

At a meeting of the PLANNING AND HIGHWAYS (WEST) COMMITTEE held remotely on TUESDAY 1ST SEPTEMBER, 2020 at 5.30 p.m.

Present:-

Councillor Rowntree in the Chair.

Councillors Armstrong, Blackett, Fagan, Lauchlan, F. Miller and G. Walker.

Declarations of Interest

There were no declarations of interest made.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Thornton and P. Walker.

Minutes of the last meeting of the Committee held on 30th June, 2020.

1. RESOLVED that the minutes of the last meeting of the Committee held on 30th June, 2020 be confirmed and signed as a correct record.

Report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 3rd March, 2020

The report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 3rd March, 2020 (copy circulated) was submitted.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of City Development submitted a report (copies circulated), which related to the West area of the City, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy reports – see original minutes)

16/01581/MAW – The retention of the facility for the receipt, recycling, processing, storage and land filling of construction, demolition and excavation waste; storage of primary aggregate; production of concrete and associated ancillary activities at Springwell Quarry – Springwell Quarry, Springwell Road, Springwell, Gateshead

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The Development Control Manager read out the written statements received from objectors to the application, which were as follows;

A Mrs Joynes submitted representation stating that she believed Planning was requested almost 4 year ago. During this time she had made multiple complaints regarding dust and noise coming from the site. She appreciated that measures had been put in place but due to the ongoing issues encountered, these measures were not adequate. Proximity was a primary issue and she was still unsure how their home was granted permission to be built so close to the site. Their quality of life was hugely impacted due to this site. The dust levels were constantly high with periods of horrendous dust, they were unable to open windows as this dirt/ dust then entered their home. They were unable to enjoy the garden due to the constant filth and noise.

Ms Joynes also advised that at approximately 7:05 each morning they were woken by the site and their general operational noises alongside banging and tipping, alarms and drivers beeping their horns. There was a lack of consideration from the site , drivers beeping horns, excessive banging when tipping, chosen location of their operations being close to residential properties, vehicles leaving site without using the wheel washer contributing to excess dirt and debris on the road, Continuing to operate during high winds and a complete disregard from the site manager of the impact these issues have upon their family when issues previously raised.

Ms Joynes added she was initially supportive of the continued operations of Thompsons , however no longer felt this way and had great concern regarding their behaviour and concordance to measures implemented throughout the time they had been seeking permission and did not feel assured that if planning was granted that they would comply with any further measures.

Ms Joynes stated she had researched other Thompsons site and none of them were in the same proximity to residential properties as the Springwell one. Residents of the village raised issues regarding trucks going through the village, this had resulted in the majority of them arriving and departing the site from the same alternative route, which was nice for the village but caused increased traffic to the alternative routes.

In Ms Joynes opinion this was not the most appropriate site for this type of operations due to the proximity to residential homes and she continued to

strongly object to this permission being granted. Ms Joynes queried if those making the decisions would be accepting of the issues raised if it was themselves and their family's that were encountering the highlighted issues.

The Development Control Manager read out the written submission of Mr Parnel who wished to object to the proposal. Mr Parnel stated that he lived approximately 120 metres from this site boundary and whilst he did not object to the principle of the development, the application could not be approved without additional protections for residents, which Committee Members could secure.

These matters had real impacts upon residents health and given the response from the applicant so far in dealing with them, Mr Parnel could not see how Members and Officers could have confidence in the applicant to resolve the issues in the future once the application had been approved.

The outstanding issues in Mr Parnel's opinion were dust and site restoration. In relation to dust, Mr Parnel felt that based on the committee report the current suppression measures were inadequate and Environmental Health supported the implementation of a dust management plan through condition, however it appeared they had not reviewed the latest dust management plan and thus their comments from January this year were on the outdated reports. So whilst the report stated that a revision was necessary it does not appear that this has been addressed within the last two years.

The approach from the applicant to resolve the dust issues appears lazy with an unwillingness to tackle the problem on both sides.

Mr Parnel also stated that the proposed planning condition disregards any version of a management plan and instead requests an alternative to be submitted within six months. This condition also refers to Condition 8 on Noise monitoring and this must be a mistake.

Mr Parnel added that his concern with Members approving this application was that the Council loses their ability to secure sufficient protections for local residents in six months time and would result in different negotiations between the parties who have already endorsed the continued operation, whereas at present the entire development was at stake. Dust was the single biggest health threat from this development and could be easily mitigated.

Mr Parnel implored the Committee to act responsibly and use their powers to secure appropriate controls through deferring this decision rather than relying on confused consultations and ignored advice of their own officers.

