restricted to greenfield rates.

As set out in the 'Representations' section of this report, the Council's Flood and Coastal Team has considered the application details and initially advised that additional information was required before the drainage strategy could be agreed, in particular the proposed means of attenuation. Following further discussions between the Council and the applicant's drainage consultant, an attenuation scheme which involves the provision of a swale (a shallow ditch designed to manage water run-off) adjacent to the north elevation of the building, together with over-sized drainage pipes and a hydrobrake chamber has been proposed. The applicant's consultant has also provided drainage calculations to confirm the effectiveness of the scheme. The Council's Flood and Coastal Team has confirmed that the proposed improved scheme is acceptable and that the development now raises no concerns in relation to flood risk and drainage.

It is recommended that in the event Members are minded to approve the application, a condition requiring that the development is undertaken in accordance with the submitted drainage strategy

be imposed. Subject to a condition to this effect, it is considered that the development will be compliant with the aims and objectives of the aforementioned UDP policies, the NPPF and the DEFRA guidance and is therefore acceptable in relation to drainage and flood risk considerations.

5. LAND CONTAMINATION CONSIDERATIONS

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, 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.

The Phase 1 and Phase 2 Site Investigation Reports (produced by Westlakes Environmental, February 2017 and August 2016) have concluded that contamination risks at the site are considered to be low. A series of recommendations have, however, been made, which relate to working practices at the site, the disposal of material from the site, the undertaking of gas monitoring and the preparation of a remediation strategy and subsequent validation report. It is also recommended that a watching brief is kept on-site during development to check for any contamination not identified by the Reports.

Given the findings of the submitted report, it would appear that the risk of contamination at the site is low and the Council's Environmental Health officers have not identified any significant concerns in relation to the submitted reports and the contamination risks at the site. It is suggested, however, that in the event Members are minded to approve the application, conditions are imposed which require the recommended additional monitoring to be undertaken prior to development commencing and, if necessary, the preparation and submission of a remediation strategy/verification plan. Subject to the imposition of the recommended conditions, it is considered that the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.

6. HIGHWAY AND PEDESTRIAN SAFETY CONSIDERATIONS

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highways team initially asked for clarification as to whether the proposed development is likely to give rise to any additional vehicular journeys to/from the site. The applicant's agent has confirmed that there are not anticipated to be any more journeys as a result of the development given that the new building will simply provide storage facilities. Indeed, as noted earlier, the development may lead to a reduction in deliveries to the site. The Council's Highways officers have since confirmed that the proposals raise no concerns in relation to highway and pedestrian safety and the development therefore accords with the requirements of UDP policy T14 in this regard.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity, visual amenity and the neighbouring Green Belt. Furthermore, the implications of the proposals in relation to flood risk and drainage, ecology and biodiversity, land contamination and highway and pedestrian safety are also considered to be acceptable. The proposed development is therefore considered to comply with the requirements of the core principles and relevant sections and paragraphs of the NPPF and policies EC4, WA1, B2, CN5, CN22, CN23, EN12, EN14 and T14 of the Council's adopted UDP.

The application is therefore 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:-

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

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

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

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

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

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

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

RECOMMENDATION: 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:
 - the location plan received 19/09/2016;
 - the existing site plan received 06/09/2016 (drawing no. 01-101);
 - the existing site sections received 19/09/2016 (drawing no. 01-102A);
 - the existing floor layout received 06/09/2016 (drawing no. 01-103);
 - the existing elevations received 06/09/2016 (drawing no. 01-104);
 - the proposed site plan received 06/09/2016 (drawing no. 03-100);
 - the proposed site sections received 19/09/2016 (drawing no. 03-101A);
 - the proposed elevations received 06/09/2016 (drawing no. 03-104);
 - the proposed elevations received 19/09/2016 (drawing no. 03-105A);
 - the proposed floor layout received 06/09/2016 (drawing no. 03-102);
 - the proposed drainage layout (produced by Westlakes Engineering, drawing no. WL_988_003, rev. P5);

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 development hereby approved shall be those detailed by the planning application (as set out at question 9 of the application form submitted with the application), unless the Local Planning Authority first agrees any variation in writing, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 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.
- 5 The development hereby approved shall be undertaken in strict accordance with the 'Avoidance, mitigation and compensation' measures set out on pages 8 and 9 of the 'Preliminary Ecological Assessment, parcel of land to the rear of Faurecia Plant on Staithes Road, Pattinson South Industrial Estate, Washington, Tyne and Wear, NE38 8NW' (produced by Arbtech, 10/11/2016), in order to ensure the implications of the development in relation to

ecology and biodiversity are acceptable and to comply with the objectives of the NPPF and policies CN22 and CN23 of the Council's UDP.

- 6 The development hereby approved shall be carried out in full accordance with the drainage strategy detailed by 'Faurecia Site, Staithes Road, Washington, Tyne and Wear - Drainage Strategy' (produced by Westlakes Consulting, dated 12/08/2016) and the proposed drainage layout plan and accompanying calculations (produced by Westlakes Engineering, drawing no. WL_988_003, rev. P5). The approved drainage strategy shall then be maintained and managed appropriately in order to ensure its continued effectiveness for the lifetime of the approved development, in the interests of delivering an appropriate drainage strategy for the site and to comply with the objectives of paragraph 103 of the NPPF and policy EN12 of the UDP.
- 7 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until an updated scheme of gas monitoring and a full assessment of the risk from shallow unrecorded mines has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme of gas monitoring and mine risk assessment shall be informed by the recommendations made in the Phase 1 and Phase 2 Site Investigation Reports submitted with the planning application (produced by Westlakes Environmental). The approved development shall then be carried out in accordance with any recommendations and mitigation measures provided within the approved scheme and assessment, in order to ensure the implications of the development in relation to land contamination are acceptable and to accord with the requirements of policy EN14 of the UDP.
- 8 In the event mitigation measures are required as a result of the additional investigative works required in order to discharge condition 7 of this approval, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 9 The remediation scheme approved under Condition number 8 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An appropriate investigation and risk assessment must then be undertaken and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 9 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 11 The development hereby approved shall be carried out in accordance with the recommendations provided by section 7.2 of the Phase 1 Geo-Environmental Desk Study report submitted with the planning application, in order to ensure the safe development of the site and to accord with the objectives of policy EN14 of the UDP.

