

DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE

AGENDA

Meeting to be held in the Committee Room 2 on Wednesday, 28th October, 2015 at 5.45 p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of Commercial Development (copy herewith)	
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	Report of the Executive Director of Commercial Development (copy herewith)	

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

20th October, 2015

**This information can be made available on request in other languages.
If you require this, please telephone 0191 561 1059.**

Development Control (Hetton,Houghton and Washington) Sub-Committee

28th October 2015

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Commercial Development for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 15/00815/HYB
Land At Coaley Lane Houghton-le-Spring
2. 15/01048/MAW
Land At Monument Park Washington
3. 15/01609/FU4
Garden Of Lindisfarne South Hetton Road Easington Lane Houghton-le-Spring
DH5 0LG
4. 15/01670/FUL
1 Mautland Square Houghton-le-Spring DH4 4BJ

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (019 561 8755) or email dc@sunderland.gov.uk .

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

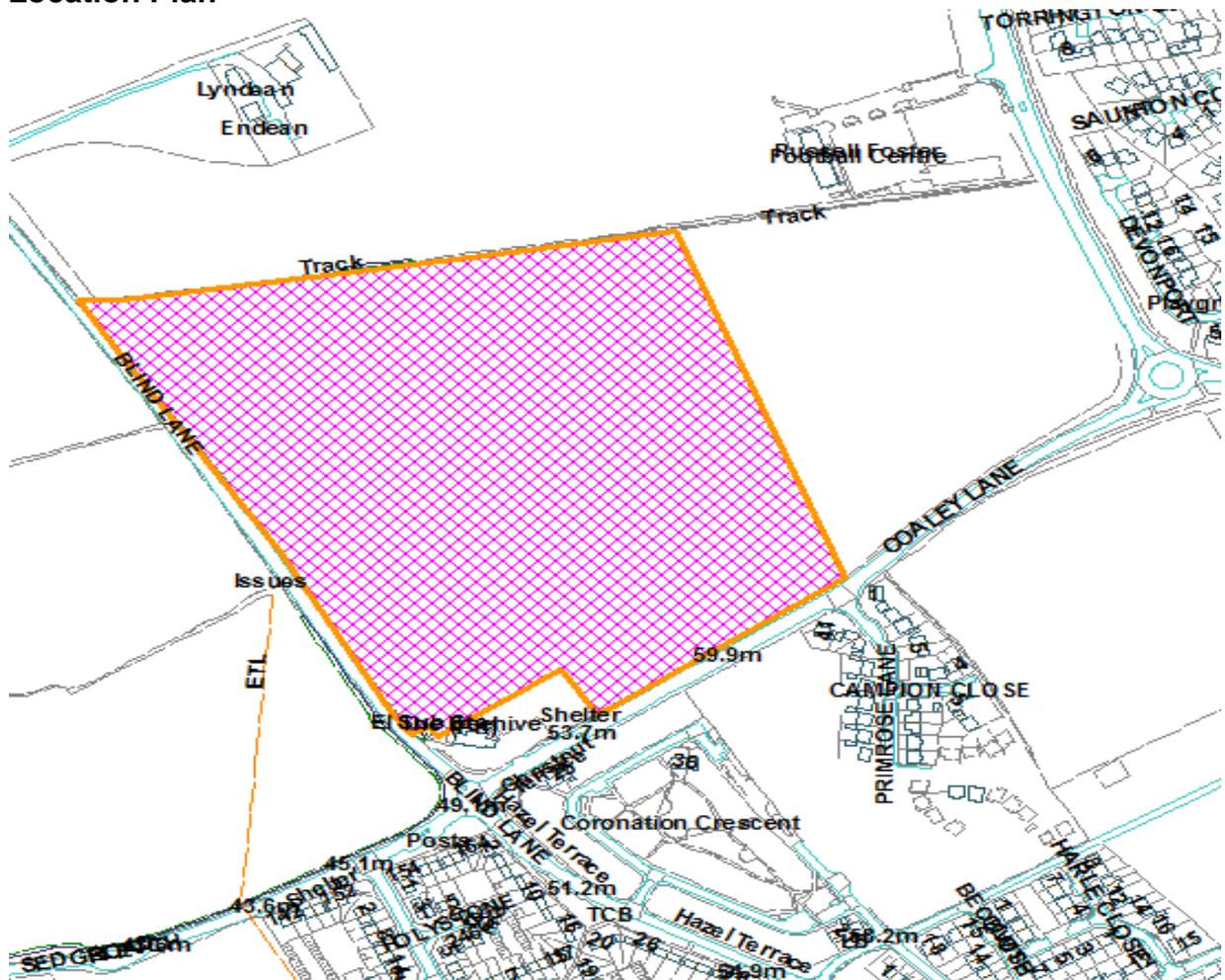
Reference No.: 15/00815/HYB Hybrid Plan App Part FUL and part OUT

Proposal: Hybrid planning application comprising: Full planning application for proposed development of 147 residential dwellings with associated infrastructure, landscaping, open space and highway improvements; and outline planning application for the proposed development of approximately 130 residential dwellings with associated infrastructure landscaping, open space and highway improvements with all matters reserved except for access.

Location: Land At Coaley Lane Houghton-le-Spring

Ward: Houghton
Applicant: Persimmon Homes
Date Valid: 1 June 2015
Target Date: 31 August 2015

Location Plan



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PROPOSAL:

The site planning application site is subject to a hybrid application with Phase 1 in full and Phase 2 in outline. The hybrid planning application comprises following:

- Full planning application for proposed development of 147 residential dwellings with associated infrastructure, landscaping and open space (Phase 1); and
- Outline planning application for the proposed development of approximately 130 residential dwellings with associated infrastructure, landscaping and open space, with all matters reserved except for access (Phase 2).

Newbottle village was originally a small farming community but over the centuries has subsequently developed and expanded based on industrial and mining activity. The village is situated 5 miles to the south-west of Sunderland City Centre and 1 mile to the north of Houghton town centre. Newbottle is served by good major road links with the A690 (to Durham/Sunderland) and A19 (to Teesside/North Tyneside) junctions one and a half miles to the east and the A1M (to Newcastle/the South) two and a half miles to the west near Chester-le-Street.

The site, which extends to 10.9ha, is rectangular in shape. The dominant topography of the site is a marked downhill slope across the site from east to west. The site falls from 65m AOD on the northern boundary to 50m AOD by the south west corner of the site. The site has been cleared for agricultural use and vegetative cover is restricted to its boundaries. There were two lines of overhead power cables crossing the site.

Most recently, the site has been used as arable farmland but mining operations previously occurred on the site associated with Newbottle Colliery, specifically in the form of Elizabeth or Betty Pit, once located within the south western quadrant of the site.

To the north of the site lies existing woodland, referred to as Russell Wood, which forms part of the Great North Forest. The boundary is open and formed by a path running east/west which is partially an Adopted Public Right of Way.

To the east of the site lies sports pitches associated with the Russell Foster Football Centre. The boundary is formed by a simple wooden post and three wire fence. Beyond the sports pitches across Staddon Way lies modern housing development forming part of Newbottle village.

The south of the site is bounded by Coaley Lane and the Beehive Public House. Much of the boundary is formed by an established mature hedgerow.

Whether a development proposal is subject to an EIA is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and only certain types of development and/or projects which will have significant environmental effects will require the preparation of an EIA. In this case, given the nature and scale of the proposed development and as the application site is not within a 'sensitive area' (as defined by regulation 2(1) of the Regulations), it is considered that the proposal does not constitute EIA development.

The application is a departure from the adopted Unitary Development Plan as such has been advertised accordingly by the way of Site/Press Notices and Neighbour notification letters.

The Planning Supporting Statement considers the following issues:

- The Site and Surroundings;
- The Planning Evolution of the Site;
- Proposed Development; and
- Planning Policy Context and Assessment.

This Statement forms part of a comprehensive planning submission and should be read in conjunction with the following reports:

- Design and Access Statement;
- Statement of Community Involvement;
- Flood Risk Assessment (Fairhurst);
- Sunderland Five Year Housing Land Supply Assessment (NLP);
- Housing Market Analysis (NLP);
- Landscape Appraisal (Robinson Landscape Design);
- Archaeological Desk Based Assessment and Geophysical Survey Report (Wardell Armstrong);
- Extended Phase 1 and Protected Species Survey (E3 Ecology);
- Transport Assessment (JMP);
- Travel Plan (JMP);
- Phase 1 Geo-environmental Assessment and Preliminary Coal Mining Risk Assessment (Delta-Simons); and
- Noise Assessment (NVA)

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Northumbrian Water
Network Management
Houghton - Ward Councillor Consultation
Environmental Health
Fire Prevention Officer
NE Ambulance Service NHS Trust
Northumbrian Water
Force Planning And Police Architectural Liaison Officer
Tyne And Wear Archaeology Officer
Environment Agency
Natural England
The Coal Authority

Final Date for Receipt of Representations: 12.10.2015

REPRESENTATIONS:

Consultation Responses

The Coal Authority - No objection to the proposed development subject to conditions being imposed as set out in the Coal Authority response.

Network Management - No objection to the proposed development subject to conditions being imposed as set out in the Network Management Response.

Environmental Health - No objection to the proposed development subject to conditions being imposed as set out in the Environmental health Response.

The site is bound on the Southern Boundary by Coaley Lane and on the Western Boundary by Blind Lane. To the East of the development is the Russell Foster Football Centre. There are also existing residential developments to the South.

Land Contamination

The development comprises a residential development with gardens. The scheme divides the site into Phase 1 and Phase 2. The proposed land use is regarded as sensitive to the risk of land contamination and ground instability.

A Phase I Investigation (Desk Study and Preliminary Coal Mining Assessment) by Delta-Simons dated July 2014 has been supplied for the development. The investigation does not distinguish between the two phases of development. The Phase I investigation includes a search of environmental databases (Envirocheck), search of BGS online records, historical Ordnance Survey mapping obtained from Landmark and a Coal Authority Mining Report.

A site survey was undertaken by Capita-Simons on 14 July 2014. At that time the site was planted with mature barley. The site slopes generally from west to east however there was evidence of mounding, poor crop growth and colliery spoil in the central western area of the site. The mine entry was not visible. There is an electrical substation in the south-western corner of the site. A stream issues 12m from centre of the west boundary of the site and from historical mapping it is suspected that this is culverted below the site.

The earliest OS mapping of 1857 until 1874 shows the site to be occupied by Betty Pit, earthworks presumed to be spoil and an associated reservoir in the centre west of the site, and by Betty House in the south-western corner of the site. A stream crosses the site from a spring in the north east to exit the site on the south west. From 1896 Betty Pit is shown to be unused and the presumed spoil heap and stream are no longer shown. The OS mapping of 1959 indicates the disused shaft however by 1970 this is no longer shown on mapping. Surrounding land use includes other coal mines pre-1857 to c.1939 namely Mary Pit adjacent to the northern boundary, and June Pit located 180m north of the

site, Northern (Infectious Diseases) Hospital 100m to the north c.1895-1959 to be replaced by Edean waste treatment and disposal site c.1970-2006. Currently north of the site is woodland with residential land c.200m east of the site.

There are no landfills noted within 250m of the site however backfill of the reservoir, levelling of spoil and possible burial of the stream all point to presence of made ground on the site which is corroborated by the site survey. The offsite Edean works (scrapyard) were licensed to handle timber, packaging and vehicle wastes.

From geological mapping the geology is anticipated to be glacio-fluvial deposits (e.g. laminated clays) over most of the site with a small area of glacio-fluvial deposits (sands and gravels) at the southwest boundary of the site. The drift is underlain by Pennine Middle Coal Measures Formation.

The site is within a Coal Authority Development High Risk Area due to the presence of a mine entry and risk for shallow unrecorded workings. It is proposed to use the area of the mine entry for SUDS and the CA concurs that even with treatment the area of the shaft is not safe for building.

The Coal Authority recommends that conditions are placed to ensure that the risks from legacy coal mining are investigated for both the shaft and shallow workings and if necessary remedial measures are undertaken prior to development (house building) is undertaken on the site.

Delta-Simons have appeared to rule out a risk for mine gas from shallow unrecorded workings or the mine shaft. Public Protection and Regulatory Services considers a conceptual site model for gas risk is required to explain why there is no active source-pathway-receptor linkage for mine gas. In addition consideration should be given to possible generation of gas on the site from the backfilled reservoir and possible deep made ground.

The Coal Authority Report identifies recorded mining of seams between 90m and 300m below the site. Ground movement from mining of these seams should now have ceased. However the shaft is noted to have been filled to an unknown specification in 1966.

The BGS record NZ35SW34 of the Elizabeth (a.k.a. Betty) Shaft indicates the shallowest recorded coal seam to be at 57m with a thickness of 0.8m. An east-west trending fault is shown across the north portion of the site and therefore the variation of depth of coal beneath the site is uncertain. The Top and Bottom Ryhope Five Quarter and Ryhope Little seams subcrop to the west of the site and dip east beneath the site. These seams are also shown to subcrop to the north east and dipping away from the site. Due to the uncertainty inherent in geological mapping especially in the presence of faulting Delta-Simons recommend that intrusive investigation be carried out to determine the risk from shallow unrecorded mining. This should take into account likely faulting which increases the number of boreholes required to determine the dip and hence interpolate the depth of seams below the site.

Medium risks of ground contamination and hazardous gas due to mining activity and ground levelling have been identified, however the geotechnical risk of ground instability has been rated as High.

Public Protection and Regulatory Services concur with the recommendations of Delta-Simons and the Coal Authority that an intrusive investigation of the shaft and shallow coal seams should be undertaken. It is recommended that rotary drilling includes some coring to reduce the risk of an inconclusive investigation.

A gas risk assessment for the risk of mine gas and site generated gas from deep fill is required. Consideration should be given to the conceptual site model for design of gas monitoring.

An outline of the proposed Phase II Investigation has not been provided however it is presumed that the investigation will include targeted investigation of the reservoir, electrical substation (assuming access), former reservoir, Betty Pit and associated spoil, Betty House, possible backfill of former stream, and a grid of locations across the site to determine the extent of made ground and the relevant chemical properties of topsoil and made ground. Assuming that made ground is determined to be a potential problem then the possible concentrations of chemicals of concern for each garden will need to be considered. Chemicals of concern would include metals/metalloids, PAHs (speciated USEPA Priority 17), pH, Phenols, Asbestos, chemicals harmful to building materials, and TPH (banded and split) and PCBs where petroleum hydrocarbons or dielectric fluids are suspected.

Noise Assessment

An assessment of noise levels from nearby roads, Blind Lane and Coaley Lane, has been presented with the application. The assessment was dated 31st March 2014 and was produced by Noise & Vibration Associates (ref 246.48/3). 5 measurement positions along the two roads were used in the assessment and results provided together with calculated LAeq(16hour).

The assessment summarises that proposed housing units on the Western edge of the development nearest Blind Lane and the Southern edge of the development nearest Coaley Lane will all require some form of amelioration in the form of screening for gardens and enhanced sound insulation of the building envelope to ensure that internal noise levels meet acceptable levels. The noise standards used in the report are the World Health Organisation Guidelines for Community Noise and BS 8233:2014.

Night time noise levels have not been assessed and assumed to be at least 7dB(A) less than daytime levels. It is suggested that the noise amelioration levels suggested for daytime will also be sufficient for night time.

The noise amelioration measures suggested by the report include a screening bund or close boarded fence along the boundary with Blind Lane, and screening fence for the existing public house. Houses are generally fronting onto Coaley Lane and so provide a screen for the rear gardens apart from one which would also require a close boarded fence. Section 6.2.2, 6.2.3 provide detailed specification of the enhancements the building envelope would require to ensure internal noise levels meet acceptable levels. It is noted that the houses with windows in facades along the road boundaries will require ventilation systems enabling adequate ventilation without the need to open the windows onto noisy facades. It is also recommended that units facing the public house also have sound attenuating ventilators for those windows to habitable rooms

The author of the report notes that no layout is available at present and so the options given in table 2.0 are not finalised as yet.

Whilst it is accepted that the road noise has been adequately assessed it is thought that the Russell Foster Football Centre could also be a potential noise source that may negatively impact on the proposed housing development. It is recommended that an addendum to the noise assessment is provided to assess this noise source.

It is also recommended that a further more detailed noise statement is provided by the applicant to indicate which noise amelioration measures have been adopted for which plots within the development and a plan showing any relevant details and/ or location of fences/ bunds.

Construction Noise, Vibration and Dust

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

In any case it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

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

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

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

Vibration from demolition and construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into

account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down prior to and during the demolition

Stockpiles of waste materials arising from the or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site

Finally, detailed consideration must be given to British Standard 6187:2000, Code of Practice for Demolition and British Standard 5228-1

Northumbrian Water - No objections to the proposed development subject to the comments below:

The proposed development shall be carried out in strict accordance with the submitted Flood Risk Assessment.

Flood and Coastal Group Engineer - No objections to the proposed development subject to the comments below:

The application and submitted Flood Risk Assessment (April 2015), the developer has incorporated SUDs into the development and also restricted the flows to greenfield runoff rates with a maximum discharge of 50 litres per second. They have also connected the surface water into an adjacent watercourse. The above items are acceptable and comply with the National Planning Policy Framework.

As the details are only outline at this stage a condition is required for full drainage details including all drawings, calculations and a maintenance plan of how and who is going to maintain the Suds structures.

Houghton - Ward Councillor Consultation - No comments received.

Fire Prevention Officer - No comments on proposed scheme.

NE Ambulance Service NHS Trust - No response received

Force Planning And Police Architectural Liaison Officer - No response received

Tyne And Wear Archaeology Officer - No objection in principle to the development subject to conditions as listed in the main section of the report.

Environment Agency- No comment outside the scope of consultation with the EA.

