

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 Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

Reference No.: 15/02346/MAV Minerals Waste VAR (County Matters)

Proposal: Variation of condition 2 attached to planning application 13/03217/VAR (Variation of condition 22 (hours of operation 7am - 7pm) attached to planning application 11/02076/FUL (Redevelopment of campground waste transfer station including: waste reception building, storage facilities, staff site office, visitors centre, wind turbine, car parking and associated infrastructure and landscaping.) to allow opening hours to be extended up until 7.30pm.) to use internal site road at the north end of the facility marked as 'emergency access' for waiting bulk haulage vehicles

Location: Campground Refuse Disposal Works Springwell Road Springwell Gateshead NE9 7XW

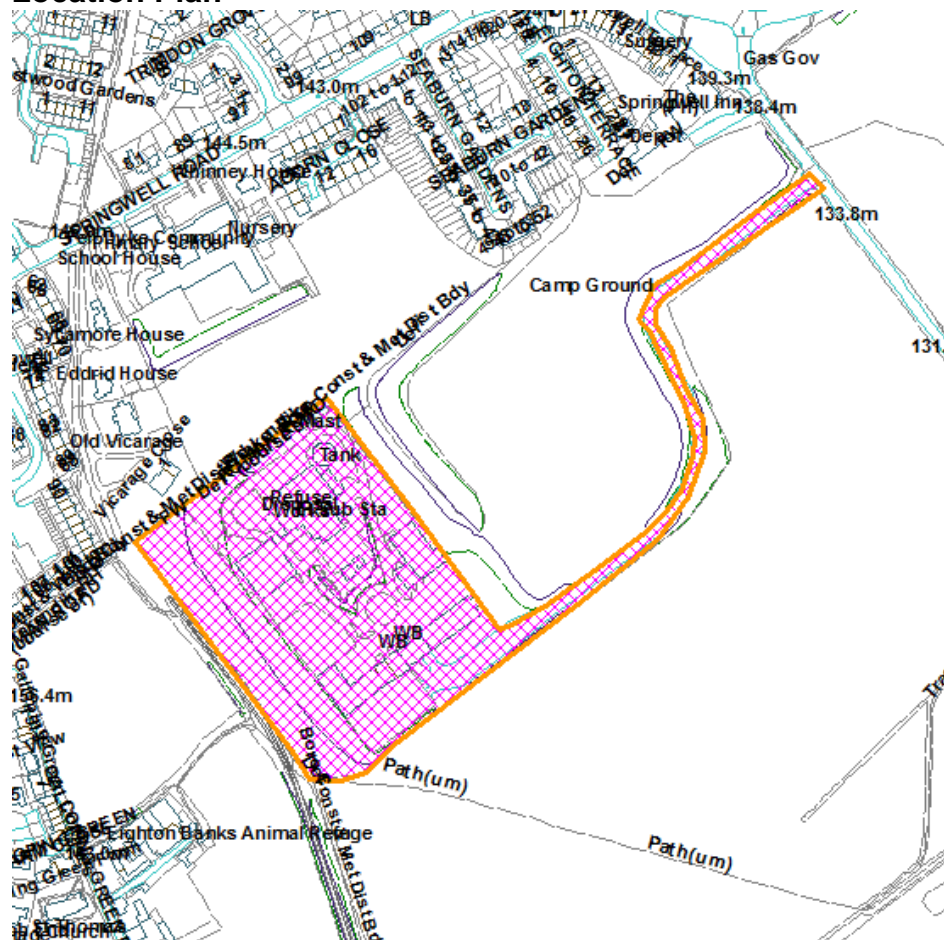
Ward: Washington West

Applicant: Suez

Date Valid: 28 June 2016

Target Date: 23 August 2016

Location Plan



PROPOSAL:

Application Site

This application relates to the Campground Transfer Station, which is operated by Suez Recycling and Recovery UK (formerly SITA UK) and located within and adjacent to the northwest boundary of the administrative area of Sunderland City Council adjacent to the settlement of Wrekenton, Gateshead some 5km southeast of Gateshead Town Centre. The site lies within the Tyne and Wear Green Belt and is accessed from a dedicated, unadopted, roadway from the B1288 (Springwell Road) which is located around 400m to the east and runs along the south of a series of football pitches.

The site is bounded on all sides by perimeter fencing and an acoustic barrier in the form of a 2.5m high close boarded fence is located in the northwest corner (as required by the host planning permission). Soft landscaping exists along the north, west and east boundaries and there is a narrow belt of mature trees to the north, beyond which are residential properties and a school playing field, with further woodland to the west. The nearest residential property is situated some 15m from the northern boundary of the site and the adjacent school building is situated approximately 85m away. Immediately south of the site is a household waste recycling centre which is operated by Gateshead Metropolitan Borough Council, beyond which exists agricultural land and Springwell Quarry.

The site currently operates as a Waste Transfer Station (WTS) and is one of three which the applicant uses to manage the residual household waste within Gateshead, South Tyneside and Sunderland. Such waste is pre-treated of targeted waste streams at the host premises before being transported to the Suez Energy from Waste Plant on Teeside.

Planning History / Background

Planning permission (ref. 11/02076/FUL) was granted for the redevelopment of the Campground Transfer Station in January 2012, which included the demolition of an old incinerator building and temporary waste transfer facility and provision of a new waste reception building, storage facilities, staff site office, visitors centre, wind turbine, car parking and associated infrastructure and landscaping. The new building was designed as a drive through facility for waste delivery vehicles, with no direct access to the northern internal access road of the site, which is restricted to emergency access only as set out by the approved plans.

Consent was subsequently granted in February 2014 (ref. 13/03217/VAR) to vary Condition 22 of this permission, allowing an extension in the permitted operating hours by 30 minutes to 07:00 - 19:30 daily.

Proposal

Consent is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (list of approved plans) of the host planning permission (ref. 13/03217/VAR) to allow heavy goods vehicles to utilise the northern internal access road on a daily basis.

As set out above, this road is currently only permitted to be used in emergency situations; it is understood that, when the site operated historically (i.e. prior to its redevelopment), this road was routinely used by all waste vehicles accessing the site and the 2011 proposal sought to minimise impacts on surrounding residential premises by restricting its use.

However, the applicant has set out that, at present when the loading bay is full, vehicles have to drive through the waste reception area and reverse uphill into a parking bay on the east side of the building, which necessitates doors being lifted and generates a notable level of noise.

It is proposed to allow limited numbers of empty bulk haulage vehicles to use this northern road in order to facilitate access to the parking area to the eastern area of the site without having to drive through the waste transfer building. The applicant anticipates that two bulk haulage vehicles per hour would use this access road, however there may be occasions, such as due to weather or unexpected congestion, where more vehicles than anticipated would need to access this road.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Gateshead MBC
Environmental Health
Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **29.07.2016**

REPRESENTATIONS:

One representation has been received from a neighbouring occupant, submitted by a resident of Vicarage Close to the northwest of the site, in objection to the proposal. This representation raises concerns that the 2.5m high fence which has been erected to act as an acoustic barrier does not extend along the full length of the northern boundary of the site adjacent to the school playing field [although the relevant planning condition does not require this] and includes a letter dated 22 March 2016 to the applicant which sets out that this residents and his neighbours will oppose any proposal to utilise the north boundary of the site for operation activities, however no reasons for such opposition are given.