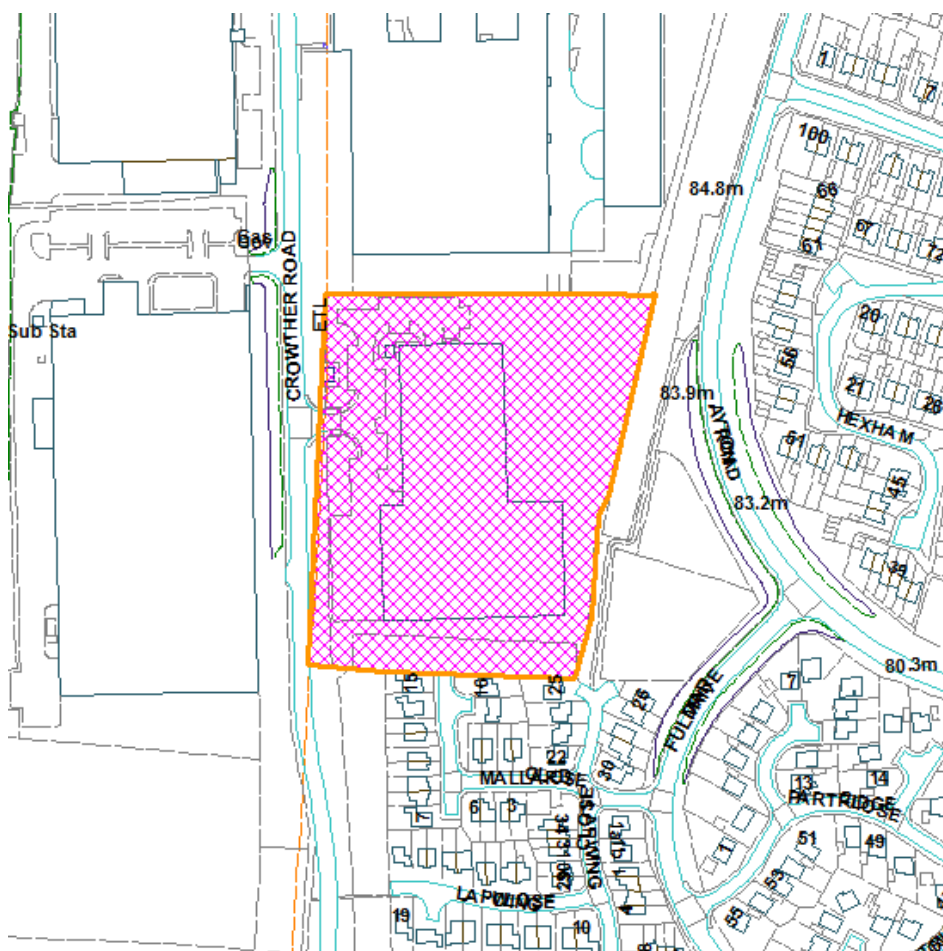
Reference No.: 16/01973/VAR Variation of Condition

Proposal: Variation of condition 7 (hours of operation) and condition 8 (delivery/loading/unloading) attached to planning application 09/02803/VAR (Variation of condition 5 of planning permission 07/01286/FUL to allow operating of warehousing and logistics Monday to Friday to operate 0600-2200 with vehicle loading restricted to 0745- 2000 Monday to Friday with no change required for Saturday, Sunday, and Bank Holidays as per the original planning permission (Amended Description)) to allow 24 hour loading/operation Monday to Sunday.

Location: Smithers Oasis Uk Ltd Crowther Road Crowther Washington NE38 0AQ

Ward: Washington South
Applicant: Smithers Oasis UK Ltd
Date Valid: 16 January 2017
Target Date: 17 April 2017

Location Plan



PROPOSAL:

The proposal relates to the variation of condition 7 (hours of operation) and condition 8 (delivery/loading/unloading) attached to planning application 09/02803/VAR to allow 24 hour operation and loading/unloading Monday to Sunday.

The site is operated by Smithers Oasis UK Ltd, and is located on the east side of Crowther Road, Crowther Industrial Estate, Washington. The unit is located at the southernmost part of the industrial estate and land to the south of the site is occupied by the residential properties on Mallard Close.

Members may recall the application site has been subject to two previous and relevant planning application and one subsequent appeal.

Reference 07/01286/FUL : Extension of a new single storey warehouse to existing unit. Approved with conditions 22.06.2007.

Condition 5 stated that :

"The warehouse extension shall not be operated for the purposes hereby approved between the hours of 18.00 and 07.45 on weekdays and Saturdays nor at any time on Sundays or Bank Holidays, in the interest of residential amenity and to comply with policy B2 of the Unitary Development Plan. "

Reference 09/02803/VAR : Variation of condition 5 of planning permission 07/01286/FUL to allow operating of warehousing and logistics Monday to Friday to operate 06.00 - 22.00 with vehicle loading restricted to 07.45 - 20.00 Monday to Friday with no change for Saturday, Sunday and Bank Holidays as per the original planning permission. Approved with 12 conditions dated 26.10.2009.

Appeal of conditions 10/00002/CONDS : Appeal against conditions 2,3,4,5,6,9,10&12.

Appeal successful above conditions deleted, however conditions 7 and 8 remained.

Condition 7 states :

"The warehouse extension shall not be operated for the purposes hereby approved outside the hours of 06.00 and 22.00 hours on weekdays not outside the hours of 07.45 and 18.00 hours on Saturdays nor at any time on Sundays or Bank Holidays, in the interest of residential amenity and to comply with policy B2 of the Unitary Development Plan."

whilst condition 8 states :

"Deliveries and their loading and unloading shall not take place at the warehouse outside the hours of 07.45 and 20.00 hours Monday to Friday, nor outside the hours of 07.45 and 18.00 hours Saturdays and at no time on Sundays and Bank Holidays, in the interests of residential amenity and to comply with policy B2 of the UDP."