Natural England - No comments to make on this application.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
B_11_Measures to protect the archaeological heritage of Sunderland (general)
H_21_Open space requirements in new residential developments (over 40 bed spaces)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_1_Protecting and enhancing the rural area (general)
CN_6_Retain / enhance important open breaks & wedges between / within settlements
CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
CN_14_Landscaping schemes and developments prominent from main transport routes
EN_1_Improvement of the environment
R_1_Working towards environmentally sustainable development
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_18_Design of street furniture and landscaping associated with highways schemes

COMMENTS:

Issues

The proposed development site is shown as an area of "Settlement Break" on the Council's adopted Unitary Development Plan (UDP) proposals map.

The proposed development is a departure from the adopted Unitary Development Plan and has been advertised accordingly.

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development. Paragraph 14 states that this means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs,
- encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land),
- always seek to secure a high quality design and a good standard of amenity,
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment

These core principles of the NPPF feed into policies EN10, EN11, EN12, EN14, H1, H4, H8, H16, H21, B2, CN6, CN8, CN15, CN17, CN20, CN21, CN22, R1, EN5, EN14, H21, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

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

- The principle of the proposed development;
- The impact of the development on visual and residential amenity;
- The impact of the development in respect of highway and pedestrian safety;
- The impact of the development in respect of ecology and biodiversity;
- The impact of the development in respect of flooding and drainage;
- The impact of the development in respect of ground conditions, including coal mining legacies;
- The implications of the development in respect of archaeology;
- Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- Set out their own approach to housing density to reflect local circumstances.

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable

development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), under the NPPF the planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

As noted above, the application site is not allocated for housing development by the UDP and but has been identified in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA), the purpose of which is to identify and assess a supply of potentially deliverable housing land in the City.

The proposed development site is allocated as Settlement Break in the Council's adopted Unitary Development Plan (UDP) and is therefore subject to Policy CN6 which states that:

"Important open breaks and wedges between settlements will be retained and enhanced".

The application is therefore contrary to Policy CN6. However, for the reasons stated above, the application needs to be considered against the more up to date development management tests set out in the NPPF.

Furthermore, the application site is considered suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2013(SHLAA) as a 'deliverable' housing development site which is available, suitable and viable for residential development.

The site is also shown in the City Council's draft Settlement Break Review (2013) document as potentially developable and likely to result in a moderate overall adverse impact, which could be feasibly mitigated.

In summary, there is not considered to be any clear conflict with the aforementioned land use-related policies in the UDP. However, and as has been raised by a number of objectors to the application, it is recognised that the application involves the development of a greenfield site, rather than securing the more desirable redevelopment of previously-developed 'brownfield' land. In

addition, objectors have also raised concern regarding the amount of new housing being built, or with planning permission, in the wider Houghton-le-Spring and Coalfields area.

Nevertheless, and especially as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability. In this regard, the proposed development will make a modest, but valuable, contribution to housing supply and in the absence of any clear conflict with relevant local and national land-use policies or a robustly-tested supply of housing land, the proposed development of this greenfield site for residential purposes is considered to be acceptable in principle, subject to the assessment of other impacts of the scheme, which are addressed in more detail below.

Impact of development on amenity

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity. Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy CN17 seeks to protect valuable trees and hedgerows.

In terms of the visual amenity of the locality, it is clear that the application site affects land which is currently open and has been used for horse grazing. The land is currently classified as agricultural land.

The proposed layout has been amended since original being submitted; however the proposed number of units has not changed. The changes to the layout were driven by the access to phase 1 conflicting with the applications to the proposed Holmlands regeneration.

The site has a mixture of 2,3 and 4 bedroom dwellings, vary from detached dwellings, semi-detached and terraced. The application is a hybrid and is split into 2 phases. Phase 1 :- full planning permission is sort, Phase 2 is outline planning permission.

The development site is located close to existing residential properties (phase 3 Holmlands), and as such the interaction between existing and proposed dwellings needs to ensure that amenity levels are not detrimentally affected. This has been achieved through appropriate boundary treatments and generous stand-off distances.

Furthermore the site borders Russells Wood and is in close proximity to the Russell Foster Football Academy. Therefore opportunities to qualitatively improve biodiversity towards the edges of the site should be incorporated into the development.

All dwellings proposed are two storeys in height. All of the dwellings proposed include private outdoor amenity space (private garden areas) and private car parking in the form of integral and detached garages and driveways.

Appropriate spacing, to protect the privacy of occupiers, is retained between dwellings in general accordance with the Council's adopted standards of 21 metres between main facings elevations and 14 metres between main elevations and blank gable walls.

The proposed development is therefore considered to be acceptable in terms of urban design and as such complies with policy B2 of the Unitary Development Plan.

The site levels have been taken into account in the overall design on Phase 1 and with a clear green corridor split to deal with the land level difference to Phase 2 which is currently proposed in outline on the overall proposed master plan.

With reference to the above comments, it is considered that impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policies CN17, B2 and H4 of the UDP, the Council's Residential Design Guide SPD and the core principles of the NPPF.

Agricultural Land

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. Natural England has a statutory role in advising local planning authorities about land quality issues.

The site does not include any excellent or very good agricultural land. The Agricultural Land Classification for the site is Grade 3b, with areas of 3a. The site as a whole would therefore be limited by the large areas of 3b soils, which would restrict both crop choice and yield, limiting the site as a whole to crop selections with the grade 3b range. According re- development of the land assessed would not result in a loss of high quality agricultural soils.

Having assessed a number of factors as listed above it is concluded that the land falls into the Agricultural Land Classification of Grade 3a/3b.

The definition of Grade 3b is "Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed over most of the year." Historical cropping highlights that the land has been in an arable rotation of Wheat, Barley and OSR for the last 10 years, being left fallow for the 2015 cropping period. The fact that the land has only been cropped with this narrow

range of arable crops, with below average yields, highlights that the soils are not capable of growing a greater range of arable crops, as would be expected of a grade 3a soil, for example potatoes. Although there are areas of 3a soils across the site, as the whole site is limited in terms agricultural capacity for a wider cropping range by the majority 3b soils across the site, as it would not be feasible to crop the areas of 3a and 3b soils differently.

Conclusion of land agricultural section

It is therefore concluded following a full and detailed assessment that the Agricultural Land Classification for the site at Coaley Lane, Houghton Le Spring is Grade 3b, with areas of 3a. The site as a whole would therefore be limited by the large areas of 3b soils, which would restrict both crop choice and yield, limiting the site as a whole to crop selections with the grade 3b range. The proposed re-development of the site is considered acceptable and as such is in compliance with the National Planning Policy Framework paragraph 112.

The impact of the development in respect of highway and pedestrian safety Highway Access and Car Parking

Policy T14 of the Council's adopted UDP is relevant to the consideration of the highway arrangements for this application.

Policy T14 requires that:

Proposals for new development should:

1. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
2. Not cause traffic congestion or highways safety problems on existing roads.
3. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
4. Make provision for the loading and unloading of commercial vehicles (for commercial development);
5. Indicate how parking requirements will be accommodated.

Traffic Impact

The application for the proposed development is supported by both a Transport Assessment and a Framework Travel Plan.

The site is located in close proximity to the junction of Coaley Lane / Sedgeleth Road / Blind Lane. The operational capacity of the existing four-arm junction at Coaley Lane / Sedgeleth Road / Blind Lane has been subject to testing through traffic modelling. The modelling considers traffic growth up to 2019, the findings of which identify that the junction will be operating over capacity based on vehicle trips generated by this development and other committed developments in the Coalfields area.

The Transport Assessment reviews the road safety history of nearby junctions and references personal injury accidents recorded over a three year period. At

the junction of Coaley Lane / Sedgely Road / Blind Lane, six accidents are recorded over this period, one resulting in serious injury and five slight injuries.

To address issues with over capacity and road safety concerns with the existing junction arrangement, the developer has proposed to fund the installation of a roundabout at this location. The roundabout proposal is considered to address these issues and can be constructed within the existing limits of public adopted highway. New footways and pedestrian crossing points can be provided on each approach, with either minimal or no alterations required to the access arrangements to adjacent properties.

In addition to the Coaley Lane / Sedgely Road / Blind Lane junction, the traffic modelling has identified capacity issues at the junction of A183 Chester Road and Golf Course Road. To address these issues, a proposal has been developed to provide localised widening within the existing limits of public adopted highway at the junction of Golf Course Road. This proposal will help address capacity issues and reduce queuing issues during peak traffic periods.

The proposed roundabout junction and localised widening on Golf Course Road have been developed to a preliminary design stage, and there will be a requirement for the Council to undertake the detailed design works. The developer will need to fund the design and installation of these highway improvements through a Section 278 Agreement.

The junction of the A690 Durham Road / High Lane (Stoneygate) has been assessed within the Transport Assessment to establish the impact of the development based upon the current junction arrangement. Taking into consideration the number of vehicle trips directly associated with the development proposal and likely distribution onto other routes, there will be no significant change in terms of the operational capacity of the Stoneygate junction.

It should be noted that the Council has recently undertaken a public engagement exercise with residents of Newbottle and the surrounding area in relation to potential changes to the current Stoneygate junction arrangement. This proposal is being developed separately by the Council, and is not within the scope of this planning application.

Site Access

The full application for Phase 1 comprises of 147 dwellings, and proposes an access directly from Coaley Lane. The proposed junction arrangement includes the provision of a pedestrian refuge island, right-turn pocket and markings within the carriageway to accommodate space for vehicles waiting to turn right into the development.

The proposed location for the Phase 1 access has been designed to accommodate a new junction proposed for the Gentoo Homes development of Homelands (Phase 3).

The outline application for Phase 2 comprises of approximately 130 dwellings, and proposes an access directly from Blind Lane. The proposed junction arrangement includes the provision of a right-turn pocket and markings within the carriageway to accommodate space for vehicles waiting to turn right into the development.

The new access is positioned to meet with junction requirements for visibility splay in both directions to allow vehicles to enter / exit the development in a safe manner.

To assist the provision of a new access from Blind Lane, the applicant has agreed to fund a traffic regulation order and associated consultation to allow the existing speed limit on Blind Lane to be reduced from 60mph to 30mph. Currently the national speed limit applies on the section of Blind Lane from the Beehive Public House (adjacent the sub-station) to where it meets with the existing 30mph limit applied at the start of the residential properties on Golf Course Road.

Parking

It is noted that the visitor parking arrangements along the main access road have been redesigned and distributed throughout the development. Visitor bays perpendicular to the highway need be adopted as part of the public highway.

S278 Highway Works

The following works will be subject to a Section 278 Agreement between the Council and the developer:

- Coaley Lane / Sedgeleth Road / Blind Lane junction improvement (proposed roundabout)
- A183 Chester Road / Golf Course Road junction improvement
- New highway access arrangements from Coaley Lane (Phase 1) and Blind Lane (Phase 2)
- Footways widening / alterations to Blind Lane / Coaley Lane and crossing points
- Provision of two new shelters to existing bus stops located on Coaley Lane
- Surfacing works to Public Right of Way to the north of the development between Blind Lane and existing pedestrian crossing facility on Staddon Way

S38 Highway Layout

The maximum number of dwellings to be served by a private shared access is not to exceed three units. The access points to private driveways will need to be formed with dropped kerbs.

It is noted that the Tyne and Wear Fire and Rescue Service have not raised any issues with regard to routes for emergency vehicle access arrangements for phase 1 /Phase 2.

The extent of highway adoption and construction details for carriageways, shared surfaces, footways, visitor parking and street lighting installation will be subject to approval as part of a Section 38 Agreement.

Traffic Calming

The proposed speed table arrangements located within the internal road layout are suitable, and will assist in keeping vehicle speeds at or below 20mph. The construction details will need to be agreed as part of the S38 process including requirements for signing and lining.

Public Right Of Way

The development proposes a pedestrian / cycle route through the development between Phases 1 and 2. Confirmation is required on when the delivery of this route is anticipated and associated footpath links connecting Phases 1 and 2. Consideration will need to be given to any potential safety issues in relation to the adjacent water course feature.

The route will connect to the existing public right of way network on land outside the site boundary to the north of the proposed development. Discussions have taken place regarding upgrading and improvements to this route given the likely increase in usage arising from the development. Benefits for the residents will be improved connectivity to Elba Park to the west and improved access to the Academy and Philadelphia to the east. The applicant has agreed to fund the surfacing works to the public right of way.

Public Transport

Discussions have taken place and the applicant has agreed to fund existing stops on the northern side of Coaley Lane in proximity to this development. A similar requirement has been put to the Gentoo development for bus stops on the southern side of Coaley Lane. Details are to be agreed with Nexus.

Travel Plan

The Framework Travel Plan submitted in support of the development is considered appropriate.

The application is accompanied by a Travel Plan; the travel plan has been carefully considered and as such complies with policy T14 of the Unitary Development Plan.

It is recommended that if members are minded to grant planning permission that a condition be imposed to ensure the Travel Plan is fully implemented.

HIGHWAYS CONCLUSION

The proposed development in terms of phase 1 and phase 2 has careful been considered as such complies with the council adopted Unitary Development Plan policies. As the application is a hybrid suitable conditions will be imposed on the relevant phases of development.

The impact of the development in respect of ecology and biodiversity;

A revised ecology assessment has been submitted (Rev 4 October 2015) which sets out general principles and standards required for the successful development of a range of habitats for the land including Sustainable Drainage System (SUDS) wetland, wildflower grasslands, species-rich hedgerows and woodland planting. It also covers the creation and management of a footpath network including woodland rides and glades with areas of grassland in the adjacent Russell Wood to the north.

SUDS will be created at the start of the development of each phase, with the scheme as a whole divided into two phases. Areas of public open space will be established alongside the phased development of the adjacent housing areas and will be planted up by a landscape contractor who will be responsible for their success during the establishment period. Long term management will be undertaken by a management company funded by residents of the new houses. Creation of the footpaths within Russell Wood will be undertaken during phase 1 of the development and the new paths will be managed by the management company.

Strategic reviews of the management of the site will be conducted at five year intervals to confirm that the management and maintenance regime within this document is successful, and to determine whether there is a requirement for amendments to the programme. Any amendments will be agreed with Sunderland City Council

Objectives

To improve woodland habitats along the proposed new footpath links in the woodland to be north, and progressively create green infrastructure associated with the new development that will conserve and enhance wildlife, meet the SUDs requirements, and enhance green infrastructure and quality of life for new residents.

The management plan will be relatively low input, to allow natural processes to take over once habitats have become established, in line with the long-term management regime

Environmental Records Information Centre North East (ERIC) indicated that six Local Wildlife Sites (LWS) are present within 2km of the site:

- Herrington Hill Woodland
- The Clouds
- Houghton Hill Cut and Scarp
- Lumley Woods
- Morton Wood
- Redburn Marsh

Given the distance of these sites from the proposed development, and the nature of the development, no adverse impacts are anticipated.

The records centre also provided records of the following protected and/or notable species from within 2km, during the last 20 years: great crested newt (890m), common toad, small heath, wall, grey dagger, common pipistrelle

(450m), noctule (450m), soprano pipistrelle (1km), otter (590m), hedgehog, water vole (620m), brown hare and red squirrel (2km).

Bats

There are no features within the site suitable to support roosting bats. Habitats within the site are generally of low value to bats, comprising an arable monoculture. However, woodland to the north and areas of scrub and hedgerow will provide better quality foraging opportunities.

Otter/ Water Vole

There are no watercourses within the site. A small field drain runs through an adjacent field to the west. Moors Burn is present 480m to the south and joins Herrington Burn. Otter have been recorded on both of these water courses and are likely to be present in the local area, however the species is unlikely to be present on site, due to the lack of potential foraging or lying up areas. Water vole are also likely to be absent given the lack of suitable habitats within the site.

Great Crested Newt

A pond is present approximately 330m to the north of the site, at the northern edge of the woodland. At the time of survey, two smooth newts and tadpoles were recorded within this pond, indicating its suitability to support amphibian species. Records of great crested newt were also provided 890m away. The surrounding scrub and woodland will provide good quality terrestrial habitat for amphibians.

Water samples were taken of this pond and analysed

Water samples were taken of this pond and analysed independently for the presence great crested newt eDNA. This analysis proved to be negative, highlighting that GCN are not present within the pond.

Red Squirrel

The woodland immediately to the north of the site may provide suitable habitat for red squirrel, however, the most recent records of the species from the local area are from 1997, and given more recent records of grey squirrel, the species is unlikely to be present.

Birds

A single skylark was flushed from the field at the time of survey, with woodpigeon also recorded on site. Chiffchaff, whitethroat, magpie, blue tit, woodpigeon and blackbird were recorded in the woodland to the north. The hedgerow and areas of scrub are likely to provide a nesting and foraging resource for small numbers of birds, which may include birds of conservation concern and farmland BAP species.

A wintering bird risk assessment survey was completed in October 2014. This survey recorded generally low numbers of common species which comprised 200+ woodpigeon, 4 pheasant, 4 carrion crow, a small overflying flock of

approximately 30 goldfinch, and a single skylark observed calling from a post along the eastern boundary of the site.

Badger

No evidence of badger sett building, foraging or commuting activity was recorded at the time of survey and there are no local records from ERIC. The arable field may provide some foraging habitat, with adjacent woodland providing potential for sett building.

Reptiles

Habitats on site are not considered suitable to support reptile species, lacking areas of potential shelter, basking and commuting habitat.

Priority species

Hedgehog and brown hare, both national Priority species, may be present on site on occasion, but arable habitats are poor for hedgehog.