This letter also cites mistrust of the applicant, Sunderland Council, Gateshead Council, the Health and Safety Executive and the Environment Agency and accuses all of these organisations of failing to manage and control numerous alleged breaches of planning consent and health and safety legislation site. The letter also alleges that this resident's consent was not obtained to carry out noise survey work on his land, however the applicant has confirmed that the requisite consent was obtained.

The Council's Network Management section noted paragraph 6.1.7 of the submitted Supporting Statement which states that 'there will be no increase to traffic movements or routing to and from the site'. Should this be the case, Network Management advise that there is no evidence to suggest this proposal will cause a significant impact on the highway network. Rather, the main traffic implication associated with this application appears to be changes to the way the internal road layout is utilised by the operator. Accordingly, given that there would be no additional traffic generated by this proposal, and that heavy goods vehicles visiting site can already be

accommodated within the site for waiting and unloading operations, Network Management offers no objection.

The Council's Public Protection and Regulatory Services section confirmed its satisfaction of the submitted Noise Assessment Report, subject to the imposition of additional conditions, as set out in detail in the 'Residential Amenity' section of this report.

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

COMMENTS:

The main issue to consider in assessing this application are the impact of the proposal on residential amenity, having particular regard to potential disturbance caused by noise or vibration.

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'.

Policy B2 of the adopted Unitary Development Plan (UDP) 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'. In addition, UDP policy EN5 sets out that, where development is likely to generate noise which is sufficient to result in a significant increase in the existing ambient sound or vibration levels in residential or other noise sensitive areas, an application must be accompanied by an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures, where necessary; where such measures are required but not practical, permission will normally be refused.

To this end, the permission which the current application seeks to vary includes the following condition:

- 14 Within three months of the date of waste transfer operations commencing at the development hereby approved a noise assessment shall be undertaken to ensure that the predicted noise levels associated with the operation of the site does not exceed the existing background noise level by more than 5dB(A).

The noise levels shall be determined at the nearest noise sensitive premises, the location of which shall be agreed in writing with the Local Planning Authority prior to any noise assessment taking place.

The noise assessment shall be undertaken in accordance with BS4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The background noise levels will be measured at a time to be first agreed in writing with the Local Planning Authority and will be at a time when the background noise level is considered to be at its lowest.

A report containing the results of the assessment shall be submitted to the Local Planning Authority within three months of the assessment being completed. Where noise levels are found to exceed the existing background noise by more than 5dB(A) precise written details of noise attenuation measures to be implemented at the development shall be included in the report for the written approval of the Local Planning Authority. The approved noise attenuation scheme shall then be fully implemented to a timetable to be first agreed in writing with the Local Planning Authority and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

In the interest of achieving a satisfactory form of development on site and in the interest of residential amenity and to comply with the requirements of Policies EN5 and EN6 of the adopted Unitary Development Plan.

This condition was formally discharged in November 2014 (ref. 14/02069/DIS) following the submission of a Noise Assessment Report (ref. SITA/CWTS/NA/07/14 dated 07 July 2014). This Noise Assessment Report was based on the approved Traffic and Pedestrian Management plan which set out that the northernmost internal road of the site would be used solely for emergency access.

The Council's Public Protection and Regulatory Services section has confirmed that the site has not been the subject of complaint to neither Sunderland City Council, Gateshead Council nor the Environment Agency within the last 2 years. However, the current application comprises an alteration to the internal traffic layout, namely the use of this northernmost emergency access as part of a bulk haulage route on which HGVs would wait to access the loading bay, so would introduce a new noise source in close proximity to residential premises.

Accordingly, a further Noise Assessment Report has therefore been provided (ref. SITA/CWTS/NA/03/16), undertaken on 03 March 2016 in accordance with British Standard 4142:2014, which provides a method for rating and assessing industrial and commercial sound based on a comparison of the measured background sound (using LA90 noise measurements) and the specific noise levels associated with the source (measured in LAeq units). The differential between the two measurements, once any corrections have been applied for source noise tonality, distinct impulses, etc. (i.e. the 'rating' level) determines the likelihood of complaints. Typically, the greater this difference, the greater the magnitude of the impact; BS4142 advises a difference of +10dB(A) between background and rating level represents a significant adverse impact, +5dB(A) would pose an adverse impact and an equal noise level would pose a low impact.

Measurements were taken at the two highlighted sensitive receptors locations; Chopwell Gardens and Vicarage Close, both of which are situated to the west of the site within the borough of Gateshead. At the nearest residential receptor, Vicarage Close, the background noise level was measured as 41dB(A). Previous measurement of background noise levels determined the background noise level to be in the region of 45dB (noise assessment submitted in support of 11/02076/FUL (ref. SI1003/9/SS)), so the recent readings are considered to be a conservative reflection on daytime noise levels and present a worst case scenario. It is noted that HGVs typical of those which would use the road were sent along the northern access while the measurements for the noise assessment were taken.

The rated noise level has been determined as 38dB(A), demonstrating a level difference of 3dB below background at the nearest noise sensitive receptor and a noise level of 18dB below background is expected at Chopwell Gardens.

On this basis, as per the advice of the Council's Public Protection and Regulatory Services section, it is considered that the likelihood of adverse impact on existing noise sensitive receptors is low, subject to adherence to the circumstances reflected in the submitted Noise Assessment Report based on two bulk haulage vehicles using this access per hour. Given the notably low rating level of the proposed operation against background noise, it is considered that these results allow a degree of flexibility in the use of the northern access. As such, it is recommended that its use by two vehicles per hour can be taken as an average over a working day; this would be recorded by a daily log to be taken by the applicant.

Should Members be minded to approve this application, given the particularly close proximity of residential properties it is recommended that a condition be imposed requiring a validating noise monitoring and assessment exercise is carried out within three months of the commencement of on-site operations to demonstrate that the assertions of the noise impact assessment are accurate and, should actual noise levels exceed projected levels, for further noise mitigation to be provided.

Other Issues

The host planning permission was subject to a total of 23 conditions, a number of which have been discharged and/or are no longer considered to be necessary as set out below.

Condition 1 required development to be commenced within three years of the date of the original planning permission, which has been done, so this condition is no longer necessary.

Condition 3, which relates to external materials, has been discharged through the submission of an appropriate external finishes schedule and it is recommended that this condition be revised to require adherence to the approved details.

Conditions 4, 5, 11 and 19 required the approval of a construction methodology, means of demolition, an Ecological Method Statement and details of the method of containing the construction dirt and debris within the site. All of these conditions were discharged and the demolition and construction works have been completed, so these conditions are no longer necessary.

In respect of land contamination, Condition 6, which required the submission of an updated Ground Investigation Report, including remediation objectives, has been discharged, so is no longer necessary. A submission to discharge Condition 7, which requires the submission of a verification report (ref. 16/01065/EDI), is currently being considered, so this condition remains applicable.

