

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

**18 July 2012**

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**REPORTS FOR CIRCULATION**

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**REPORT BY DEPUTY CHIEF EXECUTIVE**

**PURPOSE OF REPORT**

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

**LIST OF CIRCULATED ITEMS**

Applications for the following sites are included in this report.

Houghton, Hetton  
& Washington

S3                      Biffa Waste PLC, Houghton Quarry, Newbottle Street,  
Houghton-Le-Spring

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Washington

S6                      Erection of kitchen extension to rear and sun room to front at 66  
The Oval,

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Number:	S3
Application Number:	12/00132/FUL
Proposal:	Extension of environmental management compound to include an area for two leachate tanks, extension to screen bund and provision of a turning area for vehicles accessing the compound. (Retrospective)
Location:	Biffa Waste PLC, Houghton Quarry, Newbottle Street, Houghton-Le-Spring

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Further to the report contained in the main agenda, in connection with this application, consideration has been given to the two letters of objection received from Mr Turnbull of Clovelly and Mr Sutherland, Group Scout Leader of 1<sup>st</sup> Houghton (St Michaels) Scout Group. The main grounds for opposing the development are as follows.

1. Request for further information in relation to the provision of a turning area for vehicles accessing the compound. Principal concern relates to any expansion plans from the current gated entrance out towards the main road which would have an adverse effect on the Scout Headquarters. Any expansion would severely impact on the attendance of youngsters.
2. Query whether proposal for 2.4m high fence and extension to screening bund, including wooden fence will be implemented.
3. Unsatisfactory screening of existing gas compound area resulting in visual and noise issues.
4. The grass planted on the completed parts of the site has not grown.
5. Noise resulting from the tankers movements to and from the compound area.
6. Propose a 5m high mature tree planting.

In response to the points raised above the following comments are offered.

#### Turning Area

As set out in the main report to Committee, the leachate tanks subject of this application are deemed to be permitted development under Part 4 of the General Permitted Development Order. However, these rights only exist as long as the site

remains operational for landfill purposes, following which time planning permission would be required for the structures, hence the current application.

Planning permission ref: 84/0821/V2 limits the average number of HGV movements to 280 per day, a maximum of 400 per day, a maximum of 25 between the hours of 08:00 and 09:00 and a maximum of 20 between the hours of 16:00 and 18:00.

Traffic and associated implications of the two leachate tanks, is, and will continue to be, on average, one tanker per day (this could increase up to a maximum of 6 tankers per day under the requirements of the Environmental Permit issued by the Environment Agency), which is well within the HGV movement limits set for the site and operation. In addition, the turning area now proposed is to ensure the safe manoeuvrability of tankers within the site as opposed to being associated or required for any potential increase in HGV movements at this point.

It can be confirmed that all works associated with this development are located well within the site with no alterations proposed to the main site entrance / egress.

Finally, as stated in the main agenda report, the Executive Director of City Services (Network Management) has reviewed the application and concludes that the resulting traffic generation will be minimal, with no adverse conditions perceived for the local highway network.

#### Implementation of fencing and screening bund

As set out in the main report to Members, the recommendation to grant permission for the development is subject to a series of conditions which currently don't specifically control the timing for the installation of the screen bund and fencing. In this regard, it is therefore considered that condition 5 be amended to require the fencing to be fully installed within 3 months from the date of decision.

Revised condition 5 now read '*The boundary fence shall be painted in a colour to be agreed in writing with the Local Planning Authority prior to the fence being erected and thereafter fully installed within 3 months of the date of decision, in the interests of residential and visual amenity and to comply with policy B2 of the UDP*'.

The screening bund is to be implemented within the first planting season as stipulated by condition 4.

#### Existing noise and visual issues due to unsatisfactory screening of gas compound

Following consultation with Environmental Health, on this matter, it can be confirmed that, to date, no complaints have been made to the City Council, however, a complaint we received recently regarding generator noise in connection with a pump used to pump water from the lagoon and this is currently being investigated by the Environment Agency.

Notwithstanding the above, it is considered that whilst the current application cannot be used as a mechanism to control alleged existing problems on the site it is believed that the proposed introduction of a screening bund and fencing will indirectly aid in mitigating against, any noise generated by existing operations such as the gas tanks.

#### Existing grass planting / seeding

The limited success of the grass seeding, introduced on the completed parts of the site, has previously been acknowledged by Biffa, who have, as a consequence, attempted to reseed the areas where germination has been limited. Clearly, however, it is acknowledged that the re-contouring of the site and landscape proposals are ongoing programmes with well established grass coverage taking time (many years).

#### Noise from tanker movements

As set out in the section above headed 'Turning Area' it is not perceived that there will be any increase in the number of existing HGV movements, associated with the removal of leachate from the site, following the formalisation of these structures. Any increase in movements from the current 1 tanker per day arrangement would only come as a direct consequence of increased amounts of leachate being produced and therefore having to be removed from the site. Such an occurrence would only be for a temporary period, and will at no time exceed the EA's permit limit of 6 tankers per day.

In addition, it is considered that the imposition of a condition (No.7 of the main agenda report), which requires the preparation of a noise assessment, will ensure that the means of noise attenuation installed (tree planting, fencing etc) is satisfactory. Should the methods employed not offer the required level of attenuation then other options will need to be explored until a satisfactory solution is found. Currently, given that the structures are permitted development, there is no requirement for such measures to be in place. Therefore, the formalisation of the compounds is considered to offer benefits in terms of residential and visual amenity.