OFF SITE HABITAT CREATION AND INITIAL MANAGEMENT DETAILS

Formalise public access to the adjacent woodland and improve green infrastructure links

The adjacent Russel Wood has footpath routes but these do not relate well to the proposed development. Creation of new circular routes, will encourage walking and dog walking in the local area, and help reduce footfall into local wildlife sites within 2km. Creation of woodland glades and rides associated with the paths and long-term management of the resulting grassland areas will create and maintain diversity within the woodland and increase the range of grassland habitats with the meadow type management of the new routes complimenting the unintensively managed grassland and tall herb habitats.

To improve access and the green infrastructure value of the adjacent woodland. To diversity the habitats through the creation of woodland rides and glades and implementation of late summer grass cutting to promote diverse fine-grass communities.

Major Management Actions

The following major management actions are in approximate time order and will be ongoing during each phase:

1. Identify main footpaths routes based on the plan above and fell trees and shrubs to create paths at least 3m wide. Chip arisings and use as surfacing to paths.
2. In areas proposed for woodland rides extend areas of clearance to create a sunny ride at least 6m wide, but retain scatter of good quality native specimen trees within the ride to create variety.
3. Create glades by felling poorer quality trees.
4. Grind stumps if required to clear path route and allow grass cutting.

5. Use an agricultural hedge trimmer to cut back adjacent branches to 600 and promote ectones
6. Harrow path and grassland areas to create level surfaces for future management.
7. Sow yellow rattle in grassland areas at 0.2g per square metre.
8. Import calcareous hoggin

FIRST FIVE YEAR MANAGEMENT

Progressive construction of areas of public open space

As phases of the development progress the associated areas of landscape planting will be implemented in line with section D of the submitted report (October 2015 Rev 4) above and then be managed as follows.

Annual site management regime

1. Spot treat pernicious weed species once a year between April and June.
2. Maintain new shrub planting in 80% bare ground for the first three years between April and September.
3. Replace any dead or dying trees and shrubs.
4. Strim footpaths and edges as required.
5. Cut back adjacent trees and shrubs along woodland paths in late winter years 3 and five.
6. Cut amenity grassland areas as required to maintain an average length of 50mm, likely to be every other week between March and October.

LONG TERM MANAGEMENT

The following management practices will be carried out annually and have been designed to be generally deliverable by a management contractor.

Survey and Site Monitoring

1. Biodiversity surveys will be used to assess and enhance the management plan at five year intervals.

The proposed development is considered acceptable in terms of ecological issues and the inclusion of a management plan in respect of ecological enhancement measures to be secured by inclusion in the section 106 agreement.

Should members be minded to grant planning permission relevant conditions should be imposed to ensure the required enhancements are fully implemented in order to achieve a satisfactory form of development and to comply with policy CN23 of the Unitary Development Plan.

The impact of the development in respect of flooding and drainage;

The aim of this FRA and drainage strategy report is to evaluate the current proposals with regard to flood risk and drainage, and identify potential flood risk to and from the development site. Fairhurst have carried out the following:

i. Assessment of the development potential of the site with regards to flood risk in line with the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change Planning Practice Guidance (PPG).

ii. An assessment of the surface water runoff.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) is to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

A risk-based approach should be adopted at all levels of planning. Applying the source pathway-receptor model to planning for development in areas of flood risk requires:

- a strategic approach which avoids adding to the causes or "sources" of flood risk, by means as avoiding inappropriate development in flood risk areas and
- minimising run-off from new development onto adjacent and other downstream
- property, and into the river systems;

- managing flood "pathways" to reduce the likelihood of flooding by ensuring that the
- design and location of the development maximises the use of SuDS, and takes
- account of its susceptibility to flooding, the performance and processes of
- river/coastal systems and appropriate flood defence infrastructure, and of the likely
- routes and storage of floodwater, and its influence on flood risk downstream; and

- reducing the adverse consequences of flooding on the "receptors" (i.e. people,
- property, infrastructure, habitats and statutory sites) by avoiding inappropriate
- development in areas at risk of flooding.

Flood risk assessment should be carried out to the appropriate degree at all levels of the planning process, to assess the risks of all forms of flooding to and from development taking climate change into account. A sequential risk-based approach should be applied to determining the suitability of land for development in flood risk areas.

In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3

Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources. Flood risk has been categorised as High, Medium and Low based on the probability of inundation. The Flood Risk and Coastal Change PPG are highlights the likely response to planning applications within each Flood Zone.

Residential development is categorised as "more vulnerable" and therefore should only take place within Flood Zones 1 or 2.

Site Levels

Levels fall south west towards Blind Lane. The highest levels are adjacent to the eastern boundary at approximate 68.00mAOD with the lowest in the middle of the western boundary at 48.00mAOD.

Existing Site Conditions - General Background

The development site is located on the western periphery of Newbottle in the district of Sunderland with an approximate National Grid Reference of NZ329512. The site is bounded by woodland to the north, undeveloped greenfield land to the east, Coaley Lane to the south and Blind lane to the west. The site, with a total area of 10.9ha, is currently undeveloped greenfield land. Levels fall south west towards Blind Lane. The highest levels are adjacent to the eastern boundary at approximate 68.00mAOD with the lowest in the middle of the western boundary at 48.00mAOD.

Existing Watercourses

There are no existing open watercourses within the development site. The nearest is an unnamed ditch, west of Blind Lane, which emerges from a culvert outlet immediately adjacent to the carriageway (Blind lane). It flows south west towards the Sedgeleth Sewage Treatment Works where it flows in to another culvert. The Northumbrian Water (NW) records show a surface water sewer in the vicinity of this secondculvert which is shown to flow south west, between Sedgeleth Farm and the sewage treatment works, to outfall to the Moor Burn near to Sedgeleth Road. Given the location of the headwall near to Blind Lane and the historic records (refer also to Section 3.4 in the FRA), it is likely that this watercourse is culverted within the development site.

Proposed Development

The current proposals are for the construction of a residential housing estate of varying configurations together with associated access roads.

Historic Features

Historic mapping for the area has been examined from 1857 to the present day in order to identify changes in land use on the site and throughout the catchment which may be relevant to flood risk.

Part of the site has been used as a quarry at the turn of the twentieth century but this is no longer shown on plans from 1920. The remainder of the site appears to have remained as greenfield/ farmland. A reservoir is noted on those plans which

show the quarry and it is assumed that this feature was created to serve the needs of the mining operations.

Examining the site today, there is no evidence that this reservoir exists and is therefore not considered to pose a risk of flooding to the site.

A watercourse is also noted to originate within the site, near to the centre, flowing westwards towards Blind Lane. This watercourse, West of Blind Lane remains to the present day, but within the site, it is not shown on maps later than 1895 and therefore is assumed to have been culverted.

The Environment Agency Flood Map shows the development site to be within Flood Zone 1 (Low Probability of flooding), as shown in Figure 2. This is outside of the area which is at risk from extreme fluvial or tidal flooding and the site is therefore not at risk from inundation in a 1 in 1000 year event.

The Sunderland City Council Level 1 Strategic Flood Risk Assessment (SFRA) was published in June 2010. The SFRA has been examined and found to confirm the site to be within Flood Zone 1.

Overland flow

The greenfield land to the east falls westwards towards the site. The risk of surface water runoff onto the site from this land can be addressed through the installation of appropriate filter or 'cut-off' drains on the eastern boundary which will intercept these flows before they enter the site. Any residual risk from overland flow can be mitigated by setting development finished floor and external ground levels to route water around and away from the properties.

Land to the north and south of the site is at grade with the levels on the northern and southern boundaries and primarily consists of woodland (north) or highways (south). The risk of flooding from these areas are considered to be low as flow is not directed towards the development. Blind Lane and the land to the west falls away from the development. These areas are therefore not considered to pose a risk of flooding to the development.

SURFACE WATER DRAINAGE

The development is within Flood Zone 1, therefore in accordance with the NPPF, the Flood Risk Assessment focuses on the management of surface water to ensure flood risk is not increased elsewhere. The surface water strategy for the site will be developed in accordance with The Building Regulations Part H.

Proposed Surface Water Drainage

Principles

- The Building Regulations Part H sets out a hierarchy for the choice of discharge point for a rainwater system. In order of priority, the possibilities are given as:
- an adequate soakaway or some other adequate infiltration system; or where that is

- not reasonably practicable,
- a watercourse; or where that is not reasonably practicable,
- a sewer.

Infiltration

A geoenvironmental desk study has not yet been completed for the site. However, the British Geological Survey (BGS) online records have been consulted and it was found that one borehole has been sunk within the site (the former pit shaft). This found that the underlying geology consists primarily of clays (up to a depth of approximately 27mBGL). There are also further boreholes within the vicinity of the site, west of Blind Lane and Staddon Way which all show that the underlying deposits are also boulder clays.

Overall, it is considered that the ground conditions at the proposed development are likely to preclude the use of infiltration systems to discharge surface water runoff. This will be reviewed at the detailed design stage after the results of a full ground investigation have been obtained.

Discharge to a watercourse

The nearest watercourse to the site is that which flows from the western side of Blind Lane. This flows through a series of open channels and culverts and is anticipated to outfall to Moor Burn. As the development site currently discharges to this watercourse, it is intended to retain this regime post-development and thus follow the hierarchy of discharge location from the Building Regulations Part H.

Discharge to a sewer

As it is intended to discharge surface water to a watercourse, it is not necessary to consider discharge to a sewer.

Design Principles

To minimise flood risk from the development, surface water discharge will be limited and attenuated to the equivalent existing greenfield runoff rates. These have been calculated in accordance with the EA/DERFA R&D Technical Report W5-074 'Preliminary Rainfall Runoff Management for Developments'. It is anticipated that the development will create a total impermeable area 5.45ha. The SuDS Manual (CIRIA c697) details a wide range of drainage techniques some of which may be incorporated within the proposed drainage design. Some which may still be suitable for this site include:

- green roofs;
- rainwater harvesting;
- pervious pavements, drives and car parking spaces (or any such area not offered
- for adoption by the Highway Authority;

The feasibility and suitability of each SuDS solution will be fully appraised at the detailed Design stage of the development. However, it is considered that the information provided demonstrates that a feasible solution is available. This will ensure that flood risk will not increase on or off site as a result of the proposed development.

FOUL DRAINAGE

Foul flows have been calculated to be 13.8 l/s. Northumbrian Water (NW) were consulted through a 'Pre-Development Enquiry' and have confirmed that the foul flows can be accommodated within the adopted combined network at NW manhole 8101 in Blind Lane

Conclusion on Flood Risk Assessment

The Flood Risk Assessment for the proposed housing development at Newbottle has been prepared in accordance with the NPPF and the Flood Risk and Coastal Change Planning Practice Guidance.

There are no recorded incidents of flooding, from either surface water or fluvial sources, which have affected the site, as confirmed by Sunderland City Council and Northumbrian Water.

The development site is not within the Environment Agency's indicative flood envelopes and is therefore classed as being within Flood Risk Zone 1. Based on the compatibility of developments within each Flood Zone, set out within the Planning Practice Guidance, the site is suitable for all types of developments.

Increased runoff from the introduction of impermeable surfaces will be attenuated on site to ensure no increase in flood risk to the surrounding area. The site is unlikely to be suitable. The possible effects of climate change have been considered by acknowledging their requirement to make an allowance for increased rainfall in the calculation of the surface water discharge rates over the lifespan of the development in line with NPPF.

The condition proposed below relates to both Phase 1 (Full Planning Permission) and Phase 2 (Outline).

Condition - The development hereby permitted shall not be commenced on each phase until such time as a suitable drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

It is considered that on the above basis the proposed development is acceptable in terms of flood risk and is in accordance with the requirements of Policy EN12 of the adopted UDP.

The impact of the development in respect of ground conditions, including coal mining legacies;

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- o Unstable or potentially unstable;
- o Contaminated or potentially at risk from migrating contamination;
- o Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site, where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

Land Contamination

The development comprises a residential development with gardens. The scheme divides the site into Phase 1 and Phase 2. The proposed land use is regarded as sensitive to the risk of land contamination and ground instability.

A Phase I Investigation (Desk Study and Preliminary Coal Mining Assessment) by Delta-Simons dated July 2014 has been supplied for the development. The investigation does not distinguish between the two phases of development. The Phase I investigation includes a search of environmental databases (Envirocheck), search of BGS online records, historical Ordnance Survey mapping obtained from Landmark and a Coal Authority Mining Report.

A site survey was undertaken by Capita-Simons on 14 July 2014. At that time the site was planted with mature barley. The site slopes generally from west to east however there was evidence of mounding, poor crop growth and colliery spoil in the central western area of the site. The mine entry was not visible. There is an electrical substation in the south-western corner of the site. A stream issues 12m from centre of the west boundary of the site and from historical mapping it is suspected that this is culverted below the site.

The earliest OS mapping of 1857 until 1874 shows the site to be occupied by Betty Pit, earthworks presumed to be spoil and an associated reservoir in the centre west of the site, and by Betty House in the south-western corner of the site. A stream crosses the site from a spring in the north east to exit the site on the south west. From 1896 Betty Pit is shown to be unused and the presumed spoil heap and stream are no longer shown. The OS mapping of 1959 indicates the disused shaft however by 1970 this is no longer shown on mapping. Surrounding land use includes other coal mines pre-1857 to c.1939 namely Mary Pit adjacent to the northern boundary, and June Pit located 180m north of the site, Northern (Infectious Diseases) Hospital 100m to the north c.1895-1959 to be replaced by Endean waste treatment and disposal site c.1970-2006. Currently north of the site is woodland with residential land c.200m east of the site.

There are no landfills noted within 250m of the site however backfill of the reservoir, levelling of spoil and possible burial of the stream all point to presence of made ground on the site which is corroborated by the site survey. The offsite Enean works (scrapyard) were licensed to handle timber, packaging and vehicle wastes.

From geological mapping the geology is anticipated to be glacio-fluvial deposits (e.g. laminated clays) over most of the site with a small area of glacio-fluvial deposits (sands and gravels) at the southwest boundary of the site. The drift is underlain by Pennine Middle Coal Measures Formation.

The site is within a Coal Authority Development High Risk Area due to the presence of a mine entry and risk for shallow unrecorded workings. It is proposed to use the area of the mine entry for SUDS and the CA concurs that even with treatment the area of the shaft is not safe for building.

The Coal Authority recommends that conditions are placed to ensure that the risks from legacy coal mining are investigated for both the shaft and shallow workings and if necessary remedial measures are undertaken prior to development (house building) is undertaken on the site.

Delta-Simons have appeared to rule out a risk for mine gas from shallow unrecorded workings or the mine shaft. Public Protection and Regulatory Services considers a conceptual site model for gas risk is required to explain why there is no active source-pathway-receptor linkage for mine gas. In addition consideration should be given to possible generation of gas on the site from the backfilled reservoir and possible deep made ground.

The Coal Authority Report identifies recorded mining of seams between 90m and 300m below the site. Ground movement from mining of these seams should now have ceased. However the shaft is noted to have been filled to an unknown specification in 1966.

The BGS record NZ35SW34 of the Elizabeth (a.k.a. Betty) Shaft indicates the shallowest recorded coal seam to be at 57m with a thickness of 0.8m. An east-west trending fault is shown across the north portion of the site and therefore the variation of depth of coal beneath the site is uncertain. The Top and Bottom Ryhope Five Quarter and Ryhope Little seams subcrop to the west of the site and dip east beneath the site. These seams are also shown to subcrop to the north east and dipping away from the site. Due to the uncertainty inherent in geological mapping especially in the presence of faulting Delta-Simons recommend that intrusive investigation be carried out to determine the risk from shallow unrecorded mining. This should take into account likely faulting which increases the number of boreholes required to determine the dip and hence interpolate the depth of seams below the site.

Medium risks of ground contamination and hazardous gas due to mining activity and ground levelling have been identified, however the geotechnical risk of ground instability has been rated as High.

Public Protection and Regulatory Services concur with the recommendations of Delta-Simons and the Coal Authority that an intrusive investigation of the shaft and shallow coal seams should be undertaken. It is recommended that rotary drilling includes some coring to reduce the risk of an inconclusive investigation.

A gas risk assessment for the risk of mine gas and site generated gas from deep fill is required. Consideration should be given to the conceptual site model for design of gas monitoring.

An outline of the proposed Phase II Investigation has not been provided however it is presumed that the investigation will include targeted investigation of the reservoir, electrical substation (assuming access), former reservoir, Betty Pit and associated spoil, Betty House, possible backfill of former stream, and a grid of locations across the site to determine the extent of made ground and the relevant chemical properties of topsoil and made ground. Assuming that made ground is determined to be a potential problem then the possible concentrations of chemicals of concern for each garden will need to be considered. Chemicals of concern would include metals/metalloids, PAHs (speciated USEPA Priority 17), pH, Phenols, Asbestos, chemicals harmful to building materials, and TPH (banded and split) and PCBs where petroleum hydrocarbons or dielectric fluids are suspected.

Noise Assessment

An assessment of noise levels from nearby roads, Blind Lane and Coaley Lane, has been presented with the application. The assessment was dated 31st March 2014 and was produced by Noise & Vibration Associates (ref 246.48/3). 5 measurement positions along the two roads were used in the assessment and results provided together with calculated LAeq(16hour).

The assessment summarises that proposed housing units on the Western edge of the development nearest Blind Lane and the Southern edge of the development nearest Coaley Lane will all require some form of amelioration in the form of screening for gardens and enhanced sound insulation of the building envelope to ensure that internal noise levels meet acceptable levels. The noise standards used in the report are the World Health Organisation Guidelines for Community Noise and BS 8233:2014. The screen has been incorporated in the design on Phase 1.

Night time noise levels have not been assessed and assumed to be at least 7dB(A) less than daytime levels. It is suggested that the noise amelioration levels suggested for daytime will also be sufficient for night time.