Condition 9, which relates to foul and surface water, Condition 12, which requires the submission of an Ecological Management Plan, and Condition 17, which requires the submission of details of an overnight parking area for the site, have been discharged and it is recommended that these condition be altered to require adherence to the approved details.

Condition 21 restricts the hours of demolition and construction works, which have now been completed, so this condition is no longer considered to be necessary.

Conclusion

For the reasons given above, it is not considered that the proposal would be detrimental to the amenity of neighbouring residents, in accordance with policies B2 and EN5 and the relevant criteria of the NPPF set out above, and it is recommended that Members approve the application, subject to the conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

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

Conditions:

1 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Location Plan (1:25 000 Scale) Drawing Number SI1003/01 received 24 June 2011.
- Site Layout Drawing Number SI1003/3/03 Revision 2 received 24 June 2011.
- Topographical Survey and Planning Application Boundary Drawing Number SI1003/3/02 Revision 1 received 24 June 2011 received 22 July 2011.
- Site Sections Drawing Number SI1003/3/11 Revision 2 received 24 June 2011.
- Traffic and Pedestrian Management Drawing Number Cpg-TMP-1215-01a dated December 2015 received 23 June 2016.
- Visitors Centre Internal Layout Drawing Number SI1003/3/07 received 24 June 2011.
- Visitors Centre Elevations Drawing Number SI1003/3/06 Revision 1 received 24 June 2011.
- Ad Hoc Building and Sweepings Bay Plans and Elevations Drawing Number SI1003/3/05 received 24 June 2011.
- Boundary Fence and Gates Details Drawing Number SI1003/3/13 received 24 June 2011.
- Weighbridge and Gatehouse Details Drawing Number SI1003/3/12 received 24 June 2011.
- Topographical Survey and Planning Application Boundary Drawing Number SI1003/3/02 Revision 1 received 22 July 2011.
- Roof Plan Drawing Number SI1003/3/10 Revision 2 received 24 June 2011.
- Site Office/Welfare facilities Layout Drawing CTF Submission Drawing Number 500 Revision 2 received 22 July 2011.
- Landscaping Drawing Number SI1003/3/09 Revision 3 received 24 June 2011.
- Waste Reception Building Elevations Drawing Number SI1003/3/04 received 24 June 2011.
- Existing Site Views Drawing Number SI1003/3/23 Revision 1 received 22 July 2011.
- Route Location and Features Plan drawing Number App12.5 (Dated December 2010) received 24 June 2011.
- Campground Waste Transfer Station and Visitor Centre Technical Appendices (Dated June 2011) received 24 June 2011.
- Campground Waste Transfer Station and Visitors Centre Supporting Statement (Dated June 2011) received 24 June 2011, as amended by Campground Transfer Station Supporting Statement dated May 2016.
- Proposed Waste Transfer Station and Visitors Centre Campground, Wrekenton Addendum Report received 11 October 2011.

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 The development shall not be carried out other than in accordance with the approved 'Campground - External Finishes Schedule' received 26 November 2012 (ref. 211208); in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

3 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.

4 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.

5 The facility shall not be operated for the purposes approved unless the foul and surface water drainage facilities have been provided and installed in accordance with the approved details as specified by report AECOM-CG-XX-(95)-RP-004 Campground Foul and Surface Water Drainage Design (dated 21 November 2012) received 26 November 2012 and Campground WTS Primary Geo-environmental Ground Investigation, Final v2, May 2013, received 28 May 2013, to ensure satisfactory drainage to the site and to comply with policy B24 of the adopted Unitary Development Plan.

6 No materials, waste or equipment shall be stored on the site outside of the buildings and designated storage areas, as defined on the approved plan(s), in the interests of visual amenity and to comply with policies B2 and EN1 of the adopted Unitary Development Plan.

7 The details, timetables and ecological enhancement measures contained in the approved Argus Ecology Ecological Management Plan Campground Waste Transfer Station, received 26 November 2013, as well as report Ref: AECOM-CG-XX-(64)-RP-001, Campground Lighting Design, received 26 November 2013, shall be strictly adhered to, in order to protect and enhance the ecology of the site and to achieve a satisfactory form of development and to comply with the requirements of Policies CN22 of the adopted Unitary Development Plan.

8 The Ecological Enhancement/Mitigation Measures set out in appendix 10.1, appendix 10.2 and appendix 10.3 of the Technical Appendices dated June 2011 and those set out in section 10 of the Supporting Statement dated June 2011 shall be fully implemented in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority. In the interest of protecting and enhancing the ecology of the site and to comply with the requirements of Policy CN22 of the adopted Unitary Development Plan.

9 Within three months of the date of this permission, a noise assessment shall be undertaken to ensure that the predicted noise levels associated with the operation of the site does not exceed the existing background noise level by more than 5dB(A).

The noise levels shall be determined at the noise sensitive receptors identified by the submitted Noise Assessment Report (ref. SITA/CWTS/NA/03/16) dated 05 April 2016), or alternative locations as agreed, in writing, with the Local Planning Authority prior to any noise assessment taking place, and the noise assessment shall be undertaken in accordance with BS4142:2014: Methods for rating and Assessing Industrial and Commercial Sound.

A report containing the results of the assessment shall be submitted to the Local Planning Authority within three months of the assessment being completed. Where noise levels are found

to exceed the existing background noise by more than 5dB(A), precise written details of noise attenuation measures to be implemented at the development shall be included in the report for the written approval of the Local Planning Authority. The approved noise attenuation scheme shall then be fully implemented to a timetable to be first agreed, in writing, with the Local Planning Authority and retained as such for the lifetime of the development.

In the interest of achieving a satisfactory form of development on site and in the interest of residential amenity and to comply with the requirements of Policies EN5 and EN6 of the adopted Unitary Development Plan.

10 A noise barrier of no less than 2.5 metres in height and constructed with a superficial mass of at least 20kg/m² and without any significant gaps or cracks shall be maintained at the northern and western site boundary (as detailed within the submitted Supporting Statement (ref: SI1003/9/SS)) for the lifetime of the development. In the event that the noise barrier becomes damaged or suffers collapse or unauthorised removal, it shall be repaired or replaced, to the aforementioned specifications, within 10 days of the damage, collapse or removal occurring unless an alternative timescale is first agreed, in writing, with the Local Planning Authority. In the interest of residential amenity and to ensure adequate noise mitigation and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

11 No offensive odours originating from the development hereby approved shall be detectable at the boundary of the site (as perceived by the City Council's Environmental Health Officer (EHO)). In the event that offensive odours are detectable by the EHO, a written scheme of odour mitigation measures shall be submitted for the written approval of the Local Planning Authority within one month of the odour complaint being communicated to the site operator (or an alternative timescale to be first agreed in writing with the Local Planning Authority). Once approved the scheme of odour mitigation measures shall be fully implemented in accordance with the approved scheme to a timetable to be agreed in writing with the Local Planning Authority. Once installed the odour mitigation measures shall be maintained and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of achieving a satisfactory form of development on site and to protect residential amenity and to comply with the requirements of Policy EN9 of the adopted Unitary Development Plan.

