

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

1.

Washington

Reference No.: 12/00014/SUB Resubmission

Proposal: Erection of two storey detached property (resubmission) (additional drawings showing section through development site received 06/02/2013)

Location: 2 Woodbine Cottages Springwell Gateshead NE9 7PR

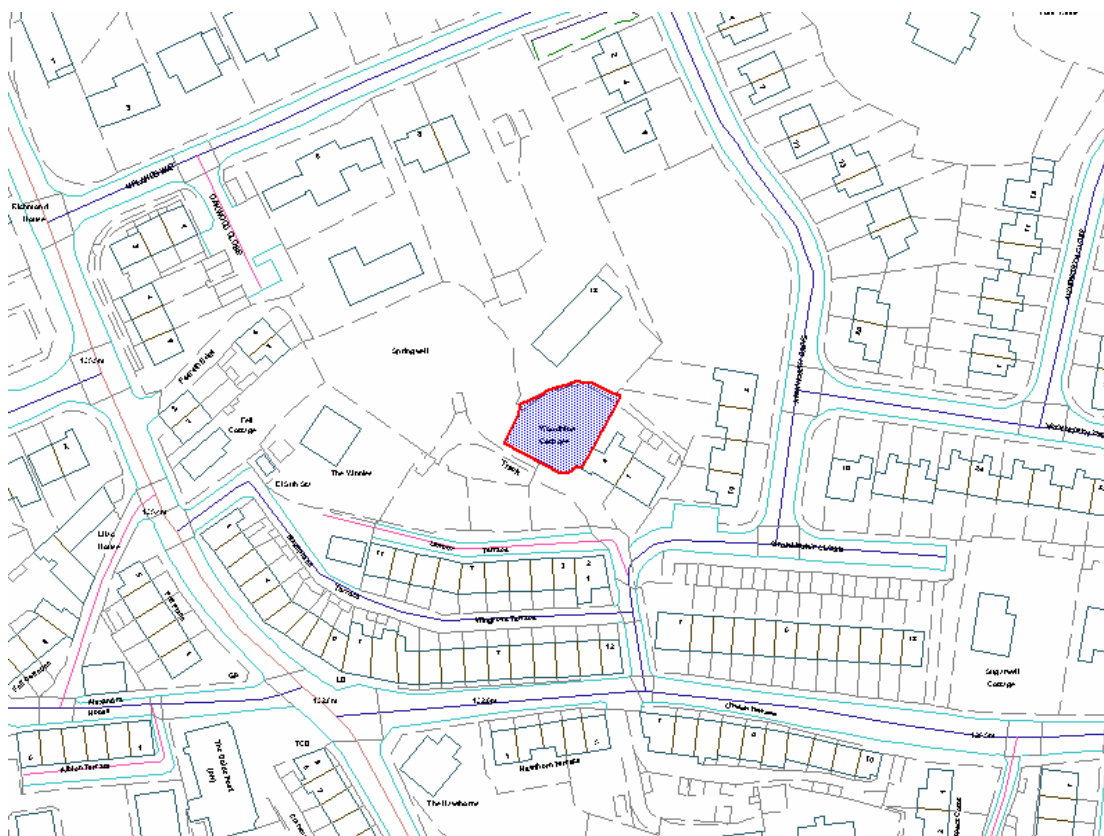
Ward: Washington West

Applicant: Mr Gary & David Simpson

Date Valid: 2 February 2012

Target Date: 29 March 2012

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a two-storey detached dwelling in the garden to the side of 2 Woodbine Cottages, Springwell Village, Gateshead, NE9 7PR.

The application proposes to erect a single detached dwelling in the large private garden at the side of 2 Woodbine Cottages, which forms one half of a pair of two-storey cottages. The garden has a maximum width of 19 metres and a maximum depth of 22 metres and is set 1 metre above the ground level to its front, with a

retaining wall consequently forming the front boundary. The two existing cottages occupy a 'backland' site to the north-east of the two rows of terraced dwellings running parallel with Peareth Hall Road. Between the track in front of Woodbine Cottages and the nearest terrace, Lismore Terrace, is a row of small garden/allotment plots.

To the north-west of Woodbine Cottages is an area of woodland/scrub, part of which has been used to extend the private garden of no. 2 (see app. no. 09/04179/FUL), although this land does not form part of the proposed development site. To the north and north-east are the more modern dwellings of Uplands Way and Highworth Drive, which stand on higher land than the cottages and the garden area. Immediately to the north is 'Moorgate', a large bungalow standing on top of an embankment at the end of no. 2's garden.