The noise amelioration measures suggested by the report include a screening bund or close boarded fence along the boundary with Blind Lane, and screening fence for the existing public house. Houses are generally fronting onto Coaley Lane and so provide a screen for the rear gardens apart from one which would also require a close boarded fence. Section 6.2.2, 6.2.3 provide detailed specification of the enhancements the building envelope would require to ensure internal noise levels meet acceptable levels. It is noted that the houses with windows in facades along the road boundaries will require ventilation systems enabling adequate ventilation without the need to open the windows onto noisy facades. It is also recommended that units facing the public house also have sound attenuating ventilators for those windows to habitable rooms

Whilst it is accepted that the road noise has been adequately assessed it is thought that the Russell Foster Football Centre could also be a potential noise source that may negatively impact on the proposed housing development. It is

recommended that an addendum to the noise assessment is provided to assess this noise source.

It is also recommended that a further more detailed noise statement is provided by the applicant to indicate which noise amelioration measures have been adopted for which plots within the development and a plan showing any relevant details and/ or location of fences/ bunds.

Construction Noise, Vibration and Dust

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

In any case it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

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

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

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

Vibration from demolition and construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water

browsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down prior to and during the demolition

Stockpiles of waste materials arising from the or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site

The Environment Agency and the City Council's Pollution Control Team have been consulted regarding the proposed development.

The Environment Agency has not commented on the application.

The City Council's Pollution Control team has confirmed that it has no objection to the proposed development subject to the inclusion of planning conditions on any approval granted requiring submission of further geotechnical assessments, proposed remediation measures, verification report and also a condition to deal with any contamination that is uncovered unexpectedly during the construction phase of the development.

The proposed development is therefore considered to be acceptable in terms of ground conditions subject to conditions being imposed should members be minded to grant consent. Conditions to cover ground contamination, site set up, coal authority condition, hours of operation.

The implications of the development in respect of archaeology;

An archaeological desk based assessment and geophysical survey has been submitted.

The assessment concludes that this was the site of Elizabeth or Betty Pit. This was part of Newbottle Colliery, which opened in 1816. Associated with the pit was a waggonway, Betty Pit House and a reservoir. The pit is shown on a plan of Durham Main Colliery of 1822. Betty Pit was disused by 1896.

The geophysical survey detected features associated with Betty Pit and possible ditches. Former field boundaries and ridge and furrow were also recorded.

Archaeological evaluation trial trenching will be required before development can proceed.

Where archaeological remains are found in the preliminary trenches, and where those remains are at threat from the proposed development, further archaeological excavation will be required to fully excavate and record the remains prior to development.

The trenches will need to avoid the overhead electricity cables and pylons.

Therefore it is recommended that if members are minded to grant planning permission, suitable conditions should be imposed to covering the following:-

- Archaeological excavation and recording;
- Production of a post excavation report; and
- Publication of archaeological fieldwork.

The proposed development is considered acceptable in terms of archaeology and as such complies with policy B11 of the Unitary Development Plan.

Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

Play Space

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible

However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers,

The developer has therefore agreed to provide a financial contribution, of (147 x £701) £103,047 Phase 1 and (130 x £701) £91,130 . The money has been allocated to be spent on the Newbottle Play area.

The proposed off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

Affordable Housing:- 10% affordable housing will be provided as part of the scheme this will equate to 28 units and will be provided on site over phases 1 and 2.

The tenure split for the affordable housing is proposed as 75% affordable rent and 25% Intermediate Tenure.

Phase 1 = 15 units

Phase 2 = 13 units

Total 28 Units

A plan has been provided showing the proposed units pepper potted throughout the site. The proposed affordable provision is considered acceptable and in accordance with the city councils policy.

Education

A contribution towards educational facilities has been proposed for both phases 1 and 2 as set out below:-

Phase 1 (Primary Places) - 147 dwellings = £225,891 (Newbottle Academy, Shiney Row Primary School, Dubmire Primary School, Burnside Primary School)
Phase 1 (secondary places - £197,054 (Kepier Academy)

Phased payments

On occupation on Phase 1:

Three Phased payments:

Occupation 40th unit £140,981.66

Occupation 80th unit £140,981.66

Occupation 120th unit £140,981.68

Total Sum £422,945.00

On occupation on Phase 2:

Phase 2 (Primary Places) - £202,113

Phase 2 (Secondary) - £179,140

Three Phased payments:

Occupation 40th unit £127084.33

Occupation 80th unit £127084.33

Occupation 120th unit £127084.34

Total Sum £381,253

Total Phase 1 = £422,945

Total Phase 2 = £381,253

Overall Education contribution:- £804,198

Highways - No contributions, highway works to undertaken using sections 38 and 278 agreements.

Ecology - A sum of £60,000 has been agreed with the developer to contribution towards the proposed Local Wildlife Site Success Railway Cutting.

Conclusion on Section 106 contributions

Totals financial provisions for (Phase 1 and 2)

Play: £194,177

Education: £804,198

Ecology: £60,000

Total £1,058,375

The proposed contributions are considered acceptable and comply with the relevant policies of the adopted Unitary Development Plan.

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.

Summary

The principle of housing development is considered to be acceptable, similarly the proposed development is considered to be acceptable in terms of urban design, highway access and car parking, flood risk, ground conditions, ecology, archaeology, affordable housing onsite provision and play space.

Recommendation: Delegate to the Director of Commercial Development for approval subject to the satisfactory completion of the section 106 agreement, and draft conditions as listed below in respect of ;-

Draft Conditions:

- 1 The development of Phase 1 hereby permitted shall begin not later than three years from the date of this permission.

REASON: To comply with the requirements of Section 92 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 Application for approval of the reserved matters for Phase 2 shall be made to the local planning authority not later than five years from the date of this permission, and shall begin not later than two years from the date of approval of the last reserved matters to be approved.

REASON: To comply with the requirements of Section 92 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.

- 3 Phasing

The development hereby approved shall be phased in accordance with the Phasing Plan Drawing Number: NBPH-000 unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and comply with polciy B2 and T14 of the adopted Unitary Development Plan.

- 4 Prior to commencement of development on each phase a detailed scheme for the management and disposal of surface and foul water for that phase must first have been submitted to and approved by the local planning authority. This scheme will be in accordance with the Flood Risk Assessment Document Reference D/I/D/107298/01 Issue 7 and the Newbottle Phasing Plan Drawing Number: NBPH-000 unless otherwise agreed in writing with the Local Planning Authority.

The Drainage Corridor shown on the Newbottle Phasing Plan Drawing Number: NBPH-000 has been approved as part of the Phase 1 full planning permission.

REASON: To safeguard the water environment, reduce the risk of flooding and for the avoidance of doubt and to comply with policy EN5 of the adopted Unitary Development Plan.

- 5 No groundworks or development shall commence on each phase until a programme of archaeological fieldwork for that phase (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

REASON: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies (B13 and B14).

- 6 The building(s) of each phase shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork for that phase undertaken in pursuance of Condition 5 has been submitted to and approved in writing by the Local Planning Authority.

REASON: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B13 and B14.

- 7 The buildings of each phase shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken for that phase has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

REASON: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

- 8 Prior to commencement of development of each phase a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include operational hours, construction traffic access; construction related parking arrangements, wheel wash or road sweeping measures, material storage and cabin/compound location details. The development of each phase shall be carried out in accordance with the approved details for that phase.

REASON: All other conditions remain valid as from the Outline as such the above seems appropriate for the level of detail now submitted to be approved in order to comply with policies B2 and T14 of the Unitary Development Plan.

- 9 Construction work or deliveries associated with the proposals shall only take place between the hours of 07:00 to 19:00 hours Monday to Friday and 07:30 to 14:00 Saturday, with no activity Sundays or Bank Holidays without any prior approval from the Local Planning Authority.
- 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 on Phase 1 or Phase 2 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 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment for Phase 1 and Phase 2, 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 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme for Phase 1 and Phase 2 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 adopted Unitary Development Plan.
- 13 Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) for Phase 1 and Phase 2 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 minimise, 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 Unexpected Contamination In the event that contamination is found at any time on Phase 1 or Phase 2 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 The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to for Phase 1 and Phase 2, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority. Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 16 The biodiversity enhancement and mitigation measures set out in the E3 Ecology report (October 2015 Rev) shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

17 PHASE 1 ONLY (FULL PLANNING PERMISSION)

Approved Plans

The development of Phase 1 shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

- Newbottle Phase 1 Site Layout Plan Rev B
- Newbottle External Works - Drawing Number: New/ENG/Ext/001 Rev P3
- Newbottle Phase 1 Materials Layout - Drawing Number: NB-002
- Newbottle Housetype Roof Plans - Drawing Number: XXX/A/RP/01
- Bickleigh (Village) - Drawing Number: BK-WD06/1-BB Rev A
- Clayton Corner - Drawing Number: CCA-WD06-BB Rev F
- Corfe (Village) - Drawing Number: CF-WD06-BB Rev F
- Chedworth (Village) - Drawing Number: CD-WD06-BB Rev M
- Hanbury (village) - Drawing Number: HB-WD06-BB Rev P
- Hatfield (Village) - Drawing Number: HT-WD06-BB Rev P
- Lumley (village) - Drawing Number: LY-WD06-BB REV L
- Roseberry (village) - Drawing Number: RS-WD06-BB Rev S
- Rufford (village) - Drawing Number: RF-WD06-BB Rev P
- Winster (village) - Drawing Number: WS-WD06-BB Rev S
- Corfe (Village) - Drawing Number: CF-WD06-RB Rev F

- Chedworth (Village) - Drawing Number: CD-WD06-RB Rev M
- Hanbury (village) - Drawing Number: HB-WD06-RB Rev P
- Hatfield (Village) - Drawing Number: HT-WD06-RB Rev P
- Lumley (village) - Drawing Number: LY-WD06-RB Rev L
- Moseley (Village) - Drawing Number: MS-WD06-RB Rev L
- Roseberry (village) - Drawing Number: RS-WD06-RB Rev S
- Rufford (village) - Drawing Number: RF-WD06-RB Rev P
- Winster (village) - Drawing Number: WS-WD06-RB Rev S
- Newbottle Fully rendered elevations (Group Core Housetypes) - Drawing Number: XXX/A/R-HT/01

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

- 18 No dwellings on Phase 1 shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the LPA. The submitted details shall include planting plans, specifications and schedules. The detailed landscape proposals shall be carried out in substantial accordance with the principles of the Landscape Masterplan Drawing Number: 5592-99-101 Rev B.

The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

REASON: In the interest of amenity and ensuring a satisfactory form of development and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

- 19 Bin Storage

No development shall take place in Phase 1 until a scheme for the storage of refuse, providing for the use of wheeled refuse bins, has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the refuse storage facility for that building has been provided in accordance with the approved scheme, and the facility shall be retained thereafter

REASON: In the interest of amenity and ensuring a satisfactory form of development and comply with policy B2 of the adopted Unitary Development.

- 20 Materials

Development above ground level shall not progress until details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Each phase of development shall be carried out in accordance with the approved details for that phase.

REASON: In the interests of ensuring public and private amenity and to comply with policy B2 of the adopted Unitary Development Plan.

21 PHASE 2 ONLY (OUTLINE PLANNING PERMISSION)

Reserved Matters

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for phase 2 shall be submitted to and approved in writing by the local planning authority before any residential development begins and the residential development shall be carried out as approved.

The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Masterplan (Drawing Number: CPT PL03 Rev A) and the Design and Access Statement (April 2015).

REASON: To make sure that the development takes the form agreed by the planning authority and results in a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

22 Each application for reserved matters approval shall include a statement detailing how the application responds to the design principles contained within the Masterplan (Drawing Number: CPT PL03 Rev A) and the Design and Access Statement (April 2015) on the following matters, subject to revisions agreed in writing by the Local Planning Authority:

- Place making including built form, design, scale, height and massing;
- Design, materials, detailing and boundary treatment;
- Movement including street hierarchy, connectivity and design principles; and
- The design and function of landscaping, green infrastructure and open space.

REASON: To ensure consistency with the Masterplan and Design and Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area and to comply with policy B2 and T14 adopted Unitary Development Plan

23 Landscape

No dwellings on Phase 2 shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include planting plans, specifications and schedules. The detailed landscape proposals shall be carried out in substantial accordance with

the principles of the Landscape Masterplan Drawing Number: 5592-99-101 Rev B.

The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

REASON: In the interest of amenity and ensuring a satisfactory form of development and comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan,

24 Access

Means of access to and egress from Phase 2 will be in accordance with 'Blind Lane Site Access General Arrangement Drawing Number: NEA/1308/SA02 (Appendix E of JMP Transport Assessment Issue 3 dated 16/09/2015)' unless otherwise agreed in writing with the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development with policy T14 of the adopted Unitary Development Plan.

25 Noise

Prior to commencement of residential development in Phase 2, a noise report shall be submitted to and approved by the Local Planning Authority detailing the amelioration measures outlined in NVA Report Number 246.48/3 'Measurement and Assessment of Noise Levels in way of Proposed Residential Development Site'. The development shall be carried out in accordance with the approved details.

REASON: To protect residential amenity and ensure a commensurate level of protection against noise in accordance with the NPPF.

26 Highways conditions - Wording to be agreed with Network Management and circulated at the meeting for members consideration.

27 Prior to the commencement of development on Phase 1 and Phase2 the following information is required to be submitted and approved in writing with the Local Planning Authority:-
The submission of a scheme of intrusive site investigations for approval for both the mine entry and shallow coal workings;
The undertaking of these intrusive site investigations;

The submission of a report of findings arising from the intrusive site investigations including a plan showing the relationship of the mine entry and its zone of influence to the development layout;
The submission of a scheme of remedial works for approval, for both the mine entry area shallow coal workings if required; and
Implementation of these remedial works.

In order to achieve a safe and satisfactory form of development comply with policies EN1 and EN14 of the adopted Unitary Development.

- 28 Prior to occupation of the 50th dwellings on Phase 1 the roundabout proposal for Coaley Lane/Blind Lane will need to be fully completed and open to traffic in order to comply with policy T14 of the adopted Unitary Development Plan.
- 29 Prior to occupation of the 50th dwellings on Phase 1 the two bus shelters on Coaley Lane will need to be fully completed and open to the public for use in order to comply with policy T14 of the adopted Unitary Development Plan.
- 30 Prior to occupation of the 50th dwellings on Phase 1 the widening of Chester Road and Golf Course Road will need to be fully completed and open to the public for use in order to comply with policy T14 of the adopted Unitary Development Plan.
- 31 The Travel Plan and mitigation measures set out in the Framework Travel Plan (Dated 15th Dec 2014) for Phase 1 and Phase 2 shall be fully implemented in accordance with the measures set out in that report, in the interest of highway safety and to comply with the requirements of policy T14 of the adopted Unitary Development Plan.

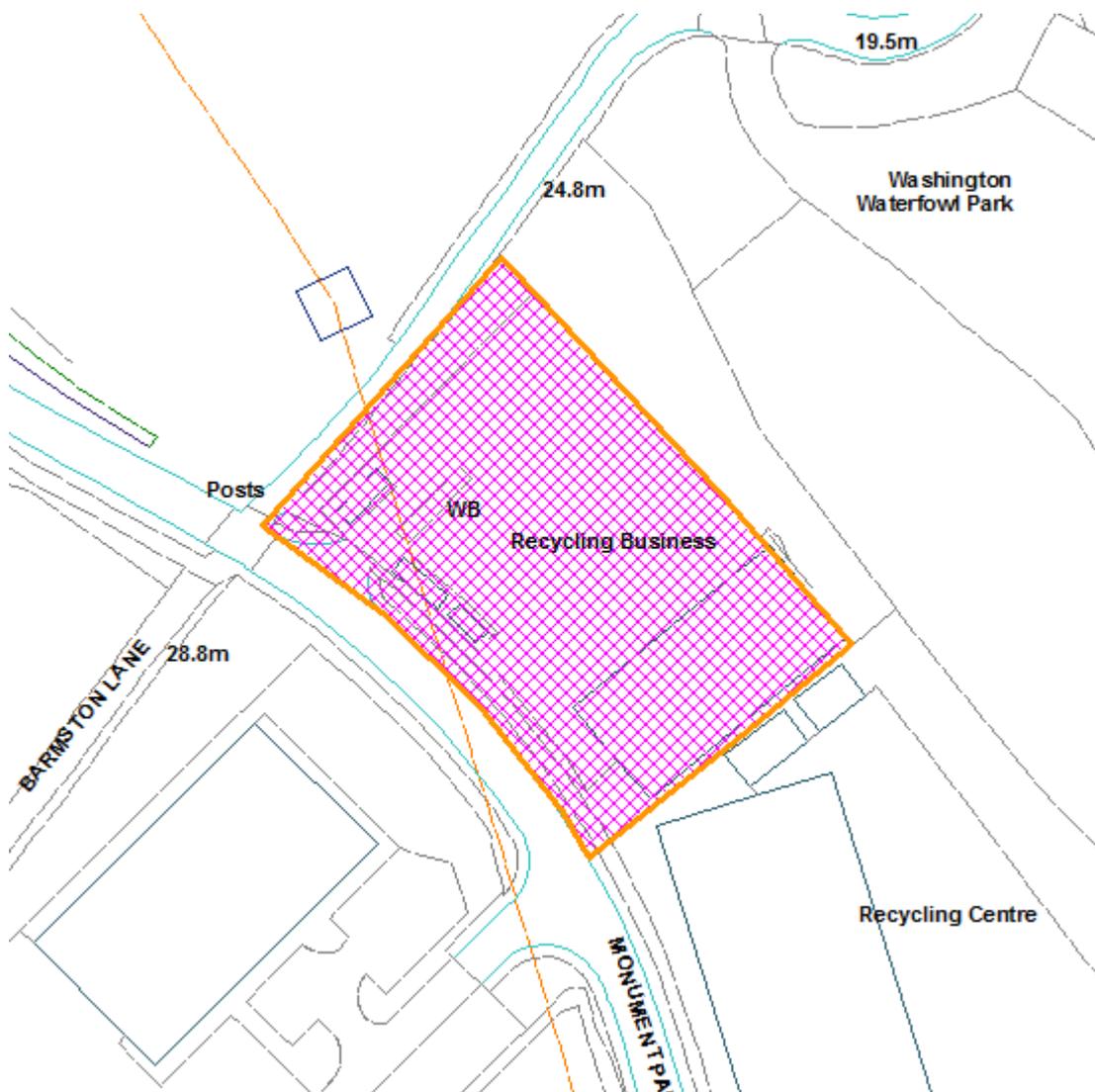
Reference No.: 15/01048/MAW Minerals- Waste (County Matters)

Proposal: **Change of use of existing metal recycling facility to a material recycling facility and associated infrastructure (Amended Description 09.06.2015) (further consultation following receipt of additional information).**

Location: Land At Monument Park Washington

Ward: Washington East
Applicant: Europa Waste Management Ltd
Date Valid: 26 May 2015
Target Date: 25 August 2015

Location Plan



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PROPOSAL:

Planning permission is sought for a change of use of existing metal recycling facility to a material recycling facility and associated infrastructure, land at Monument Park Industrial Estate, Washington, NE38 8QU.