12 The overnight parking for site vehicles as depicted on the Campground Proposed Site Plan, Drawing Number KEPP-CG-XX-(-)-DWG-001 Rev 4, Amendment, received 8 March 2013, shall be made available for such purpose at all times when the facility is not in operation, in order to achieve a satisfactory form of development on site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.

13 All waste transport vehicles entering/leaving the development hereby approved shall either be refuse collection vehicles or else shall be covered/netted to prevent the escape of refuse from the vehicles to the surrounding road network and area. In order to ensure a satisfactory form of development and to comply with the requirements of Policy EN1 of the adopted Unitary Development Plan.

14 Mobile electricity generators shall not be used on site at any time unless otherwise first agreed in writing with the Local Planning Authority. In the interest of noise mitigation and to ensure a satisfactory form of development on site and to comply with the requirements of Policy EN5 of the adopted Unitary Development Plan.

15 The development hereby approved shall not be operated for the purposes of waste transfer, including the delivery to or export of waste from the site, outside of the following hours:

07:00 - 19:30 on any day and shall not operate at any time on 25 December of any year.

For the avoidance of doubt a security presence may operate at any time on any day at the site.

Unless otherwise first agreed in writing with the Local Planning Authority and in the interest of residential amenity and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.

16 Heavy Goods Vehicles (i.e. commercial vehicles with an operating weight of more than 7.5 tonnes), within the control of the operator of the waste transfer station hereby approved, making deliveries to, or collecting from, the development hereby approved shall follow routes 1, 2 and 4 as shown on drawing number App 12.5 : Route Location and Features Plan, received 24 June 2011, whenever these routes are passable. In the interest of the free passage of traffic and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.

17 The northernmost internal access shall not be used by any vehicles, except in the case of an emergency, unless a log is maintained of the number of heavy goods vehicles using this access per hour each day and no more than two heavy goods vehicles shall use this access per hour, on average over a working day (i.e. between the hours of 07:00 and 19:30), in the interest of residential amenity and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

Reference No.: 16/00131/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing building and erection of 618 square metre convenience store to include associated infrastructure works.**

Location: Former Junglerama Victoria Road Concord Washington NE37 2SY

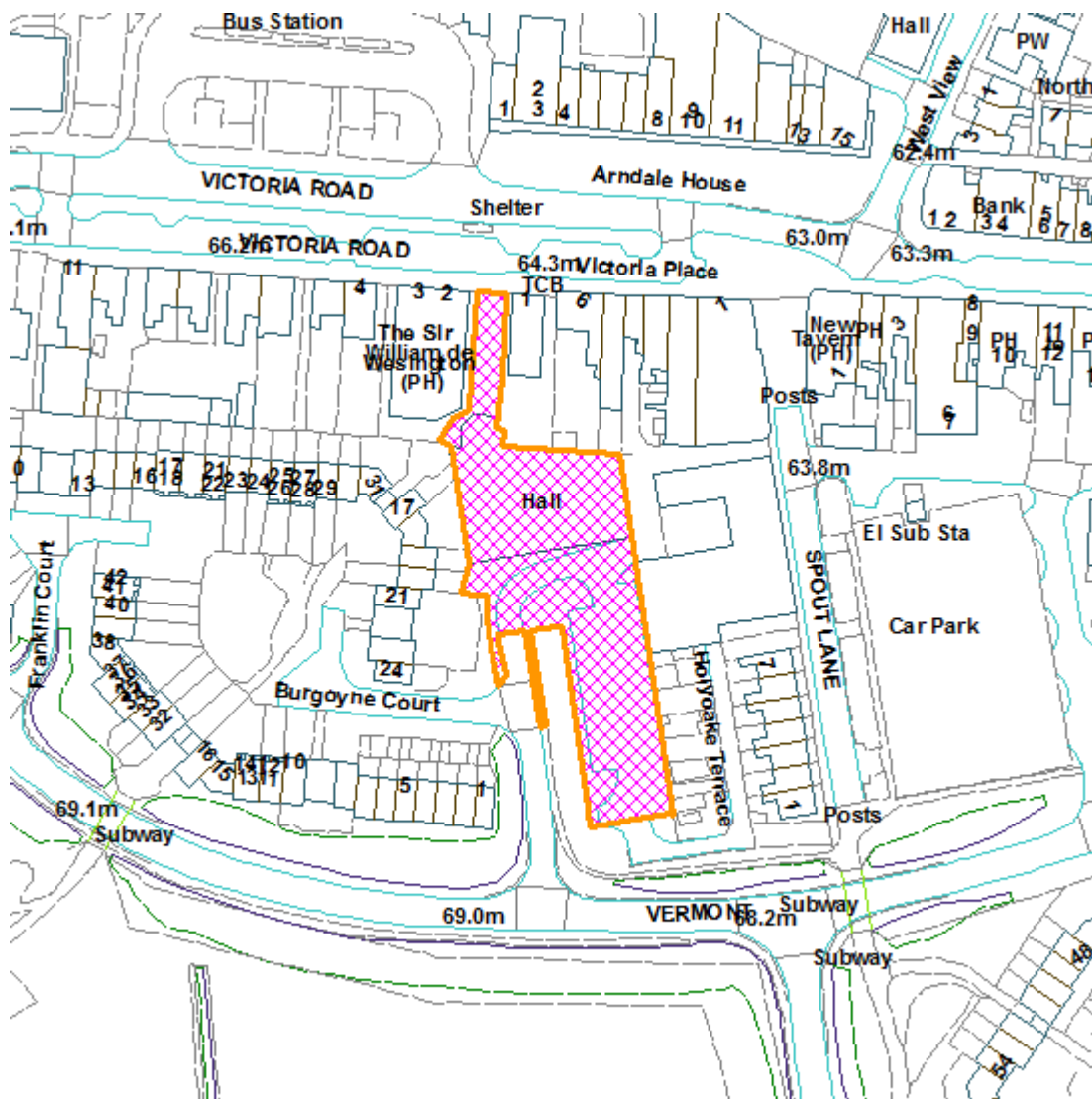
Ward: Washington North

Applicant: A.M. Property Developments Ltd

Date Valid: 8 March 2016

Target Date: 3 May 2016

Location Plan



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PROPOSAL:

Planning permission is sought for the demolition of the existing building and erection of 618 square metre convenience store to include associated infrastructure works at Former Junglerama, Victoria Road, Concord, Washington, NE37 2SY.

SITE AND SURROUNDINGS

The existing building comprises a floor space of approximately 1000 square metres with the majority of the development 9.1 metres in height. This increases to approximately 10.6 metres towards the west of the site, adjacent to residential properties.

The building was originally erected as a cinema, before being converted into a bingo hall and eventually to its last recorded approved use as a children's soft play centre. The soft play business closed and the equipment removed and sold, leaving the building unoccupied.