Access to Woodbine Cottages is via a lane leaving Peareth Hall Road and running past the eastern end of Wingrove and Lismore Terraces. Beyond Lismore Terrace, the lane turns into a narrow, unadopted track, whilst the street in front of Lismore Terrace is also unadopted. Both the track and the street of Lismore Terrace have recently been given an improved surface.

The main body of the proposed dwelling has a width of 7.9 metres and a depth of 9.8 metres and its front elevation will stand a little forward of the adjacent Woodbine Cottages. The new dwelling will feature a garage with bedroom above to its south-east side, which are set back 4.3 metres from the main facade of the dwelling in order to accommodate a vehicular driveway. The south-east side wall of the new dwelling is positioned 4 metres from the gable wall of 2 Woodbine Cottages. The main body of the new dwelling is to have a dual-pitched roof with a ridge height of 8.5 metres above ground level, but the ridge line height of the recessed section to the side is set down from this by a distance of 1.2 metres. The dwelling is intended to be erected on levelled ground and will consequently appear as sunk 1 metre into the remaining garden.

The dwelling will be afforded a lounge, lounge/dining room, kitchen, utility room, study, WC and garage on the ground floor and five bedrooms (one en-suite) and a bathroom to the first floor. The front and rear elevations will contain main living room windows whilst the north-west facing side elevation will also feature a ground floor lounge/dining room window and first floor bathroom windows.

This application is a resubmission subsequent to the refusal of planning application ref. 11/00067/FUL in April 2011 (determined at officer level under delegated powers). The original application proposed the erection of two dwellings on the land and also included the hard surfacing of one of the garden plots between Woodbine Cottages and Lismore Terrace to use as a parking area for prospective residents of the properties. The application was refused for the following reasons:

1. The proposed development will result in conditions which are prejudicial to highway and pedestrian safety, due to an increase in traffic on the narrow, unadopted roads and tracks leading to the development site, the increase in the use of a junction with substandard visibility (i.e. that between the lane leading to Woodbine Cottages and Peareth Hall Road) and the absence of any pedestrian footway or streetlighting along the track in front of Woodbine Cottages. The proposed development therefore fails to comply with the requirements of policies T14 and T22 of the UDP.

2. The proposed use of the garden/allotment plot in front of Lismore Terrace for parking is an unacceptable arrangement, for it will appear as visually intrusive within the locality, is detached from the two dwellings the spaces are intended to serve and it cannot be guaranteed that the spaces will remain available for the lifetime of the development due to the ownership of the land being unknown. As such, the proposal fails to comply with the requirements of policies B2, B3, T14 and T22 of the Council's adopted UDP.

3. The development site is adjacent to land which has previously accommodated an industrial use and, as the applicants have not submitted a desktop study and/or site investigation, it has not been established whether the site has been contaminated or whether any remediation or mitigation measures are required to allow the proposed residential development. As such, it cannot be ascertained whether the land is suitable for the proposed residential development and the proposal is therefore contrary to the requirements of policy EN14 of the UDP.

4. The fenestration and treatment of the front elevations of the two dwellings fails to respect the appearance of the front elevations of the adjacent Woodbine Cottages and as such, the proposed dwellings will appear as incongruous within the locality, contrary to the requirements of policy B2 of the Council's adopted UDP.

An application of this nature would normally be determined under the Council's delegation scheme, but it has been referred to the Development Control Sub-Committee (Houghton, Hetton and Washington) at the request of Councillor Henry Trueman.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Street Scene (Environmental Service)
Northumbrian Water

Final Date for Receipt of Representations: **14.03.2012**

REPRESENTATIONS:

PUBLIC CONSULTATION

Letters of objection have been received from the occupiers of 4, 5, 6, 7, 8 and 9 Lismore Terrace, 3 Makepeace Terrace (located to the south-west of the proposal site), 8 Highworth Drive and 'Moorgate', Uplands Way (located immediately to the north of the proposal site). The main issues raised by objectors are:

- proposed dwelling is unlike any surrounding properties in terms of size and design (being double fronted) and would consequently appear as out

of character in an area mainly comprising single-fronted terraced dwellings and smaller houses;