The current proposal has been supported by a Report on an Environmental Noise Monitoring Programme by Cirrus environmental solutions Ltd dated January 2017 and an updated report dated April 2017.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Network Management
Washington South - Ward Councillor Consultation

Final Date for Receipt of Representations: **15.02.2017**

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
EN_5_Protecting sensitive areas from new noise/vibration generating developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

In order to assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) which has been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

The main issues to consider in the determination of the proposal are:

The impact upon existing levels of residential amenity (living conditions).

The impact on the local highway network.

Previous Planning Inspectorate decision.

Impact upon existing levels of residential amenity.

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should proactively drive sustainable economic development and seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Also of relevance is paragraph 19 of the NPPF, which stresses the role of the planning system in supporting sustainable economic growth and advises that planning should operate to encourage and not act as an impediment to sustainable growth. Paragraph 20, meanwhile, states that Local Planning Authorities should plan proactively to meet the development needs of business and support and economy fit for the 21st century.

Particularly pertinent to the consideration of this application is section 11 of the NPPF, paragraph 109 of which sets out that the planning system should contribute to and enhance the natural and local environment by, amongst other measures, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. With specific regard to noise, paragraph 123 requires planning policies and decisions to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them because of changes in nearby land uses since they were established;
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Also of relevance is the Government's online National Planning Practice Guidance (NPPG) resource, which provides more detailed guidance and further context in respect of the broader policy framework provided by the NPPF. The NPPG offers a range of additional planning practice guidance in relation to noise and confirms that it is an issue which needs to be considered when new developments may create additional noise (paragraph 001, reference ID: 30-001-20140306). It also advises that whilst noise can override other planning concerns, it should not be considered in isolation, separately from the economic, social and other environmental dimensions of the proposed development (paragraph 002, reference ID: 30-002-20140306).

The NPPG states that Local Planning Authorities' decision-taking in respect of development proposals should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;

- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved;

This would include identifying whether the overall effect of the noise exposure is, or would be, above or below the Significant Observed Adverse Effect Level and the Lowest Observed Adverse Effect Level (as set out in the Government's Noise Policy Statement for England (NPSE)) for the given situation.

The relevant guidance of the NPPF and NPPG as detailed above feeds into policies EN5 and B2 of the Council's adopted Unitary Development Plan (UDP). Policy B2 echoes the NPPF's aim of maintaining appropriate standards of amenity, whilst policy EN5 sets out that where development is likely to significantly increase ambient noise levels, the Council will expect an applicant to carry out an assessment of the nature and extent of likely problems and incorporate suitable mitigation measures in the design of the development.

Both of the above policies are considered to be fully compliant with the no conformity issues with the NPPF.

With regards to the amenity implications of the proposed unrestricted opening hours, it is considered that the primary matter for assessment is whether the extended hours of opening will result in nearby residential dwellings experiencing levels of noise which will have a "significant adverse impact" on their quality of life (as per paragraph 123 of the NPPF).

In light of the above, and in line with the requirements of UDP policy EN5, the current application has been accompanied by a noise assessment, produced by Cirrus environmental solutions Ltd updated report dated April 2017. The assessment provided an executive summary which identified sensitive receptors and night time assessment and states in part that:

"Day time observations and measurements at the nearest sensitive receptor indicated that the main noise source during the hours of 06.00 to 22.00 was road traffic noise from the A1 motorway. As the warehouse is not currently operational during the night, the main source of noise at the sensitive receptor and the reference location was due to the close proximity of Mallard Close to the A1.

The calculated night time Specific Noise Rating (Leq) at the sensitive receptor (houses on Mallard Close) was compared to the current background (L90) night time noise at the sensitive receptor, in order to assess the likelihood of complaints.

Calculations / predictions indicated that the movement of vehicles during the night time in the yard at Smithers Oasis Warehouse could have a significant impact on local residents." The presence of the acoustic fencing would not be sufficient to wholly mitigate these findings, although it would reduce the impact."

Further to consultations with the Public Protection and Regulatory Services the following comments have been received.

Noise - A noise assessment (ref 04254 - env dated April 2017) by Cirrus Environmental solutions Ltd has been submitted in support of the application. The assessment indicates that the operation of a 24 hour Monday to Sunday loading and logistics operation at the Smithers Oasis site on Crowther Rd is likely to cause a significant adverse effect to noise sensitive receptors in Mallard Close, in terms of the noise generated by the movement of vehicles.

It is advised that unless further information is provided which demonstrates that noise from loading/ unloading and logistic activities can be suitably mitigated against, that granting this variation would have a significant adverse impact on nearest noise sensitive receptors

Background noise levels have been measured at the nearest residential properties at Mallard Close during the day and the night. Noise levels have also been taken of noisy activities on the site including HGV movements, Loading and unloading by forklifts and stacking of pallets. An assessment of Noise from HGV movements was carried out using the method contained within BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. This focused on noise from the HGV unit reversing and active on the yard of Smithers Oasis and identified an excess of 11dB of rating level over background sound level measured at Mallard Close. BS 4142 states that a difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on context.

It is noted that an acoustic fence is present on site but unless the barrier is able to block the line of site from the noise source to the receptor then the efficacy of such a barrier would be limited. The noise assessment does not make any reduction in the impact of the noise due to the existing barrier. The noise assessment advises that "If working hours are to be extended it may be possible to increase the height and length of this barrier"

It is advised that unless further information is provided which demonstrates that noise from loading/ unloading and logistic activities can be suitably mitigated against, that granting this variation would have a significant adverse impact on nearest noise sensitive receptors

The impact upon local highway network.

Policy T14 of the UDP requires that proposals for new development should be readily accessible by pedestrians and cyclists, not cause traffic congestion or highway safety problems on existing roads, make appropriate safe provision for access and egress by vehicles, make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

Further to consultations with the Network Management Section, the alterations proposed to the hours of operation and delivery/loading/unloading are not considered to be detrimental to highway safety. The proposal is considered to comply with relevant NPPF paragraph 32 and policy T14 of the UDP.