With regards to restoration, Mr Parnel's concern was that there was no time limit on the restoration of the site, therefore would never happen. National Planning Policy for waste, paragraph 7 states that Planning Authority should ensure that the landscaping of landfill site was restored to beneficial use at the earliest opportunity to high environmental standards with appropriate conditions where necessary. The Authority were clearly failing in ensuring

this at the earliest opportunity as the permission was to operate in perpetuity and they could not be ensured of the environmental standards as they had not seen the detail , these were only submitted after the works have ceased in years to come as stated in Condition 26.

The application could not be approved by the Council as it was contravention to the NPPW on two counts, although the NPPW text was quoted in the officers' report 5.1.2 this aspect was not considered and no case was made to ignore or overrule this aspect. Condition 26 makes no reference to the NPPW as being part of its support policy, presumably because officers were aware it does not meet these tests.

Mr Parnel questioned how the Committee could make a decision to ignore national planning policy without a reasoned argument to consider whether they have the authority to do so or not, this was clear grounds for a planning appeal. Mr Parnel also raised concerns that the applicant could possibly sell the site in the future to a much less scrupulous operator that may have no intention of site restoration, leaving the Council with the bill for restoration. Therefore this needed to be addressed with some financial obligations, secured through a section 106 agreement.

Mr Parnel suggested the proposal to defer determination of the application, secure an updated dust management plan to determine the impacts raised by respondents, agree an appropriate planning condition which reflects Environment Health advice over the dust management plan and also to agree an appropriate time limit with the applicant over the implementation of the restoration of the site as well as agree the funding for this in the form of a legal agreement.

Mr Parnel thanked the Committee for considering his concerns and urged them to use their powers to secure appropriate protections for residents health and their environment.

The Development Control Manager read out the written submission of Lesley Sharp who wished to object to the proposal on the grounds that there had not been proper and thorough public consultation.

Planning needed to give reasonable notice to the application process so that all of Springwell Village Residents could update themselves of Thompson's plans, not just a few. It was evident that most residents were oblivious to this application going to committee now. Many things had changed on the portal and to process it now, without due consultation with less than a week's notice, was unacceptable.

The Development Control Manager read out the written submission received by Mr Barber who wished to object to the proposal. Mr Barber wished to complain over the timescales involved to allow him to submit his objections. There had been more than 70 objections sent in along with those who voted on the Springwell Village Residents Association meeting, who had been disadvantaged by too short notice over a holiday weekend.

Mr Barber claimed that the Council website had failed over the weekend, showing no results for the application, therefore suggested that it was appropriate to adjourn the meeting to allow residents the opportunity to make representations.

Mr Barber referred to the dust issue advising that this was a persistent nuisance forming a regular film over cars and washing. Stockpiles of brick, concrete and tarmac were everywhere and he had supplied photographs and copies of documents, which had been uploaded to the planning portal site.

Mr Barber informed the Committee that unfortunately he was being monitored for black modules on his lungs despite having never smoked since 1969 but had lived below Thompsons Quarry for the past 50 years.

Mr Barber also raised the issue of the concrete being processed on site and the size of the wagons which were transporting this.

The Development Control Manager read out a further objection submitted by Mr Barber which stated that Sunderland Council, Gateshead Council, Planning Consultants, Springwell Village Residents and Urban Mines report all agreed that the recycling operation within the green belt was inappropriate with the special circumstances being that there were no other options within Tyne and Wear. The scoping plan/report was flawed. The Tarmac Topmax Plant area had been included in the search area and furthermore, planning consent 99/00604/FUL showed that the licensed boundary of the recycling operation was a lot smaller than the search criteria.

Mr Barber advised of three further documents supplied which demonstrate that the crushing operation was a separate entity licensed to operate by Tynedale Council. On 25th April 2002, the Planning Officer negotiated the new insertions to the section 106 agreement. Paragraphs 4 and 6 were clear. At cessation of operations in the extraction area, stonewalling and cutting, the site would be cleared.

The crushing of concrete, brick and tarmac etc had to cease when extracted stone was no longer crushed.

Mr Barber stated, in conclusion that the scoping document set up to find another site needed to be looked at again and that Thompsons needs were less than claimed.

The Development Control Manager read out a written statement received by the Applicant in which they stated their reasoning for bringing forward the proposal and the benefits they believed this would bring to the local area. The Applicant stated that Springwell Quarry had been an operational site for many years, it had now developed into a site that was able to recycle construction and demolition material, supporting the drive for sustainability and in response to government policy.

Today the site was a one stop shop for the construction and utilities industry, serving sites in Sunderland and South of the River Tyne, recycling 95% of materials imported into the site and supplies primary and secondary aggregate and ready mixed concrete. It directly employed 24 people including truck drivers and many more indirectly through security, maintenance and servicing.

The applicant advised that the site was one of only three similar construction and demolition sites in the Tyne and Wear area and for this reason it was integral to the construction industry for the region recycling waste in accordance with the governments hierarchy, providing employment and support to the local economy as well as being central to Thompsons of Prudhoe as a business.