- development is not compatible with existing and surrounding land use and will be too dominant;
- piecemeal development such as this may prejudice the proper planning of the area;
- large dwelling could be occupied by family with more than one vehicle in an area with parking and access problems;
- proposed parking facilities are 'vague' and space will be at a premium;
- concerns regarding noise and disturbance;
- access roads to the proposal site are unsuitable for heavy construction vehicles;
- new surfacing paid for by residents will deteriorate with being used by extra traffic;
- nothing has changed at the site since the refusal of original planning application ref. 11/00067/FUL and highway and pedestrian safety concerns in respect of that proposal still exist and are not overcome by this application;
- drainage in area is not adequate to cater for another dwelling;
- new dwelling will overlook rear garden and be afforded views into rear bedrooms of 'Moorgate', to the detriment of its privacy;
- concerns over works to retaining wall and encroachment into embankment at rear of garden;
- occupier of 'Moorgate' wants guarantee that no landslip issues will occur;
- occupier of 'Moorgate' bought dwelling with planning permission for two six-bedroomed properties (application ref. 08/04549/OUT, approved in April 2009, permission now expired) and has refrained from proceeding to prevent overdevelopment of area, but will go ahead with project if permission is granted for this development;
- there are 62 new dwellings being built in Springwell village, so no need for one extra property;

It should be noted at this point that the potential for the construction of new development to be disruptive to existing residential properties is not a reason to refuse planning permission, although the timing of building works and the working arrangements can be restricted through appropriately worded conditions in the event Members are minded to approve the application.

EXTERNAL CONSULTATION

Northumbrian Water - no objection to proposed development.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

B_2_Scale, massing layout and setting of new developments

H_22_Residential development within the curtilage of an existing house

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government's 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 underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land), provided that it is not of high environmental value.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H22 and T14 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the proposed development on the amenity of existing dwellings;
3. the level of amenity afforded to residents of proposed dwellings;
4. the impact of the proposed development on visual amenity;
5. the impact of the proposed development on highway and pedestrian safety;
6. implications of developing a site adjacent to land previously used for industrial purposes;
7. the impact of the development on trees/ecology of the locality;

1. Principle of proposed development

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood. Given that the vicinity of the development site is characterised by residential dwellings, the proposal is considered to comply with the requirements of policy EN10 and, in principle, is therefore broadly acceptable.

Regard must also be had, however, to policy H22 of the UDP, which refers specifically to residential development within the curtilage of an existing dwelling. It should be noted that the glossary to the NPPF states that 'previously developed land' excludes private residential gardens; indeed, paragraph 53 states that planning authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where such development would harm the character of an area. In broad alignment with aforementioned paragraph 53 of the NPPF, policy H22 states that the erection of dwellings within the curtilage of an existing property will only be acceptable if it is not detrimental to general amenity and to the established character of the locality.

With regard to the above, it is therefore considered that although garden areas are excluded from the NPPF's definition of 'previously developed land', the development of such sites is not unacceptable provided the scheme is not

detrimental to the established pattern of built development within the locality. In cases where the development does not have undue harm on the character of the area, the loss of private garden space to residential development may not be inappropriate, especially where few opportunities exist for similar schemes within the locality. The relationship between the proposed development and the character of the surrounding area is considered further in the next section of this report.

2. Impact of proposed development on residential amenity

Policy B2 of the UDP also requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

The front elevation of the proposed dwelling is positioned a minimum of 22 metres from the front elevations of the dwellings of Lismore Terrace, in excess of the 21 metres required by the SPG and SPD. Given this separation distance, it is considered that the amenity of residents of Lismore Terrace will be unduly affected by the proposed development in terms of their outlook and privacy. Nor would the dwelling cause overshadowing of these properties given that the development site lies to the north-east of Lismore Terrace.

The west elevation of 2 Woodbine Cottages does feature two windows facing the proposal site and given that the south-east elevation of the proposed dwelling will be positioned only 5.1 metres away, their outlook will undoubtedly be significantly reduced. However, neither window appears to be part of the original cottage, with one in the side wall of a single-storey side extension and the other in the side wall of a two-storey rear extension. In addition, both rooms served by these windows are also served by windows in the rear elevation, the outlook from which will be unaffected by the proposed development.

Accordingly, the loss of outlook from these windows and any overshadowing of the rooms served by these windows caused as a result of the proposed development cannot be given significant weight. In addition, the proposed dwelling will not lead to any significant overshadowing of the rear garden of 2 Woodbine Cottages given that it will maintain the building line and depth of the existing cottages, whilst the absence of windows in its side elevation will prevent direct overlooking of no. 2's rear garden.