The proposed change of use affects an existing metal recycling facility located within the industrial estate at Monument Park in Washington. Monument Park is a recently-developed industrial estate located to the south-west of Pattinson Road, from which the estate is principally accessed. It features a range of commercial and industrial uses, including the offices and manufacturing space of John Flowers Ltd. (a roofing contractor) and James Ingleford Scaffolding, together with waste transfer stations operated by HW Martins and NIRAMAX.

The land to the north-east and south-west of Pattinson Road had, until relatively recently, been primarily industrial/commercial in nature, but as heavy industrial operations have ceased, so land has been developed for residential purposes. The dwellings at Teal Farm, approximately 250 metres to the south-west of the application site, were granted planning permission in 1987, whilst the residential developments at Teal Park Farm and Teal Park Village, on either side of Pattinson Road approximately 500 metres to the south-west of the site, are currently under construction. The land to the north and north-west of Monument Park is still primarily in commercial/industrial use and forms part of Pattinson Industrial Estate.

The application site is roughly rectangular in shape and has an area of approximately 5800 sq. metres. It is bounded by the spine road into the estate on its south-west side, Barmston Lane (not open to vehicular traffic but which forms part of the C2C Cycle Route) on its north-west side and the grounds of Washington Wildfowl and Wetlands Trust Centre to the north-east. The south-eastern boundary is shared with the aforementioned HW Martins waste transfer station.

The existing recycling facility comprises a concrete hardstanding covering an area of approximately 3700 sq. metres, upon which stand a large recycling building and 3 no. single-storey 'Portakabin' office buildings. The site also includes a pit-mounted weighbridge, material storage bays and parking spaces and is enclosed by 5 metre high fencing. A strip of land included within the application site, but outside the enclosed extent of the recycling facility, forms part of the Tyne and Wear Green Belt and has been landscaped to provide a buffer to the Wildfowl and Wetlands Trust Centre.

The industrial estate of Monument Park was granted outline planning permission in January 2005 (application ref. 04/02687/OUT), with a reserved matters application for the road infrastructure associated with the estate approved later in the year (application ref. 05/02033/REM).

The application site itself was developed as a recycling facility following the approval of application ref. 10/03228/FUL at the Development Control (Hetton, Houghton and Washington area) Sub-Committee meeting on 1st February 2011. This saw planning permission granted for the 'erection of a materials recycling facility for the processing of wood, plastics, cardboard, metal and rubble (all non-

hazardous, no trade effluents), an associated service yard, storage building, portacabin and weighbridge, parking and landscaping'.

A variation of condition 13 of this approval was then granted under application ref. 11/03262/VAR (approved 28th December 2011); this allowed for the temporary storage of inert materials brought onto the site within the yard area, rather than inside the recycling building. Following the approval of this variation, the use of the facility was commenced by Elm Skip Hire.

Members may then recall that at the Sub-Committee meeting on 29th November 2012, planning permission was granted to change the use of the site to a metal recycling facility (application ref. 12/02218/FUL). This application also involved the erection of two portacabins, new boundary treatment to a height of 5 metres and other associated works. The facility was subsequently operated by Van Dalen Metal Recycling and Trading Ltd, followed by Mettalis Recycling Ltd.

A variation of conditions 2, 3 and 8 of planning permission 12/02218/FUL was approved on 8th October 2013 (application ref. 13/02411/MAW), which allowed for revisions to the previously-approved site layout, the provision of an additional welfare cabin and the relocation of the areas in which materials can be stored at the site. Planning permission was then granted for the variation of conditions 2 and 6 of the 2012 approval, which allowed for revisions to the planting scheme to the south-west of the site (application ref. 13/03158/MAW).

In addition to the above, planning permission has also been granted for the installation of floodlights and CCTV cameras at the facility (application ref. 13/01146/MAW), whilst approval has been given to applications seeking an amendment to the height of the boundary fencing at the site (application ref. 13/01021/AM1) and the substitution of materials used in the push walls at the site (application ref. 13/00202/AM1).

To summarise the planning history at the site set out above, it firstly operated as a materials recycling facility under planning permission ref. 11/03262/VAR, before being used as a metal recycling site under planning permission ref. 12/02218/FUL. This remains the current authorised use of the site for planning purposes.

The current application seeks to change the use of the site to a materials recycling facility, to be operated by Europa Waste Management Ltd. Europa currently operate a waste management facility at Springwell Quarry, on the outskirts of Springwell village. The materials intended to be processed at the site would widen from metallic waste only to a mixture of wood, paper, glass, plastics, metals and rubble from house clearances, skips and demolitions.

Incoming waste will predominantly be transported to the facility within covered caged, skip and roll-on/roll-off vehicles, which will contain mixed loads of waste collected from the local area and delivered to the application site. After passing over the weighbridge, vehicles will then proceed to the existing main building and deposit their loads at the incoming waste reception bay, where any waste not permitted to be handled at the site will be quarantined and disposed of at an appropriate alternative facility.

Waste is then transferred into a 'hopper', which feeds an electronic conveyor system. This allows for waste to be sorted, via a picking line, into component

streams and deposited in separate bays within the existing building. Food waste will not be accepted at the facility; any contaminated packaging brought onto the site will be separated and retained within the building before being removed. When the need occurs, waste within an internal bay will be transferred to one of the existing external bays, although the height of any material stored outside will not exceed the height of the existing boundary treatment.

Where waste brought to the site requires pre-sorting and processing, it would normally be handled within 72 hours of its arrival. Waste is then re-loaded and exported from the facility on a frequent basis which, it is argued by the applicant's agent, will limit the potential for pests at the site.

The application does not propose any alterations or amendments to the existing built development at the site, whilst the existing layout of the site will remain, with the existing access from the estate road, manoeuvring areas and parking spaces (totalling 11 in number) all being retained. Double-yellow lines outside the site serve to prevent on-street parking. The existing maximum permitted throughput of 30,000 tonnes of material per annum would also be maintained. It is, however, proposed to install a new picking line within the existing recycling building (this does not amount to development for planning purposes).

The applicant seeks permission to operate the facility between 07:00 - 18:00 Monday - Friday (although it is indicated that during the week, operations will cease at 17:00) and 07:00 - 13:00 on Saturdays, with no operations proposed on Sundays or Bank Holidays. These hours are the same as those permitted in respect of the existing metal recycling facility. The proposed facility is anticipated to employ approximately 20 no. staff.

The application has been accompanied by a 'Planning Application Document', prepared by the applicant's planning consultant, which gives a background to the proposal, an overview of the site, its surroundings and planning history, together with a summary of what are considered to be the planning policies, traffic and transportation information and other environmental matters relevant to the proposal. The document also incorporates a Transport Statement. This document was subsequently supplemented by an additional supporting statement, which largely responds to objections raised during the public consultation process, and a Noise Impact Assessment, prepared by Noise and Vibration Consultants Ltd.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Network Management
Northumbrian Water
Environment Agency
Environmental Health
Health & Safety Executive
National Grid Transco
Washington East - Ward Councillor Consultation

Final Date for Receipt of Representations: 18.09.2015

REPRESENTATIONS:

Public consultation - letters of objection have been received from John Flowers Ltd. and James Ingleford Scaffolding Ltd, which both occupy premises in Monument Park, the Teal Farm Residents Association, and the manager of the Washington Wildfowl and Wetlands Trust Centre.

The letter from John Flowers Ltd. raises the following concerns:

- There are already two material waste plants at Monument Park which (according to the objector) cover an area of approximately 8 acres;
- There are another two waste recycling facilities within walking distance of the site, giving a total of four sites concentrated within a small area;
- Despite assurances from risk assessments, the John Flowers Ltd. office buildings have regularly plagued by fly infestations from nearby plants. This has led to health problems amongst staff at the offices (i.e. sickness and diarrhoea) and action has had to be taken by the City Council's Environmental Health section and the Environment Agency;
- There is a constant problem of rats at the site, increasing the risk of Weil's disease. The problem has worsened since the recycling plants have opened in the area;
- Although the road into Monument Park is not badly affected by litter, the A1231 Washington Highway and Pattinson Road are 'constantly' littered by material spilling from vehicles carrying waste to the recycling facilities in the locality. It is recognised, however, that NIRAMAX send staff and road sweepers out pick up excess rubbish;
- The smell from rubbish can be overwhelming during certain weather conditions;
- The area does not need further vehicle movements with more waste recycling;
- The objector concludes by suggesting that despite regulation of such facilities, it is impossible for them to be 'good neighbours' and that it is virtually impossible for them to operate as promised or intended. In the objector's opinion, such sites should not be located within 'ordinary' industrial estates and should instead be located 3-4 miles from office and residential areas.

The letter from James Ingleford Scaffolding essentially raises similar concerns to those raised by John Flowers Ltd. It also suggests, however, that the applicant (Europa Waste) is a new company (incorporated in December 2012) and will not, therefore, have the resources to ensure no problems occur at the site. It is also argued that as Europa's existing plant at Springwell Quarry, Gateshead, already takes in sewage/refuse, there is no need for the expansion to the application site.

The letter from the manager of the Wildfowl and Wetlands Trust Centre raises the following concerns:

- The existing facilities in the area have a detrimental effect on the Trust's centre, which is a designated Local Wildlife Site (formerly known as a Site of Nature Conservation Importance), primarily due to rubbish blowing into the site, noise and disturbance and smells;
- Plastic wrapping is a particular problem as it catches upon the centre's electric perimeter fencing and reduces its effectiveness as a deterrent to predators, in conflict with the centre's Zoo Licensing conditions;
- Clearing rubbish from within the centre takes up staff time and results in complaints from visitors;
- Rubbish poses a direct threat to captive animals and wildlife within and around the centre;
- In the past 2 years, both the HW Martins and NIRAMAX sites have been the source of fly infestations, with the centre and its buildings particularly affected during August 2013. This affected staff and visitors to the centre and managing the problem cost the centre £1771.16 (from purchasing 'insectocutors', fly sprays and papers, refunding customers, additional staff hours etc.);
- A further infestation was discovered by the Environment Agency in March/April 2015 and attributed to the NIRAMAX site;
- The harm to the reputation of the centre caused by such incidents cannot be quantified;
- The centre is greatly affected by noise disturbance from existing sites, generated by, for example, glass tumbling and breaking. This affects both the captive animals and wildlife within the site and is a nuisance to visitors to the centre, particularly groups with special needs;
- Current sites generate strong, unpleasant odours, especially in the visitor centre car park and the western side of the site (closest to Monument Park);
- The letter concludes by recognising that the concerns raised relate to existing sites in the area, but suggests that adding another waste recycling facility is unreasonable, will exacerbate existing problems and may affect the long-term status of the centre;

Two representations have been submitted on behalf of the Teal Farm Residents Association. The first representation raises the following concerns and questions:

- There are ongoing and recent problems emanating from the existing waste sites at Monument Park;
- Given the 'current' policies outlined in Sunderland Council's Core Strategy, will the application be recommended for refusal and if not, why not?
- Have the Environment Agency been asked to comment?
- Has the Council's Environmental Health team been asked to comment?
- Given recent police complaints, which may lead to actual charges against one of the other Monument Park sites, have the police been asked to comment?
- The police, Environment Agency, the Council's Environmental Health team and local Councillors have all witnessed and recorded complaints and incidents from existing sites, confirming that these facilities are 'bad neighbours' and should not be allowed to operate in proximity to residential properties;
- The Council's 'Streetscene' teams are already unable to cope with rubbish and litter being shed from lorries serving existing sites, which show little regard to the law or environment in which they operate;

- The Council should check the credentials and records pertaining to the applicant to establish whether they are 'fit and proper persons' to run the facility;

The second representation from the Residents Association asserts that as the applicant has 'no experience' of operating this type of facility, it cannot be deemed to be 'fit and proper' to run such a business. There is no evidence of the applicant being qualified to run the operations and given the problems admitted by the Environment Agency and the Council's Environmental Health team in respect of existing waste operators, it would be difficult to monitor the situation. It is also argued that the National Planning Policy Framework deems the proposed facility to be an unsuitable operation close to residential and business uses. The representation was accompanied by an excerpt from the Government's online Planning Practice Guidance resource, which is argued to support this view.

Northumbrian Water - no comments to offer.

Tyne and Wear County Archaeologist - no comments to offer.

National Grid (consulted in respect of overhead power lines crossing above the north-west corner of application site) - no comments received. There had been no objections to previous proposals at the site, although advice had been provided in respect of ensuring adequate clearance of the overhead power lines. Any relevant conditions or restrictions relating to this matter can be transposed to any approval of the current application, in the event Members are so minded.

Environment Agency - offers no objection to the proposed change of use. The comments received do, however, provide advice to the applicant and City Council, to be taken into account in determining the planning application.

The advice to the applicant concerns Environmental Permitting Regulations and it notes that there is an existing Environmental Permit in force at the site, issued by the Environment Agency in February 2011 and varied in July 2011. The site is currently permitted as a Metal Recycling Site, with the permit held by Mettalis Recycling Ltd. The permit will have to be transferred to the new operator and in order to change the type of waste operation, a variation of the existing permit or a new permit may be required.

Upon transfer of the permit, the new holder will need to submit an Environmental Management System (EMS), which incorporates detailed procedures and control mechanisms for such operations relating to (but not solely restricted to) waste acceptance, storage, waste capacities and storage timescales, noise and vibration, pests, odours, dust and fire. The drainage arrangements at the site will also need to be confirmed by the operator and the EMS must take into account the Wetlands Trust Centre and housing in the area as sensitive receptors. The EMS will need to be formally approved by the Environment Agency.

The applicant is also referred to the Environment Agency's groundwater policies, the regulations pertaining to which make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit issued by the Agency.

The advice to the City Council, as Local Planning Authority, primarily relate to amenity issues. The comments note that the site lies within an industrialised area

containing a number of existing permitted waste transfer facilities within a 1.2km radius. These are:

- HW Martins, a household, commercial and industrial (HCI) waste transfer station, which adjoins the application site;
- NIRAMAX, an HCI waste transfer station, 30 metres to the south-west of the application site;
- Northumbrian Water sewage works, 130 metres to the south-east of the application site;
- Gentoo's waste transfer facility (with asbestos storage), 1100 metres to the east of the application site;
- Impetus and G. O'Briens, 1200 metres to the south-west of the application site, which have the capacity to store and/or treat household waste;
- Timberpack (EGGERS), 1200 metres to the south-west of the application site, which processes wood;

It is also observed that the nearest housing (at Lydcott in the Teal Farm Estate), is approximately 250 metres to the south-west, whilst further new housing is currently being constructed or is planned in the area. Housing in the area could be exposed to impacts such as excessive noise, dust, odour or pests.

During recent years, the Environment Agency has spent significant resource on responding to complaints from local residents regarding existing permitted sites in the area and as such, it is essential that in determining the application, the Council, as Waste Planning Authority, assesses the risks of the proposal on nearby housing and the Wetlands Trust Centre. Consideration should be given to the possible cumulative effects of the proposed development and the existing permitted sites on sensitive receptors in the locality. It is also noted that in some cases, there is a limit to the measures an existing permitted facility can implement to adequately reduce the risks and amenity impacts from existing operations.

The Environment Agency's comments conclude by offering the applicant and the City Council advice in respect of land contamination and foul drainage.

POLICIES:

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

WA_1_Retention and improvement of established industrial / business area

EC_4_Retention and improvement of existing business and industrial land

EC_12_Criteria relating to potentially polluting industries

EC_14_Relocation of bad neighbour uses

EC_15_Development or extension of bad neighbour uses

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

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

M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.

CN_2_Purpose of the Green Belt in Sunderland

CN_3_Control of development within the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
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
B_2_Scale, massing layout and setting of new developments
CN_15_Creation of the Great North Forest
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

CONSIDERATION OF APPLICATION

With regard to the national and local planning policy framework set out above, it is considered that the main issues to examine in the determination of this application are as follows:

- 1. The principle of the development;**
- 2. The impact of the development in respect of the amenity of the area;**
- 3. The impact of the development on ecology;**
- 4. The impact of the development on highway and pedestrian safety;**
- 5. Other considerations**

1. Principle of development

The existing use of the site as a metal recycling facility is sui generis (i.e. a use which is not specifically categorised by the Use Classes Order), whilst the proposed use of the site as a materials recycling facility is also sui generis. As a result of their sui generis status, the existing and proposed uses of the site are not specifically identified as being appropriate within the Monument Park and Pattinson North industrial estate by aforementioned policies WA1 and EC4 of the Council's adopted UDP.