For these reasons it was vital that the site continued to operate beyond 2022, there remain two small landfill cells at Springwell Quarry and these take the residual material from the recycling activities such as silt from processing, the exceptionally slow rate of infill of the last two cells demonstrates that this was no longer the main use of the site. The Officers report fully detailed the extensive evidence and justification of this application. In particular the assessment had been provided to clearly demonstrate that there were no other sites in the area to which these operations could be relocated and therefore the very special circumstances that exist for retaining the facility in the greenbelt.

The conclusion of both officers and the external consultants was that this analysis was correct and in line with local and national planning policy. Turning to other matters, Thompsons continued to work with the Environment Agency to constantly improve the site and to ensure the site was operated with accordance to best practice and to minimise and where possible eliminate any disturbance to nearby residents. As an example, some of the measures listed within paragraph 2.9 of the report had already been put in place with the large openings in the building having been blocked up, roller shutter doors fitted where appropriate and storage hoppers to the north of the building had been enclosed.

There were also additional works Thompsons would carry out, this included the construction of a BUND to the south of the site which would screen the site from view, protect the setting of Bowes Railway and help to protect the amenity of local residents. Also the tarmacking of the areas to the east of the site would further reduce dust and noise. Monitoring of dust and noise was currently carried out monthly and would continue to do so if permission was granted.

The location of the monitoring points had also been moved and supplemented at the request of local residents. The improvement works to the site have been completed such as the blocking up of openings in the building and moving of the screener have addressed concerns made by local residents. In relation to vehicular access to the site, there were no proposals to changing the existing access arrangements, wagons and HGV's would enter the site to

the north and would always turn left when they leave, this would ensure the wagons did not travel through the village of Springwell.

The Company were very aware that mud and debris on the road is of concern to local residents and there was a mechanised wheel wash on site for the cleaning of wagons and HGV's and a road sweeper on site to be used when necessary.

Finally in relation to restoration, the northern half of the site had been restored and members of the public were free to access these areas. The proposal has always included measures to improve these areas and would be done to benefit wildlife including great crested newts.

The applicant also wished to draw the Committees attention to the fact that there were ponds to the south of the site that were home to great crested newts and surveys showed that in the last 2-3 years the population of these newts were increasing and underlined that wildlife could exist alongside operational sites.

The proposal represented sustainable development which supports the regional construction industry and economy along with local and national planning policy and they would therefore like to commend the officers report and ask the Committee to support their recommendation

Councillor Armstrong commented that the proposal was a worthy application in terms of providing recycling which was something he supported. Councillor Armstrong advised that as he worked in the construction industry himself, he did know there was a lot of waste and not every company managed it well. It was noble that Thompsons were taking part in this but raised concerns that the overwhelming feeling of residents that lived there appeared to be of unhappiness with this. There had been a large number of objections and petitions and the claims that the Council had not reached out well or given them sufficient time to prepare objections.

Councillor Armstrong also referred to the dust and noise issues raised by objectors and enquired as to how satisfied Officers were that the correct consideration had been given to residents concerns over the years and if they believed that even though Thompsons had made efforts to reduce this, had the legal levels been exceeded or if kept to, why was it still not acceptable for local residents.

Councillor Armstrong also queried the long term plan for the restoration issue and if there was a finite timescale.

The Planning Officer advised that the issue of dust was predominantly controlled by the Environment Agency, which the applicants have worked with extensively since 2016 and have implemented measures such as blocking up all openings and roller shutter doors now in place. The soil screener which was a concern to residents had been moved. The hopper used to sort the aggregates and the concrete had been covered up. The two remaining site

improvements left were covered as part of this application, which were for the construction of the BUND to the south of the site and the tarmacking of the east of the building which would create a better surface for HGV's to manoeuvre over.

The Planning Officer informed the Committee that they had not received any complaints directly in terms of noise and dust and in terms of statutory consultation they have dealt with the Environment Agency and our own Environmental Health Officers, requesting updated reports in January 2019 which had been assessed and considered satisfactory so issues could be controlled through an environmental permit with the environment agency or through the conditions which were proposed within the report.

In terms of restoration, this was addressed as part of Conditions 25 and 26 of the report. Unfortunately they could not give a specific timescale of this as it all depended on when the landfill site was done which was very much driven by the economy. Officers could certainly work with the applicant to try and get this information if Members wished.

Councillor Armstrong commented that these issues were still being felt by residents and enquired if there were any figures on air quality over the last 3-4 years that could be considered and if the measures taken in conjunction with the Environment Agency had substantially improved the issue or not. The Planning Officer advised that she did not have any direct information in terms of Environment Agency input, the consultation officers have, is to confirm that the information submitted was compliant and if this is the information wished for, she could look to supply this outside of the meeting but this was not part of the planning decision process.