Consideration must also be given to the impact of the development on the property immediately to the north of the proposal site, 'Moorgate', a large bungalow standing on the higher ground beyond the garden. The occupier of 'Moorgate' has objected to the application on the grounds that the proposed rear windows to the two dwellings will overlook the rear garden and a number of main living rooms the property. The applicant has, at the request of the Council, submitted a section through the development site (received 5th February 2013) to illustrate the difference in levels between the development site and the land forming 'Moorgate's' plot. The section gives the level of the development plot as

being 3.8 metres below 'Moorgate's' garden at the nearest point between the footprint of the new dwelling and the rear corner of 'Moorgate', with the fence on top of the embankment having a height of 1.8 metres. The proposed dwelling, as noted in the opening section of this report, is also to be sunk 1 metre into the garden. The embankment at the end of the garden of 2 Woodbine Cottages is also well vegetated, with a number of mature trees along the top of the slope.

The rear elevation of the proposed dwelling faces north-eastwards, whereas the rear elevation of 'Moorgate' faces south-eastwards, and it is considered that this relationship will serve to prevent any direct and intimate view into 'Moorgate's' rear living rooms from the new dwelling's rear windows. The difference in site levels and the screening provided by the trees and vegetation along the top of the slope further improves the situation.

With regard to overlooking of 'Moorgate's' rear garden, the section through the site submitted by the applicant shows the eaves level of the new dwelling as being below the top of the fence on top of the embankment, with the first floor rear windows obviously set below the eaves. The section drawing is considered to illustrate that anyone standing at the first floor rear windows will not be able afforded an outlook over the top of the fence and into the garden of 'Moorgate' and consequently, its privacy will not be harmed by the development.

The objector from 'Moorgate' has also raised concerns regarding the potential impact of the proposed development on the stability of the embankment. The applicant has advised that the proposed development is not anticipated to affect the embankment; however, the applicant's structural engineer has suggested that, if necessary, the embankment can be given additional support by the construction of a retaining wall as its base. It is considered that, in the event Members are minded to approve the application, it would be sensible and reasonable to impose a condition requiring the submission of a structural engineer's report, which should include details of any works to the embankment ultimately considered necessary to facilitate the development, to ensure the scheme will not have an impact on its stability.

With reference to the above comments, it is considered that the impact of the proposed dwellings on the amenity of the surrounding properties of Lismore Terrace, Woodbine Cottages and 'Moorgate' is acceptable, in accordance with the requirements of aforementioned policy B2 of the UDP.

3. Level of amenity afforded to occupiers of proposed property

The City Council's 'Residential Design Guide' Supplementary Planning Document (SPD) and section 2.7 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) state that space around dwellings is necessary to permit satisfactory living conditions (hygiene, natural light, comfort) and to help to determine the visual character of the development. Outlook is an important amenity to be enjoyed in a residential property and at least one elevation should have rooms which permit pleasant middle to long distance views.

The dwelling will be afforded satisfactory outlook from main living rooms to both the front and rear of the property, whilst room sizes are satisfactory. In addition, the property will be afforded a reasonable level of external amenity space, with a rear garden of a size comparable to those of Woodbine Cottages. It is therefore considered that residents of the new dwelling will be afforded a satisfactory

standard of accommodation, in accordance with the requirements of the aforementioned SPD and SPG.

4. Impact of development on visual amenity

Policy B2 of the Council's UDP also requires new development to respect visual amenity and to take into account the character and appearance of the locality. In addition, as noted earlier in the report, policy H22 of the UDP requires development within garden areas to respect the established character of the locality.

The garden to the side of 2 Woodbine Cottages provides a relatively attractive area of private green space, but the site does occupy a secluded, 'backland' location and as such is not of great prominence within the locality. In addition, the pattern of built development in the immediate locality is relatively inconsistent and there are significant amounts of private open space (i.e. the allotment plots in front of Lismore Terrace and woodland/scrub to the north-west of the site) adjacent to the site which will continue to give the vicinity quite a green and open feel. As such, it is considered that the development of this site will not be unduly detrimental to the character and appearance of the area.