It is understood the building has been vacant since around 2007 and was actively marketed for the subsequent 3 years. Little interest resulted and the property was auctioned in 2010. The building was bought at auction and various options considered for 4 years between 2010 and 2014. The current owner acquired the building in 2014.

There are a mix of uses in the immediate vicinity of the site, including commercial premises to the north and east of the site within the allocated shopping centre of Concord whilst residential dwellings prevail to the west, the closest being those on Burgoyne Court. Residential properties are also situated to the southeast on Holyoake Terrace while an area of open space and a public car parking area is located to the south.

Vehicular access to the site is taken off Vermont to the south of the site, with the road also serving the residents of Burgoyne Court and Holyoake Terrace. Car parking is available to the south of the building and the rear of the residential dwellings on Holyoake Terrace. Additionally pedestrian access can be gained from Victoria Road to the north, Spout Lane to the east and a route exists through from Burgoyne Court to the west.

PROPOSAL

The proposed store is to be located to the centre of the site with a smaller footprint than the existing building. This allows a servicing area to be created to the west of the store, a yard and plant area to the north and pedestrian access to the west. Access into the proposed building is to be provided from both the north and south elevations with access towards the western most section of the development.

Further to the above, it should be noted the existing building serves as the rear boundary to numbers 17-19 Burgoyne Court. Following demolition it is proposed to erect a brick boundary wall which would be of a similar height and appearance to the treatment which exists to the rear of numbers 20-24 Burgoyne Court. This treatment consists of facing brickwork to a height of approximately 2.5 metres.

The store is to measure approximately 21.4 by 32.8 metres with an eaves height of 4.2 metres increasing to a maximum ridge height of 7.3 metres. The proposed store is to be a single storey development with the lowest section of the roof to the north and south elevations respectively. The proposed development is approximately 3.3 metres lower than the maximum height of the existing development which is situated at the closest point to the residential dwelling on Burgoyne Court.

The store is to be constructed with a dual pitched roof with the ridge running in an east to west alignment, constructed from Kingspan look-a-like roof tile system. The gable elevations are to be clad with a composite panel, coloured metallic silver. Glazing is to be installed to the west elevation whilst double entrance doors are located in the north and south elevations. Above the entrances, a glazed canopy is proposed, 3 metres above ground level. The elevations, save for the details above, are to be constructed predominately from buff coloured brickwork with a metal galvanised roller shutter door installed in the east elevation for servicing.

In addition to the above, bicycle stands are to be installed to the north and south of the store with provision for 14 cycles while trolley parks are to be provided adjacent to the entrance doors. The access route from Victoria Road proposes the installation of seating whilst planting and landscaping is also included.

Vehicular parking is to be provided within the existing area to the south of the building which is indicated as being able to accommodate 41 spaces, of which two are allocated for disabled customers.

Although no operator has been selected for the site, with the application speculative, the requested hours of operation are 07:00-23:00 daily. Deliveries for servicing the store are stated as likely to be required twice a week however the hours of delivery are currently unknown. As such, it is considered to be appropriate to conditions hours of operation and deliveries to align.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Northumbrian Water
Environmental Health
Network Management
Washington North - Ward Councillor Consultation

Final Date for Receipt of Representations: **31.08.2016**

REPRESENTATIONS:

Neighbour/ Local Representation

Upon the expiry of the consultation period which included site notices and neighbouring occupier letters, no formal written objections have been received.

Consultees

- Northumbrian Water

Northumbrian Water assesses the impact of the proposed development on assets and assesses the capacity within Northumbrian Water's network to accommodate and treat anticipated flows arising from the development.

In accordance with the above, it is not considered sufficient detail has been provided in order to assess the management of foul and surface water. As such it was recommended a condition be attached to the application requiring further detail to be submitted should the proposal be considered favourably.

- Network Management

The Engineers have noted that Burgoyne Court, the main vehicular route to the site, is an adopted highway with adopted verges either side. Alterations to the verges to create footways, inclusive of the footway connecting to the car park, would require the applicant to enter into an agreement with the Council under Section 278 of the Highways Act 1980.

In addition, a Section 278 agreement may be required so that the access to the car park can be widened to allow manoeuvring of delivery vehicles and to ensure they do not over run the footway or verge.

Furthermore, it was stated a raised pedestrian crossing point to link the car park to the store would be beneficial rather than a zebra crossing, as this would also serve as a traffic calming feature. This could be constructed as part of the abovementioned Section 278 works.

The access to the east of the site is noted as utilising an un-adopted cobbled back lane which is identified as requiring upgrading to an adoptable standard, to link to Spout Lane. In this respect, a Section 38 Agreement would be required to include street lighting and drainage works.

The matters identified above are issues which would be controlled via the Highways Act, separate from the planning application and therefore do not require the imposition of planning conditions. As such, the proposal appears to be acceptable in terms of highway safety.

- Environmental Health

The preliminary Environmental Risk Assessment completed by Wardell Armstong, dated December 2015 is currently being reviewed by Public Protection and Regulatory Services. As such, it is recommended that no works other than investigation works be carried out on the site prior to written approval of the desk top study and any necessary remediation strategy. It is stated the responsibility of safe development rests with the developer.

In addition, given the proximity of the proposed development site to nearby residential occupiers it was recommended that prior consent should be sought for work on construction sites under the Control of Pollution Act 1974. It was also stated demolition and construction works should be restricted to certain periods of the day whilst advice was also provided in terms of working practices and selection of machinery.

A noise assessment and associated plan is deemed necessary in terms of any condenser and refrigeration units proposed. A suitably worded condition can be attached to the decision notice should a favourable recommendation be made.

In addition, it was stated vibration from construction operations should not be experienced at nearby residential properties and it was advised the Estimated Vibration Dose Value (eVDV) should be calculated at the nearest residential property then submitted to Public Protection and Regulatory Services. This must be undertaken prior to the commencement of vibration generation

operations. The estimated vibration dose value should be calculated in accordance with Appendix A.1 and A.2 British Standard 6472:1992

With regard to the above advice, conditions and an informative note can be placed on the decision notice to ensure the agent is made aware of the recommendations of Public Protection and Regulatory Services.

- Natural Heritage

The existing building is deemed to be a medium to high risk of supporting bat roosts whilst the habitat is considered to be a low to medium risk of supporting foraging bats.

The submitted survey completed by E3 Ecology Ltd (January 2016) stated further work was required over the active season as the survey was completed during winter months. As such, an additional report was submitted 28 June 2016, again completed by E3 Ecology Ltd.

In accordance with the above, the additional information has been formally considered by the Natural Heritage Team who have advised that the proposal is acceptable subject to the imposition of a condition to secure the recommendation of the mitigation strategy (Section F.2) of the report prepared by E3 Ecology Ltd (June 2016).

POLICIES:

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

WA_7_Retention and improvement of Concord Shopping Centre

B_2_Scale, massing layout and setting of new developments

S_1_Provision of enhanced shopping service, including local provision, based on existing centres.