#### Proposals for increased tree planting

Whilst it is acknowledged that it would be desirable for Biffa to plant large mature trees along the boundary of the compound area it is not considered, in this instance, that such measures are necessary. However, through the imposition of conditions 3 and 7 it is considered that an appropriate means of landscape treatment will be achieved that not only offers visual screening of the tanks and compound area but also acts as a noise attenuation feature.

#### **Conclusion**

Therefore, it is recommended that Members be minded to approve the application subject to the conditions listed in the main agenda, the revised wording to condition 5 and no further representation being received by 23 July 2012. Should any additional representation be made following this meeting then the application will be reported back to the next available meeting of the Sub Committee.

**RECOMMENDATION: Members be minded to approve subject to no further representation being received by 23 July 2012**

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Number:	S6
Application Number:	12/00804/FUL
Proposal:	Erection of kitchen extension to rear and sun room to front
Location:	66 The Oval, Concord, Washington

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Members may recall that at the time of writing the main agenda, amended drawings had been just been received. As such the neighbour at No.67 was re-consulted to provide additional time for any further objections to be made in relation to the revised scheme. However, following the expiry of the public consultation period on 17 July, no additional representations have been received in relation to the application.

In light of the above, consideration of the developments impact on residential amenity and the wider street scene is provided below.

### **Impact on residential amenity and the streetscene**

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Policy B2 is reinforced through the City Councils Householder Alterations and Extensions Supplementary Planning Document (SPD), Therein, Section 7.2 of the document is of relevance to this application. Section 7.2 seeks to ensure that extensions which front a public road or footpath are of a high quality design which respects the appearance of the existing property and the character of the streetscene. Where there is considered to be an established building line porch and front extensions will generally be expected to project no further than 1.2m from the original main wall of the property. In order to alleviate any adverse impacts on neighbouring properties, front extensions should be set-in a minimum of 460mm from the common boundary.

In terms of impact on residential amenity it is noted that the extension would be set in from the common boundary with No.65 by 460mm as is stipulated within the SPD whilst the initial projection of 1.5m would ensure that no significant loss of amenity by way of loss of light or visual intrusion would affect the occupants of No.65 on this occasion. Furthermore and to an even greater degree, as the extension would be offset from the shared boundary with No.67 by 1.2m the development is not considered to have any detrimental affect on No.67.

As such, based on the dimensions of the sunroom and its positioning in relation to the neighbouring windows, it is not considered that the development would result in any material harm to the living conditions of the neighbouring properties. In this respect the proposal complies with policy B2 of the UDP.

The streetscene implications of the proposal are considered to be more problematic due to the fact that the front elevations of The Oval are virtually bereft of any

comparable form of development and in assessing the proposal against the above policy criteria it is evident that the sunroom does not comply with the SPD insofar that the extension projects 2.4m beyond the front elevation exceeding the recommended 1.2m.

It is in this respect that consideration must be given to whether the potential benefits of the proposal in terms of the health and wellbeing of the applicant outweighs the degree of harm caused by the development to streetscene.

Whilst there is not considered to be a strong and defined building line within the Oval (due to the shape of the street), it is clear that there is currently no form of built development to the front of any of the dwellings on The Oval other than one single storey lounge extension at No 5 which was built without planning permission. This extension is immune from enforcement action as it has been in situ for over four years. Notwithstanding this, it was noted that the fronting gardens areas did house a number of garden sheds and garden paraphernalia

In light of the above, the introduction of a fronting extension projecting to a maximum distance of 2.4m needs to be carefully considered. Despite the fact that only one fronting extension was evident on the Oval; the uniformity of the front gardens areas are sporadically broken up by virtue of higher boundary fences which have been erected around a number of the gardens. As these fences rise to about 1.8m in height they do not require planning permission and they do serve to create more of a rear garden feel to many of the fronting elevations. It is however apparent that the host property does not benefit from this high boundary treatment and that the extension, by virtue of its form and scale, may appear somewhat out of character within the context of this section of the fronting streetscene. However, it is acknowledged that the massing of the sunroom has been notably reduced both in terms of projection and height from that originally proposed and thus the degree of demonstrable harm to the street scene is now considered to have significantly lessened.

The Council has received extensive information on the significant health issues which affect the applicant, the majority of which must remain confidential to protect the dignity of the occupier. Having considered the contents of the report the Council fully accept that the proposed changes would have a significant overall effect and would undoubtedly contribute to the betterment in the applicant's quality of life. As has previously been referenced within the main agenda, the implications of the 'human factor' can be a material planning consideration where the potential benefits of the proposal in terms of the health and wellbeing of the applicant outweighs the degree of harm caused by the impact of the development on the residential amenity of the neighbouring properties and the visual qualities of the streetscene.

With regard to the above and in assessing the potential implications of the proposed sun room within the context of the surrounding area, it is considered that on balance and in this specific instance, the exceptional benefits the sunroom would afford the occupant in terms of health and wellbeing would outweigh the minor harm the sunroom would have on the visual appearance of the streetscene. This recommendation has been reached based on the individual merits of this particular application and any recommendation of subsequent proposals to the front of The Oval must also be assessed on their own individual merit. As such, it is not considered that this decision should set a precedent for future applications at The Oval.

**RECOMMENDATION: APPROVE, subject to the conditions set out below.**

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 floor plans and elevations as existing received 20.03.2012, the proposed rear elevation received 20.03.2012, the proposed front and side elevations as amended received 10.07.2012, the proposed ground floor plan and proposed and existing site plans as amended received 10.07.2012 and the location plan received 16.04.2012.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.