However, the application site was accepted as being suitable for a waste recycling facility when planning permission was initially granted for such a use in 2011 (i.e. the approval of application ref. 10/03228/FUL). The current application essentially seeks to vary the type materials able to be handled at what is now an established recycling facility and consequently, it is considered that the proposals will not serve to materially alter the existing pattern of land use at Monument Park or conflict with the objectives of UDP policies WA1 and EC4.

In addition, the proposals do not involve any new physical development at the site and do not seek to expand or modify the area of the site being used for the handling of waste. As such, it is considered that the proposals will not result in any harm being caused to the openness and amenity of the Green Belt, in accordance with the requirements of section 9 of the NPPF and policies CN2-CN5 of the UDP.

In cases where there is conflict with an up-to-date Local Plan, the NPPW requires proposals for waste management development to demonstrate a need for the facility. In this instance, however, as outlined above, there is not considered to be

conflict with the land use policies of the UDP and nor is the proposal considered to conflict with the emerging land use policies of the draft Core Strategy and Development Management policies document identified previously. As such, and as the proposal essentially involves a variation in the nature of the use of an established waste recycling facility, it is not considered necessary or reasonable to establish a specific need for the proposed use of the site.

In utilising an existing, authorised waste recycling facility, the proposal also satisfies the objective of the NPPF which encourages planning proposals to re-use previously-developed sites.

Furthermore, in accordance with the requirements of policy M12 of the UDP, the proposed facility will handle waste taken from the local area and will involve an environmentally acceptable means of managing waste (i.e. recycling) which enables it to be moved up the waste hierarchy identified by the EU Directive and as is required by the NPPW.

Given the above, the principle of the proposed use of the site, having regard to the NPPW and NPPF and in terms of the relevant policies of the adopted UDP and the draft Core Strategy and Development Management policies document, is considered to be broadly acceptable. Notwithstanding this conclusion, in order to determine the appropriateness of the change of use, regard must also be given to all other relevant material planning considerations; these are addressed in turn below.

2. Impact of development on the amenity of the area

As noted previously, the proposals do not involve any new physical development at the site and consequently, there is not considered to be any conflict with the elements of the NPPF, the NPPW and UDP policies B2, EN5, EC12, EC15, M14 and M18 which require all, or specifically waste, development proposals to protect and maintain acceptable standards of visual amenity.

The EU Directive, NPPW and the Council's adopted UDP and emerging Core Strategy and Development Management policies pertaining to waste all require such proposals to ensure that acceptable standards of amenity will be maintained in respect of neighbouring residential, office and business premises. The potential cumulative effects of a new facility in combination with existing facilities in the surrounding area must also be given consideration.

In considering this matter, it is recognised that the objections to the proposal, submitted by two local businesses, the manager of the adjacent Wildfowl and Wetlands Trust Centre and on behalf of the Teal Farm Residents Association, all cite significant and ongoing amenity issues in respect of existing waste recycling and handling facilities in the Monument Park and Pattinson areas. In particular, the objections advise that nearby homes, businesses and the Wetlands Trust centre have experienced fly infestations and are subject to regular incidents of noise and disturbance generated by the handling of waste at existing sites. The area also suffers from the smells and odours associated with waste, particularly in warm, damp and still weather conditions, whilst the operations are also considered to be contributing to high amounts of litter in the locality, including on the local road network. Litter is also suggested as being a particular threat to the

captive animals and wildlife at the adjacent Wetlands Trust centre. The objections also cite vermin as being commonplace in the area.

In addition to the above, the Environment Agency has advised the City Council that it has responded to a high number of complaints in respect of the existing waste recycling facilities in the Monument Park and Pattinson area in recent years. Furthermore, the City Council's Environmental Health (EH) officers have advised that since 2010, it has received 47 no. complaints from members of the public in respect of existing sites at Monument Park.

It is acknowledged, therefore, that the existing recycling facilities in the Monument Park, Pattinson and Teal Farm areas are giving rise to amenity concerns amongst existing residents and businesses to the extent that the Environment Agency and City Council's Public Protection and Regulatory Services officers have been regularly engaged to investigate and respond to a range of incidents.

It cannot, however, be assumed that the proposed use of the site will inevitably result in similar amenity issues and planning permission could not be withheld on this basis. Rather, it must be established, based on the information available at this time, whether this particular use of the site brings with it inherent amenity issues which are not able to be addressed by sound management practices and/or mitigation.

To this end, in order to establish whether the proposed use is likely to give rise amenity concerns, or whether it will exacerbate the existing amenity issues in the area, regard must be given to the specific nature of the proposed use of the site and the means by which it will be managed and operated. Regard must also be given as to whether there are means by which any potential negative impacts of the proposed use can be satisfactorily managed or mitigated via, for example, planning conditions or the Environment Agency's permitting regime.

In assessing the amenity implications of the proposed use, it must also be recognised that the proposals affect an existing and authorised metal recycling facility, which could re-open immediately without any new planning consent being required (provided, of course, that the terms and conditions of the existing planning permission are adhered to).

The amenity implications of the proposed use of the facility have been given careful consideration, in consultation with officers from the Council's Environmental Health team. In assessing amenity, it is noted that the nearest dwellings (at Lydcott, Teal Farm estate) are approximately 250 metres from the site, although the neighbouring office buildings (e.g. those of John Flowers Ltd.) and the Wetlands Trust centre have also been considered as sensitive receptors. Each specific amenity issue is considered in more detail in turn below.

Noise

Typically, the operation of a waste management facility can generate noise resulting from activities both inside and outside any buildings at the site. Noise arising from operations can be intermittent and sustained.

The Noise Assessment submitted by the applicant has taken background noise measurements at three nearby noise-sensitive receptors, namely the dwellings at

Lydcott (in Teal Farm estate), Edale Close (in the new housing development to the south of the Northumbrian Water sewage works) and within the grounds of the Wildfowl and Wetlands Trust centre. These readings have been considered against measurements taken at other facilities where the fixed and mobile plant anticipated at the application site is present. This data has then been fed into a noise modelling software package, which also takes into account the attenuation provided by the existing fencing at the site and other off-site screening.

The Assessment has concluded that at residential receptors, rating levels will be equivalent to, or below, existing measured background noise levels and within the tolerances set by British Standard 4124:2014. Noise levels at nearby office buildings have also been found to be satisfactory. Within the Wildfowl Trust car park, noise levels have also been found to be acceptable, although levels may rise as a result of noisy 'impact' activities (e.g. unloading of glass). Noise mitigation and site management measures are recommended to ensure that the noise levels identified will be achieved.

The methodology of the Assessment has been carefully considered by the Council's EH officers and has been found to be appropriate, whilst the conclusions of the report are also considered to be reasonable. The EH officers have, however, suggested that conditions are imposed on any grant of planning permission, in order to minimise the possibility of noisy activities at the site causing harm to amenity. The suggested conditions are:

- The existing boundary fence around the site is maintained in order to provide appropriate attenuation;
- Offloading and processing to only take place within the existing building (although doors will not be required to be closed);
- Glass stored within the building and all glass unloading to take place within the building;
- Operating hours are restricted to 07:00 -18:00 Monday to Friday and 07:00 - 13:00 on Saturdays, with no operations on Sundays or Bank Holidays;
- The preparation and submission of site noise management plan, designed to verify the predictions and assumptions made in the submitted Assessment and determine the effectiveness of the mitigation at the site. The plan must be approved in writing by the Council as Waste Planning Authority.

Subject to conditions to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to noise and the amenity of the area will be acceptable.

Traffic movements

The Council's EH officers have noted that the Transport Statement submitted with the application indicates that the numbers of trips to and from the application site is anticipated to be fewer than in comparison to the previous use of the site as a metal recycling facility. On this basis, and given the existing use of the road network in the locality (in particular, Pattinson Road), it is considered that the amenity of the area will not be detrimentally affected by the proposed use of the site.

Dust

The nature of any dust particulate at a waste facility is dependent upon the type of facility and can typically be managed effectively by using well-maintained equipment, materials and vehicles. Although the majority of processing will take place inside the building at the site, some activity will inevitably occur outside.

The Planning Statement submitted with the application recognises that the handling and processing of waste material is a potential source of dust and proposes that on-site operations will be subject to continuous visual inspections during hours of operation, to check for dust build-up. Mitigation, in the form of water suppression and the covering and relocation of stockpiles, will be undertaken and all remedial and preventative action will be recorded in a log book. The height of stockpiles of waste is also to be kept below the boundary screening, in order to prevent the 'wind-whipping' of material.

The Council's EH officers anticipate that site activities can be managed to prevent dust being blown off the site to the extent it harms the amenity of the area. In order to ensure this is the case, a series of conditions have been suggested, namely:

- The height of external stockpiles not to exceed height of boundary screening;
- The use of a trommel or other sorting machinery to be limited to inside the building;
- The use of a crusher on the site is not permitted;
- The submission of a scheme for the management and minimisation of dust generation at the site, to include details of the watering/damping of roads, surfaced areas and stockpiles and the arrangements for the supply and storage of water. The scheme must be approved in writing by the Council as Waste Planning Authority.

Subject to conditions to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to dust and the amenity of the area will be acceptable.

Odour

Waste management facilities can typically produce unpleasant odours, especially where they handle food and other putrescible waste. Unlike other waste facilities in the area, the current application proposes the handling of non-putrescible waste which, according to the applicant, will be subject to rigorous acceptance criteria when delivered to the site.

Although an Environmental Permit issued by the Environment Agency will usually contain conditions prohibiting odorous emissions from a site, the Council's EH officers have suggested conditions which seek to ensure that the amenity of the locality will not be unduly harmed by odours emanating from the facility. The suggested conditions are:

- The acceptance of food or putrescible waste is not permitted;

- The submission of a scheme for the management and minimisation of waste odour, to include proposals for waste acceptance at the site, proposals for dealing with unexpected and/or prohibited material (to include quarantine arrangements) and the identification of safe processing and storage times. The scheme must be approved in writing by the Council as Waste Planning Authority.

Subject to conditions to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to odours and the amenity of the area will be acceptable.

Litter

As noted previously, residents in the area have reported litter from existing facilities as being a particular amenity problem. Litter can either be blown off the sites or escape from vehicles travelling to and from the sites.

In the case of the application site, the existing 5 metre high boundary screen is anticipated to provide an effective barrier to litter being blown off the site. The applicant has also advised that wagons travelling to and from the site will be covered, whilst the site and surrounding area will be monitored and escaped litter collected where required.

The Council's EH officers have recommended that these measures are required by virtue of a condition imposed on any grant of planning permission. The suggested condition would require:

- The submission of a scheme for the management and minimisation of litter from the operations at the site, which should include a system for ensuring vehicles are directed to appropriate areas within the site, provide that doors into the facility are kept closed (when practicable) and set out details of litter monitoring and litter picking arrangements. The scheme must be approved in writing by the Council as Waste Planning Authority.

Subject to a condition to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to litter and the amenity of the area will be acceptable.

Mud

The application site is hard-surfaced and as such, the risk of mud leaving the site and affecting the road network in the area is very low. The applicant does, however, propose the monitoring and cleaning of vehicles and regular inspections of the site to ensure that muddy conditions do not arise.

In order to ensure such practices are maintained, the Council's EH officers have suggested the following condition:

- No heavy goods vehicles to leave the site unless thoroughly cleaned; in the event mud is deposited on the highway, it shall be removed immediately.

Subject to conditions to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to mud and the amenity of the area will be acceptable.

Vermin and pests

Waste management facilities have the capacity to attract or import vermin and pests if not managed properly. The likelihood of vermin and pests presenting a problem is, however, largely determined by the type of waste being handled at a site and in this regard, the applicant does not propose to handle food or putrescible waste. Nevertheless, stockpiles of materials can provide suitable harbourage for rodents.

The Council's EH officers have already recommended a condition restricting the types of waste able to be handled at the site in the interests of preventing odour nuisance and it is considered that such a condition will also assist in minimising the attraction of vermin and pests. Allied to this, however, it is also recommended that the following condition be imposed to ensure that the risk of vermin and pests being attracted to the site is minimised:

- The submission of a scheme for the management and mitigation of vermin and pests on-site, to include details of pest control measures and monitoring arrangements. The scheme must be approved in writing by the Council as Local Planning Authority.

Subject to a condition to this effect, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use of the site in relation to vermin and pests and the amenity of the area will be acceptable.

Lighting

The applicant intends to utilise the existing lighting at the site and provided it is only used during operational hours, it is not anticipated to give rise to any amenity concerns.

In addition to the conditions suggested in respect of the specific matters covered above, the Council's Environmental Health officers have also recommended that two further conditions are imposed on any approval of planning permission.

The first suggested condition essentially relates to contingency planning and would require the submission of a scheme, to be approved by the Council as Waste Planning Authority, for the management of any emergency or unexpected on-site conditions or events which may otherwise give rise to a statutory nuisance.

The second suggested condition would require the applicant to engage in quarterly meetings with a working group populated by staff from Europa Waste and the Council's Development Management and Environmental Health teams, together with elected Members of the Washington East ward. This would afford a regular opportunity for any issues raised by the public or other parties in the area

with Council staff or Members to be discussed, analysed and addressed in an appropriate forum.

As set out above, the potential effects of the proposed use of the site as a waste materials recycling facility has been given detailed and careful consideration in conjunction with the Council's Environmental Health officers and with regard to the advice provided by the Environment Agency. Given the particular nature of the proposed use of the site (i.e. handling of non-putrescible waste), the proposed hours of operation and the characteristics of the site (e.g. its relative remoteness from residential dwellings and the existing screening at the site), it is considered that subject to the suggested conditions provided above, the site will be able to operate without the amenity of the nearest dwellings, commercial and office buildings and the Wetlands Trust centre being unacceptably harmed.

The approval of the application would allow for another waste recycling facility to operate within an area where there are already a number of such facilities, and it is recognised that these existing facilities are giving rise to amenity concerns amongst local residents, business operators and other parties and that Environment Agency and City Council staff have been required to investigate and intervene at regular intervals. It is also recognised that the Government's Planning Policy Guidance advises that there need not be an assumption that the life of existing waste sites should be automatically extended.

However, as set out above, following detailed consideration of the relevant issues, the proposed use of the site has been found to be acceptable in terms of its effect on the amenity of the area, whilst it must also be remembered that the proposals affect an existing metal recycling facility, the planning permission for which remains extant and which could re-open immediately without any further planning consent being required. In these circumstances, there are not considered to be reasons to refuse planning permission on grounds pertaining to amenity or of there being an unacceptable over-concentration of such facilities within the area.

The submission of the application has at least allowed for the implications of the proposed use on the amenity of the area to be thoroughly assessed and considered and it has presented an opportunity for the City Council, in its capacity as Waste Planning Authority, to exercise as much control over the use and management of the site as is reasonably possible. To this end, the conditions suggested above, devised in conjunction with the Council's Environmental Health officers, are wide-ranging and thorough and are designed to ensure the facility will be operated in a manner which minimises its effect on the amenity of the area.

In addition to the above, Members should note that the use of the site is also subject to the applicant obtaining a new or amended Environmental Permit from the Environment Agency, which is the regulatory body in respect of waste recycling facilities. The permitting regime seeks to manage operations at the site on an ongoing basis in order to prevent or minimise pollution through conditions and the preparation and submission of a detailed Environmental Management Strategy. As advised by paragraph 7 of the NPPW, Waste Planning Authorities are to assume that other regulatory regimes designed to control the adverse effects of waste recycling facilities, such as Environment Agency permitting, will be properly applied and enforced by the relevant body.

It is accepted that notwithstanding the regulatory powers of the Local Authority, the Environment Agency and other bodies, it cannot be guaranteed that facilities such as that proposed will operate without any negative effect on the amenity of the area. In this particular case, however, the specific nature of the proposed use and the characteristics of the application site will serve to ensure that the amenity of the area is not unduly harmed. In addition, it is considered that the planning conditions suggested above, together with the permitting regime managed and enforced by the Environment Agency and the enforcement powers available to the Council's Environmental Health team and in its capacity as Local Waste Authority, will serve to ensure the facility is operated in an appropriate manner which is respectful of the amenity of the locality.

The objection from the Teal Farm Residents Association has suggested that the City Council, as Waste Planning Authority, should not grant planning permission until the applicant has demonstrated that they are 'fit and proper' and able to run the proposed facility in an acceptable manner. Members are reminded, however, that the planning system is concerned with the use of land and the merits of any given development proposal; the identity or background of an applicant is not a material planning consideration and there is nothing within national or local waste planning policy and guidance which requires that the City Council, as Waste Planning Authority, to consider the capabilities of the applicant or insist that they undertake a 'fit and proper persons' test before granting planning permission.

In summary, it is considered that the implications of the proposed use of the site in relation to the amenity of the area are acceptable and consequently, the proposal complies with the core principles of the NPPF, the NPPW, policies B2, M14, M18, EN5, EC12, EC14 and EC15 of the Council's UDP and the emerging policies of the draft Core Strategy and Development Management policies document.

3 Impact of development on ecology and creation of Great North Forest

Aforementioned policy CN15 of the UDP requires new development proposals to account for the establishment of the Great North Forest within the City, whilst policy CN22 seeks to prevent development which would unacceptably harm species protected by law. Policy CN21, meanwhile, seeks to protect Sites of Nature Conservation Importance (now known as Local Wildlife Sites) from development which would harm their habitat and ecological value. The adjacent Wildfowl and Wetlands Trust centre is designated as such and so regard must be given to whether the proposed use of the site will be of detriment to its ecological value.

As noted previously, the proposals do not seek to expand the area used for recycling operations or undertake any other physical development at the site. In addition, the proposed use of the site is not anticipated to give rise to any additional noise, surface water run-off, emissions or impact from floodlighting, which would be of harm to ecology, in comparison to the existing authorised use.