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

S_4_Seek to improve the appearance, safety and efficiency of existing shopping facilities identified in S2

S_5_Criteria for evaluating new retail and other key town centre developments

S_7_Design and requirements for new retail development

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to be considered are:

- 1) Principle of the Development.
- 2) Siting and design of the building and amenity issues.
- 3) Highway issues.
- 1) Principle of Development

On a national policy level, the proposal is not considered to conflict with any of the overarching aims and objectives or detailed policies of the NPPF.

The site is located within Concord Shopping Centre and as such, Unitary Development Plan (UDP) policies WA7 and S2 are applicable to the proposal.

Guidance provided through policy WA7 seeks to retain and improve Concord Shopping Centre with those acceptable uses outlined within policy S2. The proposed development will result in the loss of a building previously operated for commercial purposes, however it is recognised that the building is of a bespoke design, having been erected as a cinema and as such, the scope for conversion to alternative uses is limited.

The demolition of the building and construction of a purpose built convenience store, of a smaller scale than the existing built development, is not deemed to be at odds with the aspirations of policy WA7 in that the development would undoubtedly improve Concord Centre, replacing a longstanding vacant building.

Policy S2 aims to sustain and enhance the vitality, viability and appropriate diversification of existing centres (including Concord Shopping Centre) while policy S5 states new development should be located within an existing centre. As such, the proposal is deemed appropriate to complement the retailing function of this allocated centre.

The proposal to demolish the existing building and erect a purpose built convenience store is in compliance with the Shopping Policies S2 and S5 of the UDP without any conflict with Area Proposal WA7. The proposed development is therefore considered to be appropriate within this local centre and, in principle, is acceptable.

However, an assessment of the impact of the proposed use on the visual and residential amenity, along with highway and pedestrian implications is necessary in order to fully consider the merits of the proposal. Such an assessment is provided below.

2) Siting and design of the building and residential/visual amenity issues

Paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 57 states the importance attached by Government to planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Furthermore, paragraph 64 states 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.

In respect of Local Planning Policy, UDP policy B2 dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Specifically relevant in this case is policy S7 which requires new retail development to be of a high design standard, relating well to the surroundings.

Layout:

The proposed food store is to be located towards the centre of the site with a footprint smaller than the existing built development. As such, the built form is to be located further away from the residential occupiers than the existing arrangements.

Given the reduction in scale, a pedestrian footpath has been included at the site, to the west of the store, enabling access around the development and linking the proposed parking area directly through to the main retailing provision on Victoria Road.

It is also noted that the proposed loading area is located to the east of the store, at a point furthest away from the nearest residential occupiers and to the rear of the retail provision on Spout Lane. This arrangement also allows HGVs to utilise the access to the parking area for manoeuvring into the loading area.

The store entrances face north and south, which allows for direct access for those customers arriving via private vehicle to the south whilst the access to the north serves the customers using the retailing provision and public transport available on Victoria Road.

Associated highway works are proposed within the scheme which predominately relate to minor modification to the existing access road and raised pedestrian crossing. This however does not result in significant changes to the existing highway arrangements.

In accordance with the above, the proposed layout raises no serious concerns and is generally a reduction in built form whilst also improving pedestrian links.

Scale and Massing:

The proposed building is designed to be single storey with a shallow pitched roof. The highest part of the development is located to the centre of the site with the lowest sections of roof to the north and south boundaries.

The proposed development results in a significant reduction in built form, particularly given the existing flat roof construction with large expanses of brickwork and cladding to the majority of the building and extending up to each boundary.

The existing building reaches a maximum height of 10.6 metres directly to the rear of the dwellings on Burgoyne Court and therefore, the proposal with a height of 7.3 metres, results in a reduction of development by approximately 3.3 metres.

In accordance with the above, the proposed store is to be of a scale significantly lower than the existing development on the site. This would arguably result in a form of development which would be more appropriate to the setting whilst also increasing the spacing standards between habitable windows within the residential properties and the physical development of the store.

Given the proposed food store would generally be of a more appropriate scale when compared to the residential properties, while increasing spacing distances, the proposal is considered to be appropriate within the setting and therefore raising no concerns in terms of scale and massing.

External Appearance:

A modern elevational design approach is proposed, to create a functional style whilst also limiting maximum height of development. The nature of a food store requires large open expanses and wall space for the storage of goods. As such, design and materials can be restricted by operational requirements.

Notwithstanding the above, the design appears to be satisfactory within the setting and utilises glazing to the west elevation, adjacent to the proposed pedestrian footpath, to add interest. This breaks up what could have been a large expanse of brickwork and cladding. In addition the north and south elevations incorporate the store access, again breaking up expanses of brickwork and adding interest to the elevations.

Although the store is designed to be functional, the selected materials include facing brickwork, cladding panels and roof tile system which are all considered to be appropriate to the setting and a vast improvement to the material used within the existing building. The previously materials were somewhat limited by the cinema use and comprised large expanses of brown cladding and painted brickwork.

For the reasons detailed above, it is considered the proposal will enhance the visual amenity of the area with the selected external materials deemed acceptable in this location.

Amenity Issues:

In terms of overlooking and privacy, the food store is to be located towards the centre of the site with a limited number of openings proposed. Although windows are to be installed to the west elevation, these are to face onto a high boundary treatment, forming the rear boundary of numbers 17-19 Burgoyne Court. As such the privacy afforded to these neighbouring occupiers is unlikely to be compromised by the proposed development.

Further to the above and given the proposed development would result in the demolition of a large building, which has been vacant for a number of years, showing signs of deterioration, the outlook afforded to neighbouring occupiers could be argued to be improved.

In terms of the proposal attracting customers, associated servicing and potential increase in activity, it must be noted that the site is located within an allocated retail centre where a variety of uses operate. In particular it is noted a number of premises appear to operate late into evening periods such as the Public Houses on Victoria Road and therefore the proposed use is not deemed to be at odds with the commercial setting.

Notwithstanding the above, hours of operation and deliveries can be conditioned to ensure the site does not function outside of those hours which could legitimately be expected within a retailing centre. A noise assessment has also been requested via condition to ensure that any associated plant (i.e. refrigeration/ condensing units) would not lead to detriment to residential amenity. This also accords with the advice and recommendations provided from the City Councils Public Protection and Regulatory Services.

Although landscaping is somewhat limited given the nature of the site, those improvements proposed such as seating and planting, along with the removal of a dilapidated building, is considered to be of benefit to visual amenity.

In conclusion and based on the advice provided by Public Protection and Regulatory Services, it is considered that any potential issues that arise in respect of noise and disturbance can be adequately overcome through the imposition of conditions. The proposed scale, appearance and likely operational practices do not raise significant concerns in terms of visual and residential amenity.

3) Highway issues

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In response to consultation with the Network Management Section, outlined above, those alterations proposed which include the modification to the verges, access to the car park for manoeuvring and the installation of a crossing point would be undertaken through Section 278 of the Highways Act 1980.

Similarly, the suggested improvements to make the cobbled back lane to the east of the site to an adoptable standard would be undertaken through a Section 38 Agreement.