Previous Planning Inspectorate Decision.

In considering the previous appeal against the conditions imposed on planning approval 09/02803/VAR, the planning inspector noted the following.

"The application giving rise to this appeal was to extend the hours of operation to allow 2 shift working to take place. This follows rationalisation of the company's European operations and an increase in activity at the Washington site. The Council imposed 12 conditions on its planning permission, including the hours of operation sought by the company (conditions no.7&8)."

The inspector continues to state that Policy EN5 requires a noise assessment to be carried out, with a view to either incorporating suitable mitigation measures or, if this is not practical, refusing planning permission. The Assessment did not recommend any mitigation measures. Nothing in policy EN5 would appear to justify a temporary permission.

In summing up the planning inspector noted that whilst there are concerns over residential amenity a temporary limited approval would not be considered appropriate and retained conditions 7 and 8, although these were not actually disputed at the time of the appeal.

Conclusion.

In considering the proposed variation of conditions 7 and 8 attached to the planning application, it is noteworthy that the current proposal has been supported by a noise assessment, however, information provided within the assessment states that the prediction calculation indicates that there is a potential for a significant impact on local residents should the Warehouse facility operate through the night. The movement of HGV's in the yard could generate complaints.

When considered alongside the planning inspectors previous decision and reluctance to remove the previously imposed conditions relating to residential amenity, the current application is considered contrary to guidance provided both at a national and local level.

The proposal is contrary Paragraph 123 of the NPPF in that it fails to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments. Additionally the NPPG requires Local Planning Authorities' decision-taking in respect of development proposals to take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is occurring or likely to occur, once more in light of this guidance the proposal is not in accordance.

Having regard to UDP policy EN5, the application fails to provide suitable mitigation measures to accommodate the likely increase in noise generated by the proposal and as such and following consultations with the City Council's Public Protection and Regulatory Services, it is recommended that the proposal is refused on the grounds that it will give rise to unacceptable levels of residential amenity in terms of noise and disturbance to neighbouring residential properties located on Mallard Close.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

(a)tackle prejudice, and

(b)promote understanding.

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

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed use would have a detrimental effect on the amenities of nearby residents by reason of noise and disturbance late at night and as such is contrary to NPPF paragraph 123 and policy EN5 of the saved adopted Unitary Development Plan.

Reference No.: 16/02308/VAR Variation of Condition

Proposal: Variation of condition 2 of planning permission ref. 15/00259/FUL (substitution of house types within approved residential development at Teal Park Farm Phase 4 [Area D] (ref. 12/00333/FUL)) comprising substitution of house type of Plots 244, 246, 248, 249, 251, 252, 286-295, 299, 306, 308, 309, 317-328 and 332

Location: Land North Of Station Road Barmston Road Washington

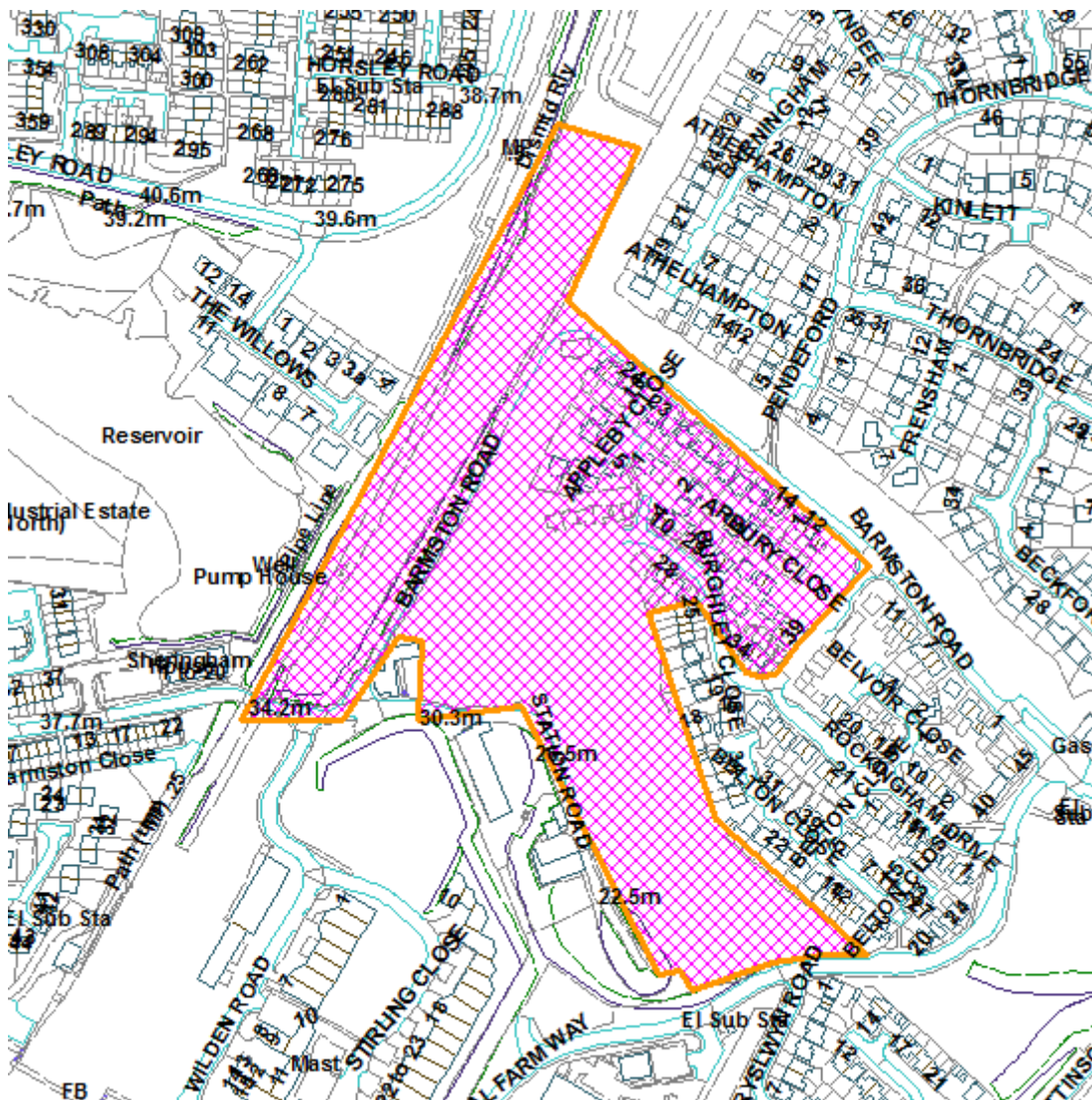
Ward: Washington East

Applicant: Barratt Homes

Date Valid: 25 January 2017

Target Date: 26 April 2017

Location Plan



PROPOSAL:

Site

The application site is situated within an area currently known as Teal Park Farm, located approximately 2km to the southeast of Washington centre, to the east of the currently unused Leamside railway line and to the northwest of Pattinson Road. The site is cleared of development, having previously accommodated industry, and comprises a significant variation in levels with a generally incline from northeast to southwest. The site is overgrown with grass planting and low-grade shrubbery, which is currently in the process of being cleared. To the northeast of the site beyond the mound of spoil lies Teal Farm, a modern residential estate, which is directly linked to the current application site by a public footway and emergency access. Residential development is currently taking place immediately adjacent to the site (Phase 1 of the current scheme, which includes numerous occupied units), to the south (Teal Farm Gardens, being developed by Bellway Homes) and on the opposite side of Pattinson Road (Teal Farm Village, being developed by Barratt-David Wilson Homes). Demolition House abuts the western extent of the site, which is currently occupied by Allied Security, a car repairs garage exists to the west and industrial units are situated further to the southwest of the site.

Proposal

Consent is sought under Section 73 of the Town and County Planning Act 1990 to make a 'minor material amendment' by varying condition 2 (list of approved plans) of planning permission ref. 15/00259/FUL, which approved the replacement of 59no. units with 64no. units within 'Area D' of a residential development of 170no. units, which was granted consent through application ref. 12/00333/FUL in October 2013.

The current application seeks to amend the house type of 33no. approved plots (244, 246, 248, 249, 251, 252, 286-295, 299, 306, 308, 309, 317-328 and 332). The proposed amendments comprise the use of the developer's 2016 house type range which differ in terms of their design but do not alter the footprint or layout of the previously approved affected dwellings.

History

Outline planning permission (ref. 06/02303/OUT) was granted in November 2006 and reserved matters (ref. 08/03987/REM) were approved in February 2009 for the erection of 150no. dwellings comprising 78no. apartments and 72no. detached, townhouse and semi-detached properties, comprising Phase 1. Subsequently, application ref. 11/02275/FUL was approved in October 2011 to substitute house types wherein 67no. one- and two-bedroom apartments were replaced with 54no. two- and three-bedroom dwellings, resulting in a reduction in the total number of units within the development to 137. A further planning permission (ref. 13/00361/FUL) resulted in a further reduction to the total number of units within Phase 1 to 131 and a further application (ref. 13/03744/FUL) approved the substitution of house types of Plots 1-10.

Planning application ref. 12/00333/FUL granted permission for a residential development of 170no. units with associated access, parking and landscaping, including public open space, and the stopping up of highways in 2013. An application under section 73 of the Town and Country Planning Act 1990 (as amended) was subsequently approved (ref. 13/03037/VAR) for a minor material amendment to this scheme comprising the substitution of house types at plots 8 and 9, the reconfiguration of highway, dwellings (reduction of 1no. unit) and garages at plots 24-26, 31-32 and 33-38 and the replacement of 2no. semi-detached dwellings with 3no. terraced dwellings at plots 126 and 127, all within Area D as identified by the former planning permission.

A further minor revision through application ref. 14/01328/FUL was made to plot 24 of the approved scheme, which has been renumbered plot 228.

Full planning permission was granted in April 2015 (ref. 15/00053/FUL) to erect 10no. dwellings comprising a substitution of house types within Teal Park Farm Phase 1 (ref. 08/03987/REM) and Phase 4 [Area D] (ref. 12/00333/FUL) replacing 8no. approved 'I-Pad' 1-bedroom apartments (plots 94-101) of planning permission ref. 08/03987/REM with 6no. two-storey dwellings and 2no. approved dwellings (Plots 6 and 7 (renumbered 108 and 109)) of area D of planning permission ref. 12/00333/FUL with 4no. dwellings.

The consent which the current application seeks to vary (ref. 15/00259/FUL) was granted by Members at the Sub-Committee meeting of 16 June 2015, which comprised the replacement of plots 42-45 (4no.) with 5no. units (renumbered 241-244 and 333), plots 47, 49, 50, 52, 53, 55 and 56 with 7no. unit (renumbered 246, 248, 249, 251, 252, 254 and 255), plots 63-73 (11no.) with 12no. units (renumbered 317-328), plots 81, 82, 84 and 91 with 4no. units (renumbered 309, 308, 306, 299) and plots 95-127 (33no.) with 36no. units (renumbered 262-295, 331 and 332) with a revised highway layout and revised parking and garage provisions.

Procedure

The application site is allocated for industrial development on the adopted Unitary Development Plan (UDP) proposals map and, as such, the proposal constitutes a departure from the adopted development plan and has been publicised accordingly. The Town and Country Planning (Consultation) (England) Direction 2009 sets out the power of the Secretary of State to issue directions to local planning authorities requiring consultation with specified persons before granting planning permission. The areas covered by this direction include development within greenbelt, within the vicinity of world heritage sites and on playing fields as well as retail, leisure or office development outside town centres. To this regard, it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009 and, as such, can be determined by the Local Planning Authority.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Washington East - Ward Councillor Consultation

Final Date for Receipt of Representations: **19.04.2017**

REPRESENTATIONS:

No representations have been 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

COMMENTS:

The main issues to consider in assessing this proposal are the impact of the proposed substitutions on the character and appearance of the development and the implications of this application on the planning obligations and other conditions of the host planning permission.