Given that all operations will be contained within the confines of the existing enclosed area and given the nature of the operations proposed, it is considered that the impact of the proposed use on the ecological value of the neighbouring

Local Wildlife Site and the wider area will be acceptable, whilst the proposals will not conflict with the objectives relating to the creation of the Great North Forest. The proposals therefore accord with the requirements of the NPPF, NPPW and policies CN15, CN21 and CN22 of the UDP in this regard.

4. Impact of development on highway and pedestrian safety

As noted in the previous section of this report, the NPPF advises that planning permission should only be refused on transport grounds where the residual impacts of a development proposal will be severe. The NPPW requires Waste Planning Authorities to take into account access and transport arrangements in considering waste proposals, a requirement echoed by policy M14 of the UDP. Policy T14 of the UDP, meanwhile, seeks to resist development proposals which would cause unacceptable harm to highway and pedestrian safety, whilst policy T22 requires proposals to ensure there will be satisfactory levels of dedicated off-street parking available.

The proposals have been discussed with the Council's Network Management team and, having had regard to the Transport Statement submitted with the application, no concerns or objections have been raised on the basis that the application affects an existing waste recycling facility and the anticipated use of the site and movements to and from the site are expected to be similar, if not less intensive, than in comparison to the existing authorised use as a metal recycling facility. Conditions have been suggested which would require that:

- all loading and unloading activities take place within the enclosed site;
- all parking and manoeuvring areas inside the site are maintained and made available for such use at all times;
- no mud or debris is taken onto the public road network;

Subject to these conditions, which Members are recommended to impose in the event they are minded to approve the application, it is considered that the implications of the proposed use in respect of highway and pedestrian safety and parking will be acceptable, in accordance with the requirements of the NPPF, the NPPW and policies M14, T14 and T22 of the UDP.

It has been noted, following visits to the application site, that the streets in the area can be heavily parked, presumably with staff from nearby businesses. The Council's Network Management team is satisfied, however, that the parking available within the application site is sufficient for staff and visitors, whilst the anticipated numbers of trips to and from the site from delivery vehicles and the delivery arrangements have also been found to be acceptable. As such, it is considered that, based upon the information available at this stage, the proposed use of the site will not exacerbate any existing parking issues in the area, especially in comparison to the existing authorised use of the site.

5. Other considerations

The proposal also raises a series of other issues which require consideration; these are addressed in turn below.

Land contamination, flood risk and drainage

The proposal does not involve any new groundworks at the site, whilst the existing sealed drainage network and associated pollution control infrastructure will be retained. The Environment Agency has advised that the controlled waters at the site are of low sensitivity, although the developer should seek to minimise risk to the waters by following the requirements of the NPPF and the EA's 'Guiding Principles for Land Contamination'. Furthermore, the Environment Agency has raised no concerns in relation to flood risk or ground water pollution, whilst Northumbrian Water has raised no concerns in respect of drainage arrangements. In addition, the Council's Environmental Health officers have raised no concerns in relation to land contamination.

Given the above, it is considered that the existing hardstanding and drainage system will ensure that the ground and waters at the site are adequately protected from potential pollution and contamination, in accordance with the requirements of the NPPW and policies EC15 and M14 of the UDP.

Overhead power lines

As noted previously, part of the site is crossed by overhead power lines. Although the National Grid has not commented in respect of the current application, they had raised no objection to the previous applications at the site provided that a statutory clearance of 5.3 metres to the power lines was maintained. Given that there are no changes to the built development at the site, there is not anticipated to be any conflict with the existing overhead power lines and the applicant has confirmed that the required clearance will be adhered to.

In any case, the site must be managed and operated in line with a range of other legislation, such as the Electricity at Work Regulations 1989, and guidance produced by the Health and Safety Executive and the National Grid.

CONCLUSION

The proposed change of use of the site from a metal recycling facility to a material recycling facility has been given careful consideration in light of all relevant national and local planning policy.

For the reasons set out above, it is considered that the proposed use of the site will not conflict with the adopted land use policies set out in the Council's adopted UDP or the emerging land use policies set out in the Council's draft Core Strategy and Development Management Policies document.

The implications of the proposed use of the site on the amenity of the locality have been given particularly careful analysis in conjunction with the Council's Environmental Health officers, with each specific amenity matter given individual detailed consideration. To this end, it is recognised that there are a number of existing waste recycling facilities in the locality which are giving rise to amenity concerns amongst local residents and businesses. However, having had specific regard to the particular nature of the proposed use, it is considered that the effect of the use on the amenity of the locality is acceptable, subject to the conditions detailed above.

In reaching this view, it has been taken into account that the proposals affect an existing waste recycling facility, which could re-open as a metal recycling facility immediately without any new planning permission being required. In addition, it

must also be recognised that the operation and management of the facility is subject to the detailed permitting regime applied and enforced by the Environment Agency, which acts as an additional measure to ensure the amenity of the area is respected.

In addition to the above, the proposed use of the site raised no significant concerns in respect of ecology and the nearby Local Wildlife Site and highway and pedestrian safety. Nor are there any specific concerns in relation to pollution, controlled waters, drainage and the overhead power lines crossing the application site.

Given the above, the proposed change of use is considered to comply with the relevant parts of the National Planning Policy Framework, the National Planning Policy for Waste, policies WA1, EC4, EC12, EC14, EC15, M12, M14, M18, CN2, CN3, CN5, CN15, CN21, CN22, EN5, T14, T22, and B2 of the Council's adopted Unitary Development Plan (1998) and emerging policies CS9, DM9.1 and DM9.2 of the Council's draft Core Strategy and Development Management Policies document.

RECOMMENDATION: Members are consequently recommended to 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:-

- 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: Approve subject to the conditions listed 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 and documents:
 - the location plan (drawing no. 1267-01-01), received 19/05/2015;
 - the amended proposed site plan (drawing no. 1685-01-01), received 07/08/2015;
 - the 'Planning Application Document', produced by Axis, dated May 2015;
 - the 'Noise Impact Assessment for Proposed Change of Use of an Existing Metal Recycling Facility to a Material Recycling Facility at Monument Park, Washington East', produced by Noise _ Vibration Consultants Ltd, dated 28/08/2015.

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 All car parking and vehicle manoeuvring areas within the application site (as shown on drawing no. 1685-01-01) shall be kept clear and available for such purposes at all times, in the interests of ensuring satisfactory

levels of off-street parking and adequate vehicle manoeuvring spaces and to comply with the requirements of policies T14 and T22 of the UDP, the NPPF and the NPPW.

- 4 No tree within the 'red line' of the application site shall be cut down, uprooted or destroyed without the written approval of the City Council as Waste Planning Authority, in the interests of maintaining the visual amenity of the area and to comply with the requirements of policy B2 of the UDP, the NPPF and the NPPW.
- 5 Notwithstanding the submitted plans and information and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any statutory instrument which revokes and re-enacts the provisions of that Order, the existing 5 metre high boundary fence/screen at the application site shall be retained in its current form and position for the lifetime of the use of the site hereby approved, unless any variation is first agreed in writing with the Council as Local Waste Authority, in the interests of providing suitable means of noise attenuation and to comply with the requirements of policies EC15, EN5, B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 6 Notwithstanding the submitted plans and information, all offloading and processing associated with the approved use of the site shall only take place within the existing waste processing building, in the interests of minimising noise from operations at the site and to comply with the requirements of policies EC15, EN5, B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 7 Notwithstanding the submitted plans and information, all glass delivered to the site shall be stored within the existing waste processing building and all loading and unloading operations involving glass shall take place within the building, in the interests of minimising noise from operations at the site and to comply with the requirements of policies EC15, EN5, B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 8 Within 3 months of the use of the site hereby approved being commenced, the noise mitigation measures detailed in section 7 of the Noise Impact Assessment submitted with the application (i.e. 'Noise Impact Assessment for proposed change of use of an existing metal recycling facility to a materials recycling facility at Monument Park, Washington East', Noise & Vibration Consultants Ltd, dated 28th August 2015) shall be incorporated into a site noise management plan, to be submitted to the City Council, as Waste Planning Authority, for its written approval. Operations at the site must then only be undertaken in complete accordance with the approved noise management plan at all times, in the interests of ensuring operations do not give rise to unacceptable levels of noise and to comply with the requirements of policies EC15, EN5, B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 9 Within 3 months of the use of the site hereby approved being commenced, a validating noise monitoring and assessment exercise shall be undertaken and submitted to the City Council, as Waste Planning Authority, for its written approval. In the event the noise levels predicted by the Noise Impact Assessment submitted with the application are

exceeded, the assessment shall include details of suggested additional means of attenuation/mitigation for the consideration and written approval of the City Council. The approved attenuation/mitigation measures must be in place within one month of obtaining written approval and shall be maintained thereafter for the lifetime of the approved use, in the interests of minimising noise from operations at the site and to comply with the requirements of policies EC15, EN5, B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

10 The premises shall not be operated for the purposes hereby approved and no deliveries of materials shall be brought to, or despatched from, the application site outside of the following hours:

- Monday to Friday (except Bank Holidays): 07:00 to 18:00;
- Saturdays (except Bank Holidays): 07:00 to 13:00;
- Sundays and Bank Holidays: no operations permitted.

In order to protect the amenities of the area in accordance with policies B2, EC15, EN5, M14 and M18 of the UDP, the NPPF and NPPW.

11 Notwithstanding the submitted plans and information, the height of externally-located stockpiles of material shall not exceed 5 metres or the height of the existing boundary treatment at the site, whichever is the lesser, in the interests of minimising dust from operations at the site and to comply with the requirements of policies M14, M18 and B2 of the UDP, the NPPF and the NPPW.

12 Notwithstanding the submitted plans and information, the use of a trommel or other similar sorting equipment shall only take place within the existing waste processing building at the site, in the interests minimising dust from operations at the site and to comply with the requirements of policies M14, M18 and B2 of the UDP, the NPPF and the NPPW.

13 Notwithstanding the submitted plans and information, the use of a crusher at the site is prohibited, in the interests of minimising dust from operations at the site and to comply with the requirements of policies M14, M18 and B2 of the UDP, the NPPF and the NPPW.

14 Prior to the use of the site hereby approved being commenced, a scheme for the management and minimisation of dust from processing, handling and storage activities shall be submitted to and approved in writing by the City Council as Waste Planning Authority. For the avoidance of doubt the scheme must include (but is not limited to) the following:

- (i) Proposals for watering/dampening of roads, other hard surfaced areas and stockpiles to prevent the raising of dust;
- (ii) The arrangements for the supply and storage of water to be employed for dust suppression operations and details of the water bowser(s) proposed, together with any other dust suppression equipment;

The approved measures must be in place prior to the commencement of operations and thereafter, operations shall only be undertaken in complete accordance with the agreed scheme for the lifetime of the approved use, in the interests of minimising dust from operations at the site and to

comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

- 15 Notwithstanding the submitted plans and information, the acceptance of food waste and putrescible waste at the site is not permitted, in the interests of minimising odours from operations at the site and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 16 Notwithstanding the submitted plans and information, the burning of materials at the site is prohibited, in the interests of minimising odours from operations at the site and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.
- 17 Prior to the use of the site hereby approved being commenced, a scheme for the management and minimisation of odour from waste processing, handling and storage activities shall be submitted to and approved in writing by the City Council as Waste Planning Authority. For the avoidance of doubt the scheme must include (but is not limited to) the following:
- (i) Proposals for waste acceptance on site;
 - (ii) Proposals for dealing with unexpected and/or prohibited materials on site, including quarantine arrangements;
 - (iii) Identification of safe processing and storage times

The approved measures must be in place prior to the commencement of operations and thereafter, operations shall only be undertaken in complete accordance with the agreed scheme for the lifetime of the approved use, in the interests of minimising odours from operations at the site and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

- 18 Prior to the use of the site hereby approved being commenced, a scheme for the management and minimisation of litter from waste processing, handling and storage activities shall be submitted to and approved in writing by the City Council as Waste Planning Authority. For the avoidance of doubt, the scheme must include (but is not limited to) the following:
- (i) A system for ensuring that all vehicles are directed to the appropriate areas of the site and that tipping and loading is carried out in a controlled manner;
 - (ii) Measures to ensure that wherever practicable, doors to the facility will be kept closed when it is not in use;
 - (iii) A visual litter assessment, to be carried out daily in the vicinity of the site;
 - (iv) Suitable and sufficient litter picking arrangements around the boundary of the site and the access road to Monument Park

The approved measures must be in place prior to the commencement of operations and thereafter, operations shall only be undertaken in complete accordance with the agreed scheme for the lifetime of the approved use, in the interests of minimising litter at and around the site and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

19 Notwithstanding the submitted plans and information, no HGVs shall leave the site unless they have firstly been thoroughly cleaned, so that mud or other material is not deposited onto the public highway. In the event mud is deposited on the highway from vehicles leaving the site, it shall be removed immediately, in the interests of minimising the likelihood of mud being deposited on the local highway network and to comply with the requirements of policies B2, M14, M18 and T14 of the UDP, the NPPF and the NPPW.

20 Prior to the use of the site hereby approved being commenced, a scheme for the management and minimisation of vermin and pests at the site shall be submitted to and approved in writing by the City Council as Waste Planning Authority. For the avoidance of doubt, the scheme must include (but is not limited to) the following:

- (i) The number, type and location of rodent bait boxes to be used on site;
- (ii) The frequency of monitoring of bait boxes;
- (iii) The maximum duration of outdoor storage times, in the interests of limiting possible harbourage points;
- (iv) Details of suitable and sufficient methods of insect control inside and outside of the building, including the equipment to be installed and the pesticides to be used;
- (v) A system to monitor the level of infestation and contingency plans to deal with any increase in activity;

The approved measures must be in place prior to the commencement of operations and thereafter, operations shall only be undertaken in complete accordance with the agreed scheme for the lifetime of the approved use, in the interests of minimising vermin and pests at the site and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

21 Notwithstanding the submitted plans and information, the lighting at the site shall only be switched on during standard on-site hours of operation (i.e. 07:00 - 18:00 Monday to Friday, 07:00 - 13:00 on Saturdays and at no time on Sundays or Bank Holidays), in the interests of minimising harm to the amenity of the area and to comply with the requirements of policies B2, M14 and M18 of the UDP, the NPPF and the NPPW.

22 Prior to the use of the site hereby approved being commenced, a scheme for the management of emergency and unexpected on-site conditions which may give rise to noise, odour, dust, mud, vermin, pests or any other amenity concern, shall be submitted to and approved in writing by the City Council as Local Waste Authority. The approved measures must then be in place prior to the commencement of operations and thereafter, operations shall only be undertaken in complete accordance with the agreed scheme for the lifetime of the approved use, in the interests of minimising harm to the amenity of the area and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

23 Prior to the use of the site hereby approved being commenced, the applicant must confirm, in writing to the City Council as Waste Planning Authority, their agreement to attend quarterly monitoring meetings with

representatives and Members of Sunderland City Council. The meetings will provide a forum in which to analyse and address any emerging issues at the site and/or any perceived community/amenity impacts. The written agreement must include a proposed time, date and venue of the first meeting (to be scheduled for no later than four months from the use of the site commencing) and a proposed schedule for meetings thereafter (to be no fewer in number than four per year taken from the date of the use commencing). The meetings shall then be held in accordance with the agreed schedule (or in accordance with any agreed variation to the schedule) and must be attended by a representative from Europa Waste Management Ltd., or any subsequent operator of the facility, in the interests of minimising harm to the amenity of the area and to comply with the requirements of policies B2, M14 and M18 of the adopted UDP, the NPPF and the NPPW.

Reference No.: 15/01609/FU4 Full Application (Reg 4)

Proposal: **Erection of detached bungalow and associated works (resubmission) (amended plan received 6.10.15)**

Location: Garden Of Lindisfarne South Hetton Road Easington Lane Houghton-le-Spring

Ward: Hetton
Applicant: Mrs Judith Hackett
Date Valid: 3 August 2015
Target Date: 28 September 2015

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The site relates to land located on the A182 from Easington to South Hetton, in Houghton le Spring to the south west of an existing semi-detached residential dwelling named Lindisfarne. The site measures 755 square metres in area and was previously open space which has been enclosed and used as garden by the applicant for a time in excess of ten years.

The site is surrounded by open space to the north and east and directly to the south is council land and the A182 route and allocated as white land on the Unitary Development Plan. The existing access road which serves the existing dwelling Lindisfarne and is part of the proposal is council owned land and as such the council hold an interest in this planning application.

The site at the time of the site visit was bounded to all elevations by approximately 1.8 metre high hedging and is screened from the nearby road. It has a wooden access gate inserted in the south elevation where it adjoins the access road that serves the existing adjacent property and the proposal. A continuation of the access road extends into the site beyond the wooden access gate, which has been paved and retained on the site. The remainder of the land is mostly grassed open space domesticated with a garden shed, shrubs and garden furniture.

The applicant has served notice via this planning application through the service of Certificate B on the council and Lindisfarne as owners of the land to which the proposal relates.

HISTORY

Pre- application enquiry reference 08/00953/ENQ was submitted in 2008 in which it was considered acceptable in principle to use the land for residential.

Planning application reference 14/02639/FUL was submitted for residential development of two bungalows and was subsequently withdrawn on 29.7.15 following concerns raised by the Council, as Local Planning Authority, over the proposed layout and the objection made by the Environment Agency, to resubmit an amended scheme which would address the issues raised and include results of percolation testing to be carried out.

PROPOSAL

This planning application intends to erect one detached bungalow on the land to be accessed from the A182 and share the existing access that serves Lindisfarne. The proposed bungalow would face south east, positioned north of the A182, east of Lindisfarne and at a distance of 23.1 metres from Lindisfarne and 19 metres from the garage and boundary separating the garden of Lindisfarne.