The erection of the dwelling is also considered to be generally appropriate with regard to the pattern of built development in the locality. Although detached, the property will respect the building line formed by the frontages of Woodbine Cottages and will essentially lead to the formation of a short row of dwellings in combination with the two existing cottages, an arrangement which is generally reflective of the terraces found in the immediate area. As such, the dwelling will not appear as incongruous in terms of its situation and its relationship with the two neighbouring properties. The massing of the dwelling is acceptable when viewed next to the existing cottages and the elevation treatment is significantly improved from the previously refused scheme, with the vertical emphasis on fenestration found to the facades of Woodbine Cottages carried through to the new dwelling. The use of stonework to the front elevation, natural slate for the roof and incorporation of stone cills and lintels to front windows of the new dwelling will also serve to give the property an appearance and finish which is reflective of the adjacent existing dwellings.

The application no longer includes the proposed use of the garden/allotment plot between Lismore Terrace and Woodbine Cottages as a parking area, an aspect of the initial proposal which was considered unacceptable and formed a reason to refuse the previous application.

It is acknowledged that a number of the objectors to the proposed development have concerns in respect of the impact of the scheme on the character of the locality and suggest that the new dwelling will appear as overly large and incongruous. However, and with regard to the above comments, it is considered that the erection of the dwelling will not be unduly detrimental to the character of the locality whilst its appearance in relation to the neighbouring existing properties at Woodbine Cottages is now considered to be satisfactory. As such, the proposed development is considered to be compliant with the requirements of aforementioned policies B2 and H22 of the UDP.

5. Impact of development on highway and pedestrian safety

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated. Policy T22 states that in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to: development type (e.g. scale, use, catchment, user characteristics) and locational characteristics (e.g. accessibility by modes other than private car, population density, historic character).

As noted in the 'Proposal' section of this report, the original application for two dwellings was refused planning permission partly on the grounds of concerns relating to highway and pedestrian safety, particularly in respect of the increased use of the narrow, unadopted access road and track leading to the development site and the additional traffic using the junction with substandard visibility at Peareth Hall Road.

In assessing the highway and pedestrian safety implications of the proposed development, regard has been given to a recent appeal decision received by the City Council in respect of a refused planning application which proposed the erection of one dwelling on land to the rear of Springwell Village Club, Springwell Village (application ref. 11/01818/OUT, appeal ref. APP/J4525/A/11/2167530). This site is considered to be comparable to the current application site in that it can only be reached via an unadopted access track with poor visibility at its junction with the main Springwell Road. The City Council decided to refuse planning permission on the basis that the increased use of this access track (which is considerably longer and in worse condition than that leading to Woodbine Cottages) would lead to highway and pedestrian safety concerns given it is not wide enough to allow vehicles to pass each other, has no pedestrian footway or street lighting and has substandard visibility at the junction with the main road.

The applicant subsequently decided to appeal the Council's refusal of app. ref. 11/01818/OUT with the Planning Inspectorate. The Planning Inspector ultimately dismissed the appeal, but in doing so gave little weight to the Council's concerns regarding the increased use of the access track itself, despite its substandard width and the lack of a footway and streetlighting, suggesting that the additional journeys associated with one new dwelling would not pose a highway and pedestrian safety risk. The only concern of the Planning Inspector was in respect of the visibility at the junction with Springwell Road, which is constrained by the presence of a garden fence adjacent to the end of the lane, with even limited additional usage of the junction considered to represent a hazard to highway safety at this point.

The impact of the current proposal on highway and pedestrian safety has been given full consideration by the City Council's Network Management section. The comments received in response to consultation note that Peareth Hall Road is a 'C'-class road and bus route and that visibility at the junction with the access to Lismore Terrace and Woodbine Cottages is substandard. There have, however, been no reported traffic accidents at this location and it is considered that the

presence of one additional dwelling would not significantly increase the vehicular movement at the junction. Although the previous application for two dwellings was refused, the comments state that the proposal for one dwelling is considered acceptable and that a reason for refusal based on highway and pedestrian safety grounds would be unsustainable in an appeal situation.

A number of objectors have also suggested that the one in-curtilage parking space associated with the proposed dwelling would not be enough to cater for the residents of a five-bedroom property. However, the Council's adopted Residential Design Guide Supplementary Planning Document (SPD) and the Development Control Guidelines Supplementary Planning Guidance (SPG) only require the provision of one in-curtilage parking space per new dwelling created, with no additional spaces required for larger dwellings or those with multiple bedrooms. The proposed development is compliant with the Council's parking guidelines and so the level of dedicated parking associated with the scheme is considered to be appropriate and acceptable.