Character and Appearance

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

To this regard, it is noted that the proposal introduces new house types into the wider development. However, these house types are similar to those which have been used in Phase 1 of the development of this part of Teal Farm and incorporate features such as a gabled roofs and flat-roofed entrance canopies which are prevalent within the wider development. In addition, the proposed units do not differ significantly from those which they would replace in terms of heights whilst retaining their footprint and layout. Only plots 286 and 332 would occupy corners and the units proposed on these plots would include a doorway and window in their side elevation, affording appropriate activation onto the street.

For such reasons, it is considered that the proposed substitutions appropriately maintain the character and appearance of the wider development and would not pose any detrimental impact on the street scene.

Planning Obligations and Conditions

The original planning permission for this phase of Teal Farm (12/00333/FUL) was accompanied by an agreement under section 106 of the Town and Country Planning Act 1990 for contributions to local education, play space and affordable housing, subject to the carrying out of additional site investigations to accurately ascertain the actual abnormal costs of the development. Such investigations have since been undertaken and the actual abnormal costs established which confirm, to the satisfaction of the Council's Land and Property section, that the agreed parameters

have not been met which would trigger such obligations to be made. Therefore, no financial contribution or provision of affordable housing is required for viability reasons and, as confirmed by the City Solicitor, there is no need to vary the section 106 to reflect the proposed amendments.

The host planning permission was subject to a total of 23no. conditions which relate to issues including a scheme of working archaeology, ground conditions and drainage. Some of these have since been satisfied; however it is recommended that the relevant conditions pertaining to these issues which have not already been discharged be included in this instance, with minor alterations as appropriate.

Conclusion

For the reasons set out above, it is considered that the proposed amendments are in-keeping with the character and appearance of the development and it is therefore recommended that Members approve the application, subject to the conditions set out below.

RECOMMENDATION: Members approve the application, subject to the conditions set out below.

Conditions:

1 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:

- Drawing no. P-12 rev. T: Proposed Site Layout
- Drawing no. P-100 rev. C: House Type A (Newton)
- Drawing no. P-101 rev. B: House Type B (Barwick)
- Drawing no. P-102 rev. B: House Type C (Cheadle)
- Drawing no. P-103 rev. B: House Type D (Morpeth)
- Drawing no. P-104 rev. B: House Type E (Faringdon)
- Drawing no. P-105 rev. C: House Type F (Padstow)
- Drawing no. P-106 rev. B: House Type G (Tavistock)
- Drawing no. P-107 rev. B: House Type H (Rochester)
- Drawing no. P-108 rev. B: House Type I (Somerton)
- Drawing no. P-109 rev. B: House Type J (Faversham)
- Drawing no. P-110 rev. A: House Type K (Lincoln)
- Drawing no. P-111 rev. B: House Type L (Guisborough)
- Drawing no. P-112 rev. B: House Type M (Woodbridge)
- Drawing no. P-113 rev. C: House Type N (Hythe)
- Drawing no. P-116 rev. B: House Type R (Madeley)
- Drawing no. P-117 rev. A: House Type A - render version
- Drawing no. P-118 rev. A: House Type B - render version
- Drawing no. P-119 rev. A: House Type D - render version
- Drawing no. P-120 rev. A: House Type H - render version
- Drawing no. P-121 rev. A: House Type J - render version
- Drawing no. P-122 rev. A: House Type K - render version
- Drawing no. P-123 rev. A: House Type M - render version
- Revised suite of house types (16no. sheets) received 19.12.2016

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.

- 2 No further development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, 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 adopted Unitary Development Plan.
- 3 No construction works required for the development hereby approved shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 4 Unless otherwise agreed by the Local Planning Authority, no further development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been undertaken. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation and must be approved, in writing, by the Local Planning Authority, to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.
- 5 No further development, other than that required to carry out remediation works, shall take place until the approved remediation scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. Following the full completion of all measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of any dwelling, to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.
- 6 In the event that contamination is found at any time that was not previously identified, all development must be immediately halted on the part of the site affected by the unexpected contamination to the extent to be specified by the Local Planning Authority and shall not recommence until the written consent of the Local Planning Authority has been provided. The

additional contamination must be immediately reported in writing to the Local Planning Authority and an investigation and risk assessment shall be undertaken by the developer in accordance with the requirements of condition 6 and, if deemed necessary by the Local Planning Authority, a remediation scheme shall be prepared by the developer in accordance with the requirements of condition 7 and shall be submitted to and approved in writing of the Local Planning Authority. Following the completion of measures identified in the approved revised remediation scheme, a verification report shall be prepared by the developer in accordance with the requirements of condition 8 and submitted to and approved in writing by the Local Planning Authority, to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.

- 7 No further development shall commence until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 8 Notwithstanding any specifications on the submitted plans, no further development shall commence until full details of all walls, fences or other means of boundary enclosure have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be fully installed prior to the occupation of any additional adjacent dwelling hereby approved or in accordance with a timetable to be agreed, in writing, by the Local Planning Authority, in the interests of visual and residential amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 9 Notwithstanding any indication of materials which may have been given in the application, no further development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 10 No further development shall take place until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and no further dwelling hereby approved shall be occupied until the facilities have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policy B24 of the adopted Unitary Development Plan.
- 11 No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces for the entire site, 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 adopted Unitary Development Plan.

- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the 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 Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 13 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner so that, in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3m of the nearest rail of the adjacent railway line or, where the railway is electrified, within 3m of overhead electrical equipment or supports. Where any works cannot be carried out in a fail safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks, in the interest of rail safety and to achieve a satisfactory form of development, in accordance with policy B2 of the adopted Unitary Development Plan.
- 14 Any fencing or other boundary treatment adjacent to or within the development site which is in the ownership of Network Rail must not be removed or damaged, in the interest of railway safety and to achieve a satisfactory form of development, in accordance with policy B2 of the adopted Unitary Development Plan.
- 15 Should the section of railway abutting the application site be brought back into use at any time prior to the completion of Area D, precise details of all external lighting to be erected/installed at the development site during the construction and operational phases of the development (including the location and colour of lights) shall be submitted to and approved in writing by the Local Planning Authority prior to the illumination of any external lighting, in the interest of rail safety and to minimise the risk of dazzle to passing rail traffic and to comply with the requirements of policies B2 and T25 of the adopted Unitary Development Plan.
- 16 No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies B2, T14 and T22 of the adopted UDP.
- 17 No dwelling shall be occupied until the estate road which serves that dwelling is surfaced to base course in order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies T14 and T22 of the adopted Unitary Development Plan.

