

Late Sheet for planning application 18/00705/MAW

Relocation of pre-cast concrete wall, extension of concrete hardstanding area and installation of picking station with associated conveyors and weigh bridge.

Timberpack Waste Recycling Centre Staithes Road Washington NE38 8NW

Further to the main agenda report, further information has now been submitted to the satisfaction of the Lead Local Flood Authority. This identifies pre and post development run-off rates to match or better the 1in1 and 1 in 100 rates and demonstrates that any risk of flooding will be reduced by the proposals.

In addition to the above, a late representation has been received from Councillors Fiona Miller and Tony Taylor, which is reproduced below. Both will be attending the meeting.

SENT ON BEHALF OF COUNCILLORS FIONA MILLER & TONY TAYLOR.

Good evening Everyone,

I trust you're all keeping well.

My purpose in writing is to inform you that as a Ward Councillor for Washington East, I would like the opportunity to speak in objection to the above planning application, which I understand is scheduled to be considered by the Development Control - Hetton, Houghton & Washington Sub - Committee on Tuesday 2 October 2018.

Since planning consent was granted by Sunderland City Council some years ago for the siting of various Waste Transfer Receptors on the Pattinson Industrial Estate in Washington, numerous complaints have been received from residents residing in Barmston Court, The Pastures estate [Fatfield] and Teal Farm with regards to their activities, notably the questionable operating practices of some Companies and increased levels of noise, odour, flies and roadside litter.

It is my understanding the applicant's site currently has a Bespoke permit (EAWML 64142) issued by the Environment Agency, which can accept up to 125,000 tonnes of waste per year.

The permit was originally issued by the Environment Agency to Elm Builders Limited in 2005 to operate a waste transfer station, the permit was then subsequently transferred to TimberPak / Egger Limited in November 2011, and the site accepts timber and wood waste, the majority of which is shredded

on site and then transported to a partner site, for recycling into new timber board products.

It is my understanding that the permitted operational hours of the site facility are currently 0700-1900, 7 days a week, depending on customer demand, however - I understand the site does not currently operate on a Sunday.

Although the operator has been compliant with the conditions of it's permit as issued by the Environment Agency, numerous complaints have previously been received and investigated by all partners / agencies [Environment Agency & SCC Environment Health] in regards to excessive noise levels [which sound similar to that of a helicopter's rotor blades] potentially emanating from the site since the permit was transferred to TimberPak / Egger.

I understand Officers from both the Council's Environment Health department and Environment Agency conducted various site visits some years ago, including that of residential homes, to investigate the matter further.

Residents of Barmston Court have informed me that Mr Graydon Martin acting on behalf of the Council, along with a former Councillor, Mr Neville Padgett, visited residential properties to investigate the excessive noise levels, whereby I understand Mr Martin as part of his investigation, telephoned staff at TimberPak to switch off a certain type of chipping machinery, so as to potentially eliminate it from his investigation - suffice to say the "helicopter noise" then stopped once the chipping machinery had been isolated - however, the report submitted before Committee makes no reference to these site visits or others made since, by both the Council and Environment Agency which is disappointing.

Some time after Mr Martin's visit, the Company invited Councillors and members of the community [Barmston Forum - a local residents' association] to visit the site to witness it's activities - I also understand the Company have since installed a rubber curtain / barrier to the site's perimeter in 2016 to further mitigate the noise associated from it's shredding activities - however, the document placed before Committee Members makes no reference to the rubber curtain / barrier.

In regards to the planning proposal itself - Local Authority & Environment Agency Officers must be mindful that four new housing developments have recently been constructed in the immediate vicinity of the site since the Environment Agency permit was transferred to the existing site Operator.

The housing developments consist of Teal Park Farm [Barratt], Teal Farm Village [David Wilson], Teal Farm Gardens [Bellway] & Teal Farm Manor [Bellway] - of which the latter two are closest to the applicant's site.

On page 6 of the document, paragraph 6 merely states that “the nearest residential properties are located some distance away”, and should the use of the picking station and associated conveyors be operational during night time hours [2300-0700] a further noise assessment of the potential impact of the picking machinery would need to be undertaken.

I am therefore of the opinion that the planning application is unacceptable in it's current format, as I believe neither the Local Authority nor Environment Agency have appropriately and sufficiently considered the detrimental impact the applicant's proposal would have on the recently constructed neighbouring housing developments, in particular, those properties situated in Hebden Court & Chillingham Close.