The applicant has, following observations that the site plan originally included with the application did not properly reflect the width of the track in front of the plot and consequently did not accurately show the amount of space available to turn a vehicle in and out of the proposed in-curtilage parking space, submitted a revised site plan which properly illustrates the arrangement at the site. The revised site plan is still being considered by the Council's Network Management section; their comments in respect of the merits of the plan are, however, still awaited and will be reported on a Supplementary Report.

With regard to the above comments and having had regard to the findings of the Planning Inspector in respect of the aforementioned comparable appeal decision, it is considered that although the vehicular and pedestrian access to the development site is not ideal, the additional vehicular journeys associated with the erection of one new dwelling will not result in conditions which are prejudicial to highway and pedestrian safety either on the access track/road or at the junction with Peareth Hall Road. Furthermore, the parking and servicing arrangements are satisfactory for development of this nature. The proposal is therefore considered to be compliant with the requirements of policies T14 and T22 of the UDP.

6. The development of a site which is adjacent to land previously used for industrial purposes

Policy EN14 of the UDP states that where development is proposed on land which 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.

In respect of the initial application, the City Council's Environmental Health advised that the proposal site is adjacent to one which has previously accommodated an industrial use that may have resulted in contamination of the land. It is possible that the proposal site has been exposed to migrating contaminants and as such, further information is required to determine the

condition of the land. Consequently, a comprehensive desktop study and, where necessary, site investigation should be undertaken to ascertain whether the land is contaminated prior to the commencement of development. If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons.

The current application has been accompanied by supporting contaminated land desktop studies, which have found no evidence of potential contamination of the development site. It recommends, however, that intrusive ground investigation is carried out at the site to determine if potential pollutant linkages identified in the report are of any significance. The Council's Environmental Health section suggests that the recommended ground investigation can be required by the imposition of an appropriately worded condition in the event Members are minded to approve the application.

With regard to the above, it is considered that the implications of the proposed development in respect of potential contamination of the land from previous industrial uses are acceptable, subject to the aforementioned imposition of condition(s) in respect of ground investigation. The proposal is therefore compliant with the requirements of policy EN14 of the UDP.

7. Impact of proposed development on trees/ecology

Policy CN17 of the UDP states that the Council will encourage the retention of trees which make a valuable contribution to the character of the area and the retention of trees in all new development will be required where possible, whilst policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

Some objectors to the scheme have raised concerns in relation to the loss of trees and green space at the site and/or the impact the development will have on the ecology of the locality. The garden of 2 Woodbine Cottages generally comprises a lawn, but the embankment at its rear features some fairly dense vegetation and mature trees. However, this land would form part of the gardens of the two dwellings rather than being cleared for development purposes. As such, it is considered that the site could be developed without requiring the felling of trees at the site, and would not appear likely to lead to the loss of a habitat of animal or plant species protected by law.

CONCLUSION

With regard to the above comments, it is considered that the principle of the proposed development is acceptable, as is its impact on visual amenity, the amenity of existing neighbouring residential dwellings, the character of the locality, highway and pedestrian safety and trees and ecology. Furthermore, the implications of the development in respect of potential land contamination are also acceptable. The proposal therefore accords with the requirements of policies EN10, B2, H22, T14, CN17 and EN14 of the UDP.

However, as noted in section 5 of this report, the comments of the Council's Network Management section in respect of the revised site plan and in-curtilage

parking arrangements are awaited. It is anticipated that their comments will be received shortly and will be reported on a Supplementary Report, together with a recommended decision.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/00135/VAR Variation of Condition

Proposal: Variation of Condition 6 (type of waste) of previously approved application 12/00057/FUL (Demolition of existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing). Condition 6 to read:- All activities to be undertaken within the confines of the site shall only involve soil, brick, concrete, clay, wood and other inert material including municipal wastes (household, commercial, industrial and institutional wastes) and shall not include any organic waste material as per the permitted waste operations in permit number EPR/BB3332RK.

Location: Hanson Aggregates Wilden Road Pattinson South Washington NE38 8QA

Ward: Washington East
Applicant: G. O'Briens Waste Management
Date Valid: 22 January 2013
Target Date: 23 April 2013

Location Plan



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PROPOSAL:

The proposal is for a variation of Condition 6 (type of waste) of previously approved application 12/00057/FUL (Demolition of existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing). Condition 6 to read:- All activities to be undertaken within the confines of the site shall only involve soil, brick, concrete, clay, wood and other inert material including municipal wastes (household, commercial, industrial and institutional wastes) and shall not include any organic waste material as per the permitted waste operations in permit number EPR/BB3332RK.