In accordance with the above the proposal does not raise serious concerns in terms of highway and pedestrian safety with the main comments amounting to matters controlled under the Highways Act 1980.

Conclusion

The principle of the development is considered to be acceptable with due regard to policies WA7, S1, S2 and S5 of the Council's adopted Unitary Development Plan with the siting, design and relationship between the application site and surroundings considered to be acceptable. As such, the proposal is deemed to be an appropriate form of development for this location having had due regard to paragraphs 56, 57 and 64 of the National Planning Policy Framework and policies B2 and S7 of the adopted Unitary Development Plan.

The proposal does not raise concerns in terms of highway and pedestrian safety with the proposed highway alterations controlled under Sections 38 and 278 of the Highways Act 1980. For the reasons set out above the proposal is considered to be satisfactory in accordance with UDP policies T14 and T22.

Subject to the restrictions of hours of operation, deliveries and associated construction works and the implementation of mitigation measures as detailed within the report, it is considered that the proposed development would not create any significantly detrimental level of noise and disturbance. For this reason the proposal is considered to be acceptable from a noise and disturbance perspective and therefore accords with policy EN5 of the UDP.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant national and local planning policy. As such, it is recommended that Members be minded to grant consent subject to the imposition of the following conditions.

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 A

RECOMMENDATION: Mindes to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following 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:

- Drawing No. 3169(B)01: Site location plan, received 02.02.2016

- Drawing No. 3169(B)02: Existing topographical survey plan, received 13.02.2016
- Drawing No. 3169(B)03: Existing south elevation, received 02.02.2016
- Drawing No. 3169(C)01 Rev A: Block plan as proposed (i), received 02.02.2016
- Drawing No. 3169(C)04: Floor plans and elevations as proposed, received 02.02.2016
- Drawing No. 3169(C)05: Site plan as proposed, received 02.02.2016
- Drawing No. 113424/0001 Rev A: Swept path analysis, received 02.02.2016

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.

3 Notwithstanding any indication of materials which may have been given in the application, no 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 Unitary Development Plan.

4 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include 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 EN5 of the UDP.

5 During construction no deliveries shall be taken at or despatched from the site outside the hours of 09:00-18:00 Monday to Friday, 09:00-14:00 Saturdays, nor at any time on Sundays or Bank Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the UDP.

6 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 and EN5 of the UDP.

7 The premises shall only be operated for the purposes hereby approved between the hours of 07:00 and 23:00 daily, in order to protect the amenities of the area and to comply with policy EN5 of the UDP

8 No deliveries shall be taken at, or despatched from, the site outside the hours of 07:00 and 23:00 daily, in order to protect the amenities of the area and to comply with policy EN5 of the UDP

9 All planting, seeding or turfing comprised in the submission (Drawing No. 3169(C)01 Rev A: Block plan as proposed (i), received 02.02.2016) 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 UDP

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until

conditions number 11 to number 13 have been complied with. 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 condition number 14 has been complied with in relation to that contamination. 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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

11 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12 Unless otherwise agreed by the Local Planning Authority, 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.

13 The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) 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 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.

14 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 investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), 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 13 (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.

15 Prior to the commencement of vibration generation operations on site, the Estimated Vibration Dose Value (eVDV) should be calculated at the nearest residential property and submitted to and approved in writing by the Local Planning Authority. The estimated vibration dose value should be calculated in accordance with Appendix A.1 and A.2 British Standard 6472:1992 in view of the potential for complaints regarding vibration from the proposed development in accordance with the NPPF and policy EN5 of the UDP.

17 Notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

18 Notwithstanding any details which have been provided, no products or waste items shall be stored outside the building, other than within the rear yard as detailed on Drawing No. 3169(C)01 Rev A: Block plan as proposed (i), received 02.02.2016, in the interests of visual amenity and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.

19 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF and policies T16 and B24 of the UDP.

20 No use hereby approved shall commence until details of all necessary plant and machinery to serve the development, including any condenser, refrigeration, ventilation, extraction, filtration systems illustrating all external ducting and stacks as well as an appropriate noise assessment, have been submitted to and approved, in writing, by the Local planning authority and/or planning permission has been granted for such. All plant/machinery shall be fully installed in accordance with the agreed details before any use commences, in order to protect the amenity of local residents and the visual amenity of the area, to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

21 The development hereby approved shall be carried out in accordance with the recommendations of the mitigation strategy (Section F.2) of the report prepared by E3 Ecology Ltd (June 2016), in order to ensure the development will not give rise to harm to the biodiversity value of the site and protected species, and to comply with the requirements of policy CN22 of the UDP and section 11 of the NPPF

Reference No.: 16/01248/FU4 Full Application (Reg 4)

Proposal: **Change of use from dwelling house to additional teaching facilities.**

Location: Oxclose School House North Lodge Dilston Close Oxclose Washington NE38 0LN