- 18 No further development shall take place until details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network have been submitted to and approved by the Local Planning Authority. All works and practices shall be implemented in accordance with the agreed details and shall be maintained throughout the construction period, in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 19 No further development shall commence until precise details, illustrated by appropriate plans/drawings and an associated schedule, of the specification, locations and management of bat and bird roost and nest features, lighting and landscaping together with a timetable for implementation and long-term management plan has been submitted to and approved, in writing, by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

Reference No.: 17/00045/VAR Variation of Condition

Proposal: Removal of condition 3 of planning permission ref. 79/0142 (Erection of building for use as workshop, offices, storage and sale of leisure associated accessories. Use of land for the display, storage and sale of caravans and camping equipment with associated car parking facilities). to allow use as B8 storage

Location: A D C Electrical Company Limited Brindley Road Hertburn Washington NE37 2SF

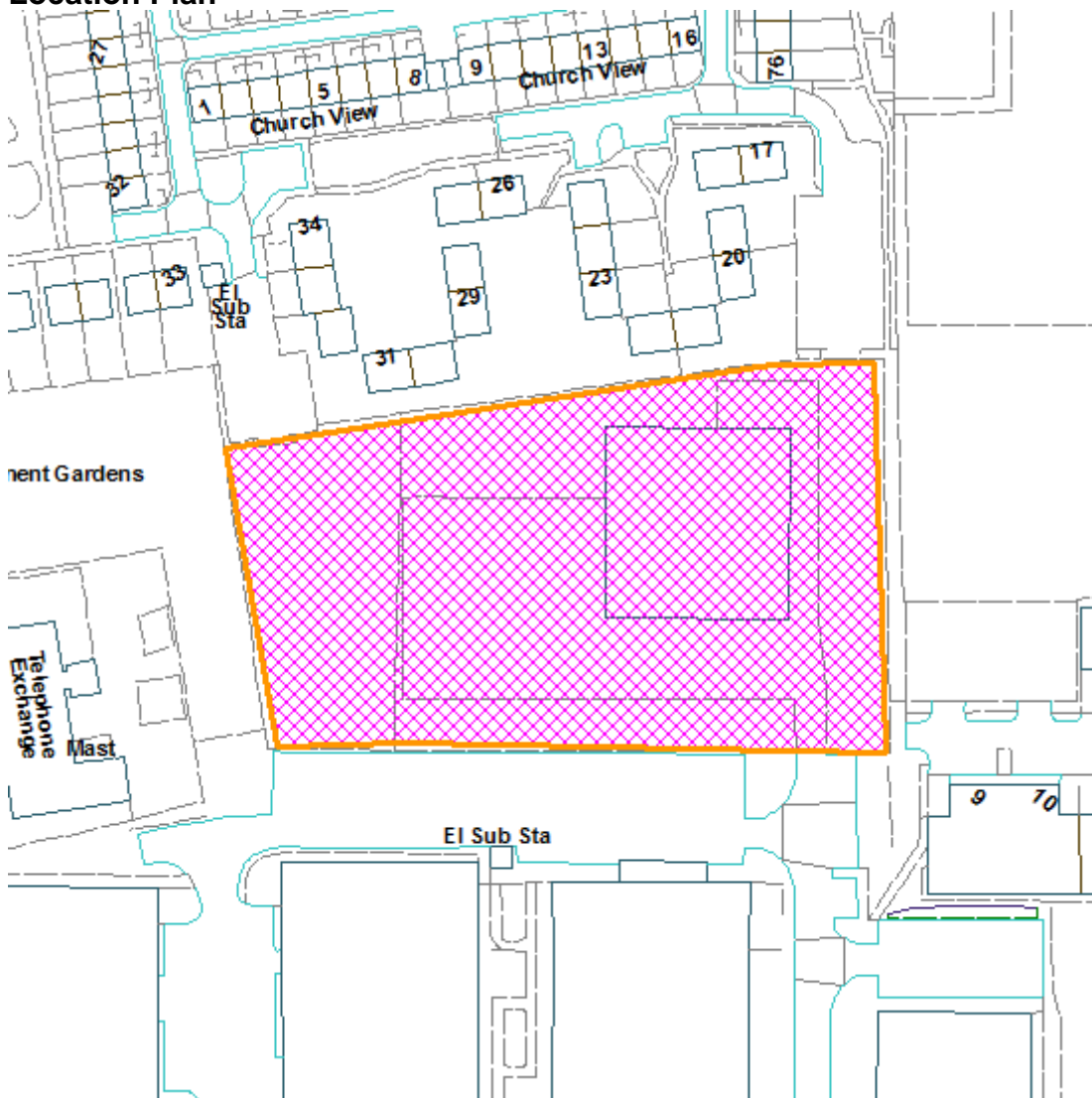
Ward: Washington North

Applicant: A D C Electrical Company Limited

Date Valid: 16 January 2017

Target Date: 17 April 2017

Location Plan



PROPOSAL:

The proposal seeks to remove condition 3 (Use of the premises for the display and sale of caravans and camping equipment with associated accessories and for no other purpose) attached to approved planning application SD/142/79, to allow use for general B8 Storage.

The proposal has been submitted to enable the applicant to store materials associated with their businesses Pay Less for Storage Ltd and Pay Less for Hire Ltd in the external yard to the west of the premises, which was used by the previous occupiers to display and sell caravans.