Planning permission (Application Reference 12/00057/FUL) was granted on the 08.10.2012, for the demolition of the existing waste facility and construction of a material recovery facility with associated storage bays, weigh bridge and proposed perimeter fencing.

The applicant is seek to vary the wording of condition 6 to include municipal waste.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Street Scene (Environmental Service)
Northumbrian Water
Environment Agency
Network Rail
Washington East - Ward Councillor Consultation

Final Date for Receipt of Representations: **28.03.2013**

REPRESENTATIONS:

Neighbour Objections

8 letters of objection have been received to the application.

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

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

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

Environmental Health

It is recommended that the application should be subject to various conditions in order to achieve a satisfactory form of development.

Network Management

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

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

Environment Agency

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

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

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

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

Northumbrian Water

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

Network Rail

Network rail has no objection to the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

WA_1_Retention and improvement of established industrial / business area

T_15_Protection of land required for new highways / improvements

M_12_Strategic requirements for development/extension of waste disposal/transfer sites

M_13_Consideration of applications not complying with M12

M_14_Location and planning of waste disposal activities acceptable under M12 or M13

EC_12_Criteria relating to potentially polluting industries

EC_15_Development or extension of bad neighbour uses

COMMENTS:

The principle of development has already been established through planning application 12/00157/FUL, this variation application is purely to consider the variation of condition 6 to allow municipal waste.

The key area for consideration is:-

Additional type of waste to be processed on site;

Odour and Dust

The materials that the site will process include paper, card, plastics and cans together with rubble, bricks, soil and municipal waste.

These materials such as paper, card, plastics and cans together with rubble, bricks, soil are unlikely to produce an odour. In respect of the municipal waste, should any odour occur in the interest of the amenity of local residents a condition should be attached to any permission granted to ensure that during the operation of the site there shall be no offensive odours at the site boundary as perceived by the local Environmental Health Officer.

In addition the Environmental Permit issued by the Environment Agency contains conditions to control emissions from the site.

The applicant has stated that the following measures will be adopted to control prevent dust/litter which should be conditioned within any planning permission granted.

- A powered road brush/washer will water-down and brush the site transport routes twice daily.
- Concrete hard standings will act as a manageable hardstand for vehicular traffic and reduce the generation of dust on the site and also prevent any potential run off of sediment.
- Materials will be baled and/or stored in designated secure bays which will contain the materials to reduce the potential for wind disturbance.
- All wagons/trailer units and skips leaving the site will at all times be appropriately sealed/sheeted to prevent escape of dust/materials.
- Regular housekeeping is carried out by operatives, including the picking of any stray litter which may have escaped during high winds.
- Air monitoring (dust particulate levels) will be undertaken to the perimeter of the site on a quarterly basis.
- Weekly safety/environmental inspections are carried out to monitor the effectiveness of all environmental procedures. Site managers also carry out daily monitoring of the site.

Dust control measures shall be put in place to prevent dust nuisance at nearby residential properties as a result of activities taking place outside the building in particular as a result of the crushing, screening and stockpiling of materials.

Open topped delivery vehicles should be sheeted/netted as necessary to minimise emissions of dust and debris to roads and occupants of residential properties.

Pest Control

Whilst the materials being processed by the site are not expected to attract pests to the site suitable measures should be in place to control pests such as rodents and flying insects.

Lighting

The Applicant shall ensure that all lighting associated with the proposed development is designed and installed to ensure that light as a result of the operation of the waste transfer station does not cause a statutory light nuisance to nearby residential premises. A condition can be imposed should planning be granted.

Construction Works

The following information shall be considered during the construction phase of the development should planning permission be granted.

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation from demolition and construction activities. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise from demolition and construction should be followed.

Regard should be had to the following to minimise noise emissions:

- the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

In view of the proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to the Pollution Control Section. Application should be made prior to the commencement of any works.

In any case it is recommended that on-site demolition and construction operations that will create noise beyond the site boundary should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive,

and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Provision should be made for the reasonable prevention of dust generation during construction works. Where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site.

Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Burning of waste materials on site shall be prohibited.

It is considered on balance that the proposed site can operate with out causing detrimental harm to the residents amenity subject to conditions being imposed as described above.