Councillor Fagan commented that she was concerned about the dust issues raised and whilst could acknowledge measures had been put in place, this did not seem to be satisfactory or working for the residents and personally she would have liked to see residents being happy before such an application went ahead.

The Planning Officer referred to Conditions 12,13 and 14 of the report and advised that Officers had worked very closely with the applicant whilst drafting those and there was also condition 10 which covered noise mitigation measures and noise validation exercise. Using these newly formed conditions gave the Authority scope to put in further mitigation measures should they not be satisfied with it.

The Planning Officer stated that the Conditions were robustly worded and if they were not happy with the dust management plan within the first six months they could ask for a new one to be submitted. They would also liaise with the Environment Agency to make sure that the mitigation approved was satisfactory.

Councillor F. Miller commented that having experienced issues within her Ward, the Environment Agency had improved in their responsiveness and

looking at the dust management plan, if this was what they would be implementing, it appeared to be something that would actually help residents rather than hinder.

At the request of the Chairman, the Planning Officer briefed the Committee on the consequences, should they wish to make a determination against the Officer recommendation. If this were to happen, then the decision could be subject to a planning appeal and the Council could be open to costs on that matter if the decision went in favour of the applicant.

The City Solicitor advised that should Members wish to go with an alternative recommendation contrary to Officers recommendation then they would have to be very mindful in the wording of such reasons for refusal with solid planning grounds and reasons for why the development was unacceptable in this area and should this be the case then Members may wish to defer the application to seek further advice on what planning reasons they would be putting forward.

The Chairman thanked Members and Officers for their comments and drew the Committee's attention to the recommendations as detailed in pages 47 to 55 of the report and the late sheet circulated. Upon being put to the vote with 3 Members voting against and 4 Members voting in favour, it was:-

3. RESOLVED that the application be approved, subject to a Deed of Variation to the current Legal Agreement, the 27 conditions contained with the report and the additional condition contained within the late sheet circulated. The recommendation was also subject to the application being referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009

19/01252/FUL – Construction of 76 dwellings, provision of open space and associated infrastructure. (Amended description, updated plans and reports) Land at Albany Park, Spout Lane, Washington, NE37 2BZ

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

In response to a query from Councillor G. Walker, the City Solicitor advised that the Section 106 Agreement was a freestanding legal agreement entered into by the developer and the Council and can provide a reassurance that granting of permission was only subject to the agreement being carried out.

With regards to Councillor Blackett's enquiry over the reason for no comments received by the County Archaeologists, the Planning Officer advised that as the site was not within a sensitive location in terms of archaeology there had been no need to consult with the County Archaeologists on this occasion.

The Development Control Manager read out a written statement received by the Applicant in which they stated their reasoning for bringing forward the proposal and the benefits they believed this would bring to the local area. The applicant also wished to thank Officers for their support whilst working on this proposal.

Councillor F. Miller referred to page 71 of the agenda and commented that it was great to see the affordable housing proposed and the 55 homes to rent on the site.

Councillor Armstrong agreed and commented that the site had been an eyesore in its dilapidated state and this application would raise morale in providing more affordable housing for residents and couldn't be more supportive of the redevelopment of brownfield sites for this use.

Councillor Lauchlan commented that as Chair of the Washington Area Committee he echoed his colleagues comments and that he fully supported this application and it would be nice to see this site being resurrected from its current state.

5. RESOLVED that the application be approved, subject to the completion of the Section 106 agreement and subject to the 18 draft conditions listed within the report

19/01280/FU4 – New service reservoir with underground water mains connections to the Carr Hill water main and Derwent Main, an underground overflow connection to the combined sewer network, a new access road from Mount Lane, a single storey kiosk building with associated parking, landscaping works and fencing. (Updated Plans and Reports received 26 & 30 March) Land to the North of Mount Lane, Springwell, Gateshead

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

6. RESOLVED that Members be minded to grant consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the 29 draft conditions contained within the report. The recommendation was also subject to the application being referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009

20/00376/VA3 – Variation of Condition 2 (Plans Approved) attached to planning application: 17/00865/LP3, to allow provision of CAT 3 bungalow layout – Land West of Former Washington Old School, Albert Place, Washington, NE38 7BP

The Planning Officer representing the Executive Director of City Development outlined the proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

7. RESOLVED that Members be minded to grant consent, under Regulation 3 of the Town and Country Planning (General Regulations) 1992 and subject to the 12 conditions contained within the report.

Items for Information

Members having fully considered the items for information contained within the updated matrix (circuated), it was:-

8. RESOLVED that the items for information as set out in the updated matrix circulated, be received and noted;

The Chairman then thanked everyone for their attendance and closed the meeting.

(Signed) C. ROWNTREE,
(Chairman)