The site has been occupied by an electrical contractor, ADC Electrical Ltd for a period of 23 years and the external yard to the west is surplus to their operational requirements. The applicant does not have sufficient external storage facilities in the area and as such, they intend to use the underutilised western yard area as an external depot / storage area. The type of items to be stored include plant, such as mini diggers and forklifts as well as some storage containers to house smaller tools that cannot be left outside.

The original planning permission for the site was submitted on 01 February 1979 by ABI UK Ltd, a well know caravan manufacturer and was for "The erection of a building for use as a workshop, offices, storage and sale of leisure associated accessories. Use of land for the display, storage and sale of caravans and camping equipment with associated car parking facilities". This was subsequently approved on 12 March 1979. Condition 3 stipulated that the premises should not be used for any other use. As the site area was over 1 Hectare in size, the application would have been considered by Members and as such, this application to remove Condition 3 has to also go before the relevant DC Sub-Committee.

The Application has been advertised accordingly, including the posting of press and site notices and neighbour notifications.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington North - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **01.03.2017**

REPRESENTATIONS:

Public Consultation
No letters of representation have been received as a result of the consultation exercise.

Consultations
No formal comments / observations have been received as a result of the consultation exercise.

POLICIES:

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

COMMENTS:

The main issues to consider in determining the proposal are:

- The implications of the premises being used for a use other than Caravan /camping and associated activities
- the impact of the use of the western yard as a storage area
- the impact upon the local highway network.

The Implications of the Premises being used for a use other than Caravan / Camping and associated activities.

Having reviewed the Councils records, it has been established that in 1994 an application under the Building Regulation was made by the current occupiers, ADC Electrical Ltd on 03 March 1994 for "Alterations and Extension to Existing Unit". Records show this work was completed on 09.10.1995. In addition to this, the current occupiers have also confirmed this and have submitted a number of bills and photographs in support of the application. As such, it is apparent that the premises have not been used for caravan sales / storage since 1995, some 22 years ago. Taking into consideration that the other neighbouring premises on the industrial estate are host to the usual B2 (General Industrial) and B8 (storage) uses, then the proposed removal of the restrictive condition is considered as being acceptable.

The impact of the use of the western yard as a storage area.

With regards any impact that may arise as a result of the area being used for B8 storage, as stated above, the premises have been used for such purposes other than caravans since 1994. In the circumstances an enquiry has been made with the Councils Environmental Health (Pollution Control) section, to see if there has been any record of complaints having been made regarding noise and disturbance. Records show that the premises were investigated last year over some noise caused by fans within the building and also items getting burned in the yard area. Since this investigation no further complaints have been received. With regards the complaint, it is not considered that the former would re-occur as a result of the removal of the condition, as it related purely to activities within the existing building, which will not be used by the applicant. With regards to the latter, the applicant has confirmed that they will not be starting fires. This was confirmed via an email on 17 March 2017.

The Impact upon the Highway Network.

Policy T14 of the UDP requires that development should not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

The current proposal does not alter the previously approved access arrangements and as such given the Network Management Team have no observations to report, the proposal is not considered to give rise to any additional impacts upon the network and as such is considered as being acceptable.

CONCLUSION

For the reasons set out above, it is considered that the proposed removal of condition no. 3 is acceptable and that its deletion will not give rise to any significant concerns in relation to the amenity of the area, in accordance with the requirements of policy B2 of the UDP. Indeed, as set out above and with regard to paragraph 206 of the NPPF, it is considered that the continued necessity, relevance and reasonableness of the condition are questionable.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

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

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

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

RECOMMENDATION – Members are recommended to Approve removal of condition no. 3 of planning permission ref. SD142/79

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted 12 March 1979 to ensure that the development is carried out within a reasonable period of time.

Reference No.: 17/00597/CAA Consultation with Adjoining Authority

Proposal: **Hazardous Substances Consent: Storage of 18000 tonnes of Flammable liquid (P5c) and 1,500 tonnes of Flammable Aerosols (P3a)**

Location: Land At White Rose Follingsby Park Follingsby Lane Felling

Ward:

Applicant: Gateshead Council

Date Valid: 21 March 2017

Target Date: 11 April 2017

PROPOSAL:

The current proposal is a consultation from an adjoining authority (Gateshead Council) for a Hazardous Substances Consent on land at White Rose Way, Follingsby Park, Follingsby Lane, Felling.

The applicant is TOR Coatings and they are seeking to develop land which will include the storage of 1800 tonnes of flammable liquid (P5c) and 1500 tonnes of flammable aerosols (P3a).

Where the Council is consulted by a neighbouring authority on planning applications which is not within its administrative boundary but which may have an impact on Sunderland's interests, the approval of the Hetton, Houghton and Washington Development Control Sub Committee is obtained to agree the content of the Council's response.

In this instance Sunderland City Council has been consulted by Gateshead Council on planning application detailed below.

Notifying Authority : Gateshead Council.

Applicant No. : DC/17/00227/HAZ.

Applicant : TOR Coatings.

Proposal : Land at White Rose Way.

The site is currently located within Follingsby Park Industrial Estate on land to the north of Follingsby Lane. Situated south of Follingsby Lane and within Sunderland jurisdiction is land currently designated as Green Belt currently used as agricultural land, containing three farmsteads of note, namely East House Farm, North Moor Farm and West Moor Farm along with a number of residential properties including Hylton Bridge Farm.

The site is served via an access road (Follingsby Road) that leads to the roundabout on Northumberland Way A195 and the A194(M) giving easy access to the A1(M) and the A19. The industrial estate is well established with only limited plots remaining for development.

Further to a site visit, it is not considered that the development will lead to any reduction in levels of amenity currently afforded the limited residential units in the surrounding area and any increases to the local highway network will be assessed by Gateshead Council whilst determining the relevant planning application.

With the above in mind, as it is unlikely that the proposal would prejudice the interests of Sunderland City Council, it is recommended that Sunderland City Council advise Gateshead Council that it does not have any comments or observations to make with regards to the proposal.

RECOMMENDATION: The Committee is therefore recommended to agree the above comments, which will then be sent to Gateshead Council in relation to application DC/17/00227/HAZ.

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.

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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.