In response to the representations raised in connection with this application namely Competition, Health Concerns, Inappropriate Use, Increased Litter, Loss of Heritage, Loss of Light, Loss of privacy, Noise from the use, Overdevelopment, Poor Access, Smells from the extractor fans, Traffic Generation, Proximity to residential properties, Devaluation of residential properties, Potential harm to wildlife, Hours of Operations, Increase in flies and vermin, Light pollution.

These issues have been addressed in the main body of the report. It should be noted that only material planning issues can be considered as part of the planning process, some of the objections that have been submitted have made reference to devaluation of property values and competition; unfortunately these issues are not material planning considerations that can be considered as part of this decision making process.

Summary

It is considered that the proposed variation of condition 6 is considered acceptable in principle and complies with the Council's adopted Unitary Development Plan policies and as such planning permission should be granted subject to variation of condition 6 and the previous conditions attached to planning permission 12/00057/FUL listed below.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

- 2 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:

Site Location Plan - 1990/00B received the 24th May 2012

Proposed Site Plan - 1990/05E received 2nd August 2012

Proposed Elevations and Sections received 27th March 2012.

Application Form - received 22nd January 2012

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 No development shall take place until a scheme of working for the duration of construction works has been submitted to and approved by the planning authority. This scheme shall 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, measures to ameliorate noise, vibration, dust, mud, construction and other debris within the site and ensuring that no dirt and debris spreads onto the surrounding road network, including the installation and maintenance of a wheel wash. These measures are in the interests of the proper management of the site, protecting the amenities of adjacent occupiers and highway safety and to comply with policies B2, EN1 and T14 of the adopted Unitary Development Plan (UDP).
- 4 There shall be no burning of any materials on any part of the site, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 5 Notwithstanding the plans and associated details hereby approved, no stockpile within the site shall exceed five metres in height, measured from the natural ground level, at any time. This is 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 EN1 of the UDP.
- 6 All activities to be undertaken within the confines of the site shall only involve soil, brick, concrete, clay, wood and other inert material including municipal wastes (household, commercial, industrial and institutional wastes) and shall not include any organic waste material as per the permitted waste operations in permit number EPR/BB3332RK. unless the prior written consent of the Local Planning Authority has been obtained, in order to protect the amenities of the surrounding area and as such comply with policies EN1 and M18 of the adopted Unitary Development Plan.
- 7 Before the development hereby approved is commenced, the details of any floodlighting and other exterior lighting shall be submitted to and improved in writing by the local planning authority. Thereafter, the lighting shall be installed in accordance with the approved plans and details before the building is occupied, in order to ensure a satisfactory form of development and to comply with policies B2 and EN1 of the UDP.
- 8 Notwithstanding the submitted plans and associated details hereby approved, no crusher shall be used on the site between the hours of 21.00

to 07.30 hours without first receiving written approval from the local planning authority, in the interests of protecting, local amenity in accordance with policies B2, EN1 and EC12 of the UDP.

- 9 Notwithstanding the submitted plans and associated details hereby approved, the proposed 6 metre high acoustic boundary fence shall be erected before the site is occupied. No later than 1 calendar month after the approved use commences, a noise report shall be submitted to the local planning authority, based on measurements taken in accordance with BS4142:1997 "Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken from within the site boundary and from the two nearest sensitive receptors, whilst the site is operating and the report should demonstrate that the fence provides a minimum 10db(A) reduction in noise level generated by the site from the site, when operating,

- 10 Notwithstanding the submitted plans and associated details hereby approved, no later than 1 calendar month after the proposed use commences, a noise report shall be submitted to the local planning authority. The report shall demonstrate that a minimum 25db reduction in noise level from the plant and equipment operating inside the building has been achieved through effective use of construction materials and methods, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken from inside the building and from the two nearest sensitive receptors, whilst plant in the building is operating, and taken in accordance with BS4142:1997.

- 11 Notwithstanding the submitted plans and associated details hereby approved, no later than 1 calendar month after the proposed use commences, a noise report shall be submitted to the local planning authority. The report shall demonstrate that any increase in background noise when the site is operating, does not exceed 5db(A) over and above the background noise measured prior to the commencement of the approved use, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.

Measurements should be taken in accordance with BS4142 at Barmston Court and Greenwood Close before and after the proposed use commences

- 12 Notwithstanding the submitted plans and associated details hereby approved, whilst operations are taking place inside the proposed building, all doors/windows and roller shutters shall be kept closed between the hours of 21.00 each evening and 6.30am the following day, in the interests of protecting local amenity and in accordance with policies B2, EN1 and EC12 of the UDP.