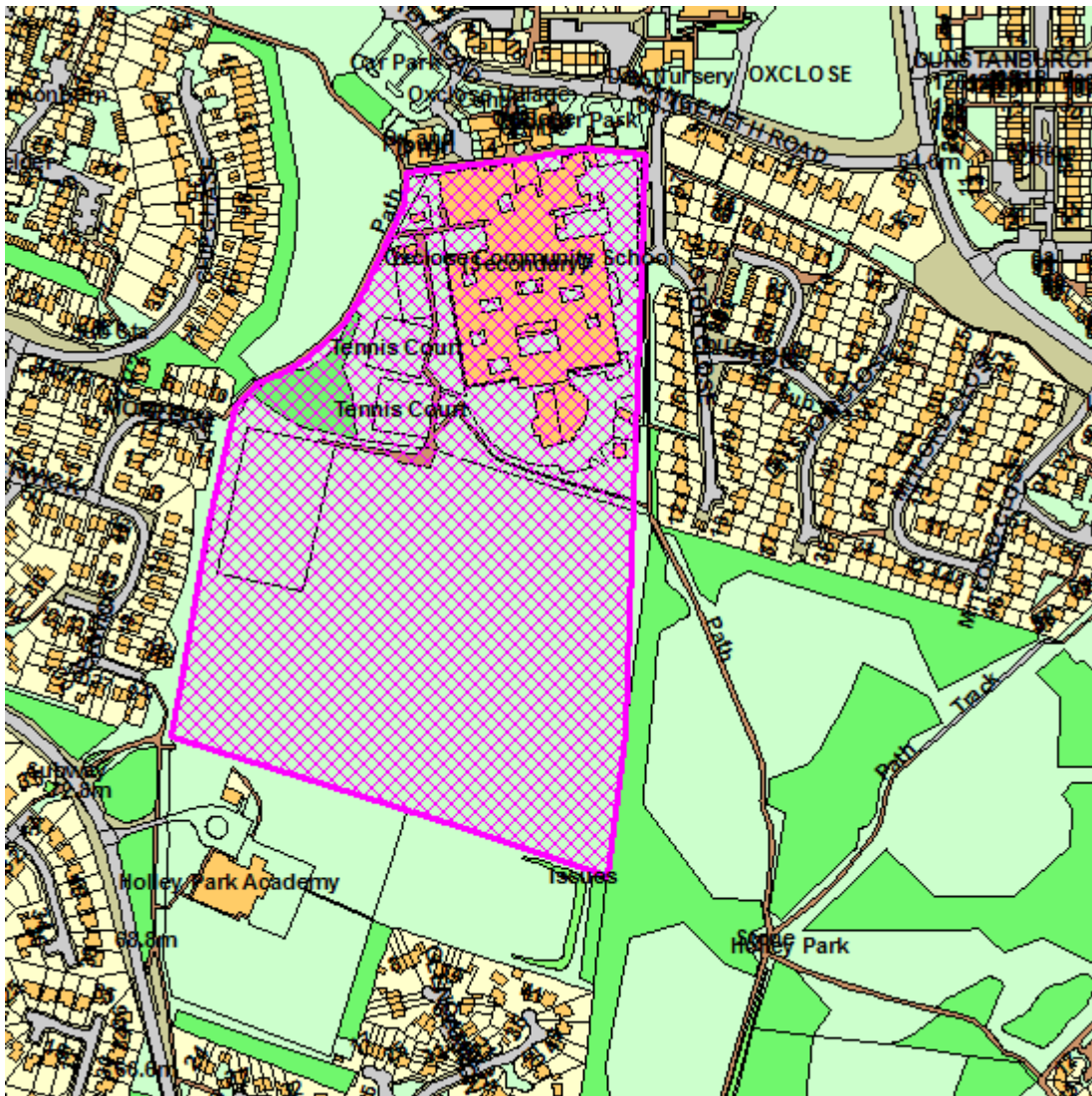
Ward: Washington South

Applicant: Oxclose ~Community Academy

Date Valid: 14 July 2016

Target Date: 8 September 2016

Location Plan



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PROPOSAL:

The application relates to the change of use from dwelling house to additional teaching facilities at Oxclose School House, North Lodge, Dilston Close, Oxclose, Washington, NE38 0LN.

APPLICATION SITE AND SURROUNDINGS

Oxclose Village Centre is located to the north of the school site with the subject house situated towards the west of the site and adjacent to a pedestrian footpath. Further afield to the east and west and also beyond the village centre to the north, is residential accommodation. To the south and southeast is school playing fields and Holley Park.

The subject building previously provided caretaker accommodation and is situated within close proximity to the main school building. Hard standing is provided to the front of the property with grassed amenity land to the north and east. High fencing marks the western boundary of the site, adjacent to the subject building, where pedestrian access into the school site is also achieved.

It appears additional caretaker accommodation is provided to the south of the site within a dwelling known as South Lodge. This property fronts onto the car park for the school and is located to the rear of the residential properties on Dilston Close.

PROPOSAL

The proposal relates to the change of use of the former caretakers dwelling to provide additional teaching facilities. In order to facilitate the change of use, limited alterations are proposed to both layout and external appearance.

Externally the minor modification relates to the relocation of an access door which is to be removed from the ground floor northern elevation and installed to the east elevation. The first floor is to remain as existing, with all openings maintained in terms of scale and appearance.

Internally and upon removal of the existing ground floor access door to the north elevation, an additional WC is to be installed. The first floor comprises the removal of an internal wall which divided two bedrooms so that a larger teaching space can be provided while an access door is to be closed once the space is created. In addition, two further teaching/ office spaces are to be created which simply amount to the reallocation of the previous bathroom and third bedroom.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Washington South - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **06.09.2016**

REPRESENTATIONS:

Neighbours

No representations or observations have been received to date. However, it should be noted that the site notice does not expire until 6 September 2016, which is after the deadline for preparation of this report however on the date of the Sub-Committee Meeting. As such, should any representations be received, they will be reported at the Sub-Committee Meeting.

Consultees

Executive Director of City Services (Transportation)

Following consultation with the Transportation Section, clarification was sought with respect to whether the proposal would result in any additional staff or visitors to the site.

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_10_Proposals for unallocated sites to be compatible with the neighbourhood

L_7_Protection of recreational and amenity land

CF_5_Provision for primary and secondary schools

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in the assessment of this application are the:

- Principle of development
- Design and external appearance
- Highway implications

Principle of Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, 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. Also of relevance is policy CF5, which states that primary and secondary education needs will be accommodated on existing sites or new sites identified within the plan.

The proposed use of the building as an additional teaching facility is complementary to, and in connection with, the educational activities already carried out within the main school building. As such, the proposal is considered to be compliant with the requirements of policies EN10 and CF5 of the UDP.

In addition to the above, the proposals map identifies the grounds of the school as including playing fields. Policy L7 of the UDP requires land identified as recreational open space, such as

school playing fields, to be retained in its existing use, unless an acceptable alternative provision can be made, or the new use of the land is for educational purposes and there would be no significant harm to the amenity, recreational and wildlife habitat value of the site.

As detailed above, as the application relates to the change of use of an existing building while no external built development is proposed there will be no detriment to outdoor play or sports provision. Therefore the proposal is deemed to be in compliance with the requirements of aforementioned policy L7 of the UDP.

In light of the above, it is considered that, the proposed change of use accords with policies EN10, CF5 and L7 of the UDP and is therefore considered to be acceptable in principle.

Design and External Appearance

Policy B2 of the UDP relates to new development, redevelopment and alterations to existing buildings and states in part that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

With regard to policy B2, as the external alterations are particularly limited, amounting to the relocation of an access door, it is not considered that the proposal would detract from the appearance of the existing school or wider area. The property is also set well away and screened from the surrounding residential properties and public vantage points, ensuring that visual and residential amenities are not compromised.

As such, it is considered that the design and appearance of the external alterations are acceptable and comply with the requirements of Policy B2 of the adopted UDP.

Highway Implications

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking provision.

The City Council's Executive Director of City Services (Transportation) has, upon clarification that staffing numbers and visitors to the site are to remain unaltered, advised that there are no grounds to object to the proposal in relation to highway and pedestrian safety. As such, it is considered that the proposal accords with policies T14 and T22.

CONCLUSION

For the reasons given in this report it is considered that the principle of development is acceptable and the proposal is of an appropriate appearance without resulting in any adverse impact to visual amenity. The proposal raises no concerns in terms of highway or pedestrian safety and as such the proposal is considered to comply with policies EN10, CF5, B2 and L7 of the adopted UDP.

Accordingly it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to no representations being received prior to the expiry of the consultation period on the 6 September 2016 and subject to the conditions below. If any representations are received prior to the

Sub-Committee meeting, these will be relayed at the Sub-Committee Meeting and the recommendation reappraised if necessary.

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 to be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to no

representations being received prior to the expiry of the consultation period and subject to the conditions below.

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 14.07.2016
- Drawing No. 516/01: Proposed change of use of existing house to provide teaching facility, received 08.07.2016

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.

3 The building subject to this approval shall only be used as a teaching facility in association with the activities carried out at Oxclose School and for no other purpose, in order to protect the amenities of the locality and achieve a satisfactory form of development and to comply with policy B2 of the UDP.