After previously approving planning applications for housing on land that was originally designated for industrial use, the Local Authority and Environment Agency must collaboratively duly take into consideration the impact that any future industrial planning applications would have on the occupiers of newly constructed residential dwellings located within an applicant's vicinity.

Furthermore, although the site is permitted via the Environment Agency to operate during the hours of 0700-1900 - 7 days a week, the Environment Agency should have taken this opportunity to amend the site's existing bespoke permit on this occasion, as I believe it is unreasonable to allow such a site / facility to operate before 0900 on a Sunday morning, irrespective of whether it is presently permitted to by the EA or not, and as such, I would propose at the very least, that the permitted hours of operation of the proposed picking station on a Saturday and Sunday be amended to 0800-1400 on a Saturday, and 0900-1300 on a Sunday respectively, with no night time [2300-0700] operation permitted - again, it is extremely disappointing that the Environment Agency have not raised any concerns in relation to this application.

Should the planning application be approved in it's current proposed format, I believe more complaints would be made / received in relation to excessive noise, as conveyors are by their very nature, very noisy pieces of machinery.

Thank you very much for taking the time to listen, and apologies for the lateness of this representation.

The concerns raised by the Councillors have been considered by the Councils Public Protection and Regulatory Services Section who advise as follows:-

PUBLIC PROTECTION AND REGULATORY SERVICES RESPONSE

Complaints regarding noise from the site were investigated in 2014 by Public Protection and Regulatory Services. Investigations and available evidence at that time did not substantiate that noise from the Timberpak site amounted to a statutory nuisance. It is understood that the Environment Agency, as the site Regulator, carried out further investigations in respect of noise from the site in 2016. PPRS is not aware of any resulting enforcement action taken by the EA.

In light of the concerns reported by Councillor Taylor and Councillor Mrs Miller, Public Protection and Regulatory Services has given further significant consideration to the submitted noise report, particularly in respect of noise sensitive receptor locations and operating hours.

Whilst the noise assessment report refers to noise sensitive receptors being 'at some distance', the associated calculations of predicted noise impact have in fact been made at a distance of 150m, which is reflective of the receptor locations referred to by Councillor Taylor. The background measurements contained in the report are reflective of those reported in other noise assessments undertaken in the Teal Farm area and are considered to be representative.

The monitoring results contained in the report, and further assessment work undertaken by PPRS based on this data, indicate that noise resulting from the operation of the activities associated with this planning application, is unlikely to have a significant adverse impact on nearby noise sensitive receptors. It seems prudent however, in light of these recent objections, that in the event that the proposal is granted consent, the following suggested conditions are included in order to safeguard residents, protecting them as far as reasonably practicable from excessive levels of noise and facilitating a mechanism by which any adverse noise that may arise is capable of being addressed.

Please note, the above recommendation and that made previously by PPRS in respect of operating times, is based on information provided by the Applicant in respect of current operating arrangements, particularly in respect of Sundays. Should this not be the case and the use of the premises as outlined by the Applicant is not established, consideration should be given to the limitation of operation at sensitive times until further, more detailed noise information is provided by the Applicant.

1. All mitigation measures referred to in the noise assessment (Report Ref 04954 June 2018) shall be implemented as detailed on site, and thereafter maintained for the lifetime of the development.
2. Should the LPA receive substantiated complaints in respect of activities associated with the proposed picking line within the initial 6 month period, and on notification of this to the operator, the operator shall submit a noise

assessment of such activities, undertaken by a suitably qualified person in accordance with BS4142:2014 within 28 days in accordance with a methodology agreed with the LPA. In the event that this assessment shows that the rated noise levels (and maximum noise levels referred to in report 04954-ENV) exceed the established background noise level, the Operator shall identify physical or managerial measures to control activities within the service yard such as loading/unloading of goods. Any approved physical or managerial measures proposed in the noise assessment shall be fully implemented / provided within a maximum of 14 days following the written approval of the LPA and shall thereafter be managed and retained in accordance with the approved details.

3. Following the introduction of the physical or managerial measures within 2) above, a further noise assessment shall be carried out within 28 days to demonstrate that the rated noise level (and maximum noise levels referred to in report 04954-ENV) do not exceed the existing background noise level.

Conclusion

For the reasons outlined above, the principle of the proposed development is considered to be acceptable without unduly impacting on the amenity of the area. Members are therefore recommended to approve the application.

Recommendation: APPROVE subject to the draft conditions set out in the main agenda report and the additional three listed above.