The dwelling would measure 10.8 metres width, 10 metres depth and have a tiled, dual pitch roof to fall front to rear up a maximum height of 4.5 metres which incorporate one velux type roof light to the front plane and four to the rear. The

front elevation illustrates a centred front entrance with wooden canopy which projects 1.1 metres from the front elevation and one window at either side of the entrance. The rear elevation has two sets of bi-folding doors and the side elevation to the east has a single window which serves a bedroom. To the west elevation is the garage which is set back from the front elevation of the dwelling by 2.1 metres and would measure 3.3 metres width and 7.3 metres in length along the side of the dwelling with a flat roof.

The front garden would be enclosed by 450mm high dwarf brick wall and beyond the front elevation of the dwelling the existing boundary hedge will be retained. The driveway would be gravelled and measure 16 metres in length, to the edge of the footpath around the property and would be 3.5 metres wide. The pathways and bin collection area would be constructed of permeable type paving.

The design and access statement submitted by the applicant identifies that on account of the remoteness of the site and the size, scale and position of the proposal that no future development of the surrounding area would be compromised or the amenity of the adjacent residents.

It continues to state that the appearance of the dwelling is limited to a bungalow so as to not unduly compromise the character of the area and is set at a datum level with Linidsfarne to avoid stepping of the adjacent vernacular. It presents a scheme which also utilised the existing site levels so to reduce requirements for excavation on the site.

The agents has stipulated that the materials to be used have been chosen to match those used within the general vicinity to reflect the character and appearance of surrounding properties which consist of red/brown semi engineering brickwork and red interlocking roof tiles. The main body of the proposal will be red brickwork with sandstone head and sill details finished with panels of render. The single storey entrance to the garage and front canopy will be constructed of vertically hung Siberian larch timber cladding treated with varnish to retain the colour.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Management
Hetton - Ward Councillor Consultation
Environmental Health
Northumbrian Water
Environment Agency
Hetton Town Council
Flood And Coastal Group Engineer
Durham County Council

Final Date for Receipt of Representations: 02.09.2015

REPRESENTATIONS:

Environment Agency

The environment Agency sent a response by email on 27 august 2015 and stated that they have no objection to the proposal and provide the following information:-
Surface Water

Surface water drainage issues connected with development will not be considered by Lead Local flooding Authority Officers to ensure the accordance with the Water Framework.

Non Mains Drainage

The Environment Agency will only provide advice on non-mains foul drainage where the proposal is for a major development, minor development proposing a non-mains system will now be assessed by the Local Planning Authority.

Flood and Coastal Group Engineer

Flood and Coastal Engineer commented that a condition could be placed on the application stating that "all surface water drainage details including infiltration tests are to be submitted and approved in writing by the LPA prior to commencement on site" to comply with policy EN12 of the UDP.

Environmental Health - No objections in principle to the development subject to appropriate conditions in respect of land contamination, and site set up.

NETWORK MANAGEMENT

- The Coalfield Regeneration Route, an approved council highway scheme is proposed approximately 1.3m from the development boundary, (garden to east). The applicant should be advised of the scheme and the likely consequences it could have on this proposal, in particular, noise levels and the height of the built road with regard to privacy.
- A suitable planning condition should be used to ensure that the shared driveway retains access in future for both dwellings.
- Advise to widen the driveway entrance from 3.5 metres wide - Amended plan received on 6.10.15 illustrates a widened driveway.

ECOLOGY -No objections.

HETTON TOWN COUNCIL - No objections.

PROPERTY SERVICES -No response received to date.

POLICIES:

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

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments

COMMENTS:

RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

Supplementary Planning Guidance (SPG) Topics 1, 2 and 6 concerning backland development.

The relevant guidance of the NPPF detailed above feeds into Unitary Development Plan (UDP) policies EN10, B2, H1, H4, H8, H22, EN12, T14, T22, CN17 and CN22 concerning use of land, design, housing principles and density, development within back gardens, highway safety, trees and protected species.

Policy EN10 seeks to ensure that proposals are compatible with the prevailing pattern of land use in the in the locality.

Policy EN12 seeks to enquire that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere and that the development would not adversely affect the quality or availability of ground or surface water.

Policy B2 is relevant which requires all development proposals to respect and enhance the visual amenity of the locality.

Policies C17 and CN22 seeks to ensure the retention of trees that new development will not detrimentally impact on animal and plant species protected by law and their habitats.

Policy H1 states that new housing will be provided which caters for needs, assists in the regeneration of residential areas and secures the re-use of vacant and derelict land wherever possible.

Policy H4 states that housing development will normally reflect the density of the locality, consistent with protecting and enhancing the character of the area.

Policy H8 states that housing applications on 'windfall' sites (i.e. not formally allocated by housing the UDP) must normally accord with other relevant policies and proposals of the plan.

Policy H22 protects the general amenity of the character and locality where residential development is to be constructed within the curtilage of an existing house.

Policies T14 and T22 seek to maintain acceptable levels of highway and pedestrian safety and provide new developments with appropriate levels of parking and access.

The main issues to consider in this application are:-

- **The principle of the proposed development**
- **The impact of the proposed development on visual amenity and residential amenity.**
- **The impact of the proposal on biodiversity**
- **The impact of the proposed development on highway and pedestrian safety.**

PRINCIPAL OF THE PROPOSED DEVELOPMENT

Policy EN10 states that a residential development should be compatible with the dominant land use of the vicinity. In this instance, the surrounding area is predominantly residential in character and surrounded by open space. The property adjacent having a large garden and set back from the adjacent highway. The principle of residential development was previously established by initial enquiries on the site of which it was considered acceptable. The proposal is therefore acceptable in this instance and complies with policy EN10.

IMPACT OF THE PROPOSED DEVELOPMENT ON VISUAL AND RESIDENTIAL AMENITY

The Council's Supplementary Planning Guidance (SPG) and also within the Council's Supplementary planning Document (SPD): Residential Design Guide is given due regard and sets out the standards for spacing between dwellings.

- Main facing windows, 1 or 2 storeys - minimum of 21 metres from any point of facing window.
- 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey.
- Main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14 m from any point of main window.
- 3 storeys or more 0 as for 1 or 2 storeys but add 5 m for each additional storey e.g. 3 storeys 19 metres.

With reference to the above, the development is considered to represent an acceptable form of development in terms of layout, use and scale. It demonstrates that the spacing standards set out in SPG and SPD are achieved and it is not considered that there would be any loss of light to either property and as such complies with policy B2 of the UDP.

The proposal would achieve an acceptable level of amenity in terms of outlook and grassed amenity space and garden as well as the proposed 1.8 metre high timber fence to the boundary which would also mitigate some loss of amenity between gardens.

In terms of design the proposal reflects the scale and character, design and materials of recently constructed properties within the vicinity and as such would be considered appropriate within its proposed setting within the curtilage of a dwelling, without compromising the general amenity of the adjacent property, the host property and character of the area. The proposal is therefore considered to comply with policies B2, H1, H4, H8 and H22 of the UDP, Topic 2 of the SPG and Section 10C of the SPD.

BIODIVERSITY

The proposal is set within an existing garden of a dwelling, with no adverse impact upon hedgerow or trees within the site, it would not be considered that there would be any impact upon the diversity or ecology of the site.

IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Policy T14 and T22 requires new development to be readily accessible by pedestrians, cyclist and users of public transport; not cause traffic congestion or highway safety problems on existing road and make appropriate safe provision for access and egress by vehicles pedestrians and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements can be accomplished.

Advice received from the City Council's Network Management team observed that there is an approved Highway Regeneration Route approved within approximately 1.3 metres from the boundary of the site and the applicant should be advised of the scheme and the likely consequences it could have upon the proposal, with particular reference to noise levels and the height of the proposed road in relation to the loss of privacy to the proposed dwelling.

With reference to the shared access they have also recommended that a condition be imposed on the consent to retain access for both properties.

With regard to the access that have also advised that the entrance be widened to allow greater manoeuvrability onto and off the drive.

An advisory note will be placed on the decision to notify the applicant of the close proximity of the approved Highway Regeneration Route.

The agent was contacted with reference to the advice to widen the drive and amended plans were received on 6 October 2015 to demonstrate a widened driveway to satisfy the comments and comply with policy T14 of the UDP.

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

CONCLUSION

For the reasons set out above, it is considered that the principle of the proposed development is acceptable whilst the scheme does not result in any significant adverse impact to residential or visual amenity whilst the prospective occupiers are also considered to be afforded an adequate level of amenity. The proposal is not considered to harm biodiversity following consultation with the Natural and Heritage Sections. Upon completion of consultation and subsequent amendments with the Network Management Section, no highway or pedestrian safety concerns are noted.

The proposal is therefore considered to comply with the requirements of the relevant guidance of the NPPF and Unitary Development Plan policies EN10, B2, H1, H4, H8, H22, T14, CN17 and CN22.

RECOMMENDATION In light of the above, Members are therefore minded to approve the application subject to the following conditions:-

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:
 - Amended existing and proposed drawing No. R3182_01B received on 6.10.15

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 Prior to the commencement of works on site a detailed full drainage details including all surface water drainage details including infiltration tests shall be 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 policy EN12 of the UDP.
- 4 The shared access for both dwellings should be retained to serve both dwellings in the interest of highway safety and to comply with policy T14 of the UDP.

- 5 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. wheel washing facilities 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 B2 of the Unitary Development Plan.
- 6 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 19.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 7 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 9 to number 10 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 11 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.
- 8 Site Characterisation - 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.
- 9 (Submission of Remediation Scheme) 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 adopted Unitary Development Plan.
- 10 Implementation Remediation Scheme The remediation scheme approved under Condition number 9 (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 minimise, 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 Unexpected Contamination 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 8 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 9 (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 10 (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.

- 12 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.

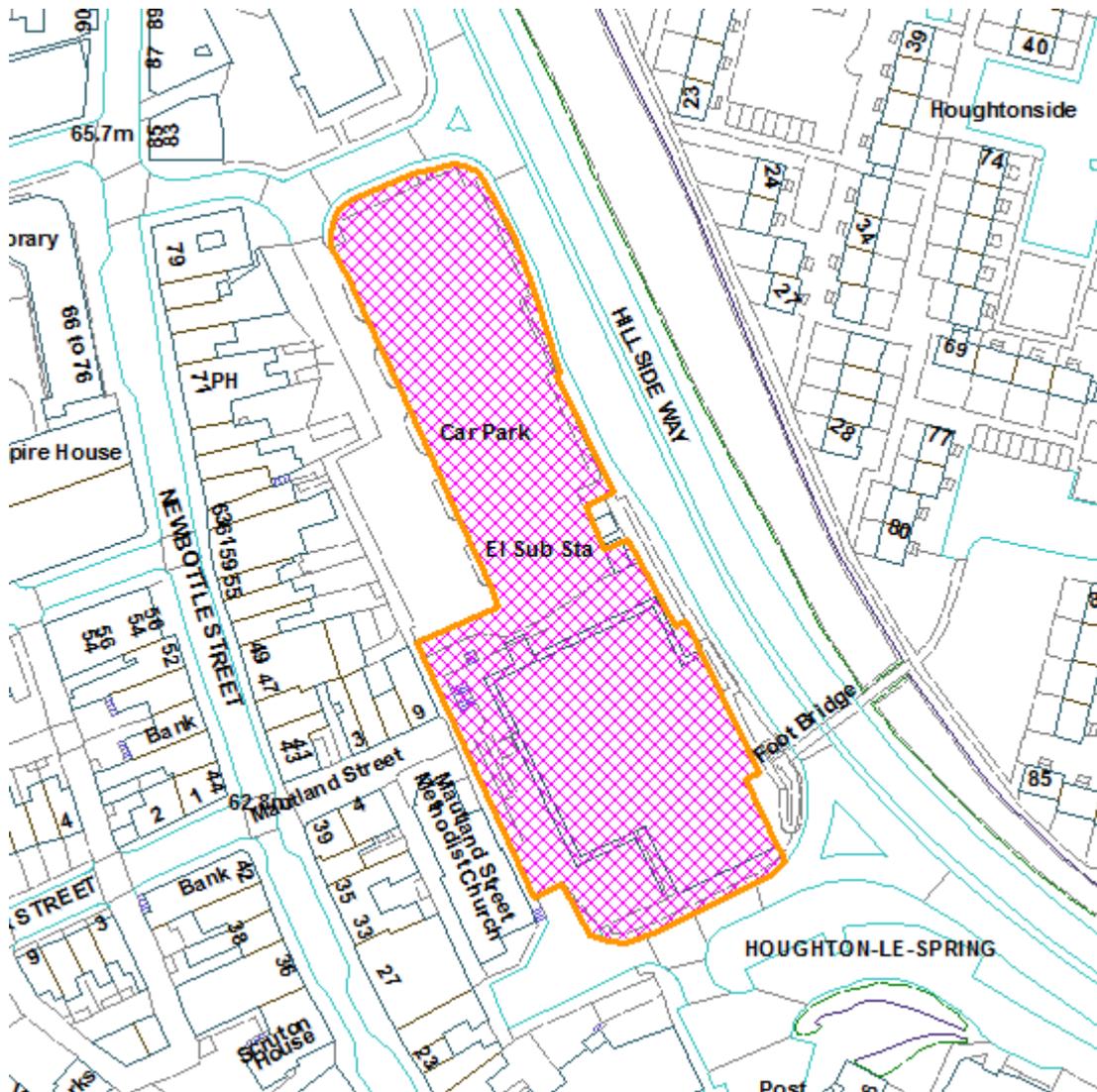
Reference No.: 15/01670/FUL Full Application

Proposal: Demolition of existing foodstore and erection of replacement food store with associated parking and landscaping.

Location: 1 Mautland Square Houghton-le-Spring DH4 4BJ

Ward: Houghton
 Applicant: Lidl (GmbH) UK
 Date Valid: 20 August 2015
 Target Date: 19 November 2015

Location Plan



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PROPOSAL:

Planning permission is sought for the demolition of existing foodstore and erection of replacement food store with associated parking and landscaping at 1 Mautland Square, Houghton-le-Spring, DH4 4BJ.

SITE AND SURROUNDINGS

The application site covers approximately 0.68 hectares and was previously occupied by Co-op foodstore and their associated parking, which was granted planning approval in 1999. The existing store and delivery yard is located to the south of the site whilst the customer parking provision is located to the north of the site.

The site is allocated and defined as a major retail centre, located to the west of Hillside Way which runs parallel to the eastern side of the site whilst a variety of retail provision is offered to the west, on Newbottle Street. Mautland Street Methodist Church is located towards the southwest and Houghton Snooker and Social Club is located to the north, beyond the vehicle access road. The site slopes marginally from northeast to southwest with levels identified as 68 reducing to 65 metres Above Ordnance Datum.

The access arrangements to the site are to remain as existing, with vehicles utilising Hillside Way and Newbottle Street. Pedestrian access is available via various routes surrounding the site whilst a footbridge to Houghtonside is located to the east. The site is also served and located on a bus route.

PROPOSAL

The proposed store is to remain in a similar location to the existing, occupying a position towards the south of the site whilst the parking is to be retained to the north of the site, with a revised layout proposed.

Additional landscaping is to be located to the east of the site adjacent to the Hillside Way frontage and also to the northern boundary. The soft and hard landscaping scheme consists of shrubs, hedges, trees, retaining walls, railings, kick rails, concrete paving, concrete loading area ramp and a car park.

The proposed food store is designed as a part single storey and part two storey building with a mono-pitched roof which at the western elevation is high enough to accommodate the proposed first floor staff facilities.

The store comprises a sales area, warehouse and delivery area, a freezer room, bakery, manager's office and staff facilities. In addition, adjacent to the entrance to the store is a customer WC and accessible WC whilst additional provision is proposed to the rear of the store with a baby change and further customer WC and accessible WC. The proposed first floor is to provide the staff welfare facilities.

The proposed food store is to have a height of 5.2 metres increasing to a maximum of 7.8 metres, when measured from the north elevation and the section towards the front of the store. Towards the south of the site, due to differences in site levels, the height reaches a maximum of 9.3 metres. The proposed roof is to

be constructed with a 4 degree pitch. The width of the store is 36.6 metres with a length of 59.6 metres excluding the loading bay.

The loading bay structure is to measure 4.1 metres above store ground level with a width of 6.1 metres and a length of approximately 13.5 metres. It should be noted that the loading bay door and internal store floor level is approximately 1.2 metres above the ground level at this point and as such the loading bay structure has a maximum height of 5.3 metres.

The gross internal floor area is 2,387sq.m with a sales area accounting for 1,434sq.m, separated into six main shopping aisles. The warehouse will account for 504sq.m and 449sq.m will be used for ancillary floor space. In addition, the first floor will account for 202sq.m of staff welfare facilities. The proposal provides an overall increase in provision from the existing store, with internal floor area increased by 336sq.m and the sales area by 232sq.m.

Proposed materials include external walls clad with panels, coated in anti-graffiti paint while the proposed entrance is to be predominately curtain wall framing and false spandel glazing. Roller shutters and glazed doors are proposed to provide access to the store.

The parking area is to provide 102 vehicle spaces of which 5 are dedicated to disabled parking and 3 allocated for family and child. The car park is to operate with free parking for up to 2 hours as per the existing arrangements, as detailed within the Transport Assessment (TA). In addition, 12 secure cycle storage spaces are to be provided to the northwest entrance. Servicing is to be maintained as per the existing arrangements to the south of the store.

It is anticipated that there will be a maximum of 2 deliveries to the store on a daily basis. Delivery vehicles will also remove any waste upon completion of unloading, so that vehicle movements to the store are minimised. In this respect, it has been reported that Lidl recycle 80% of waste produced.

The proposed hours of opening are 08:00-20:00 Monday to Saturday and 10:00-16:00 on Sundays and Bank Holidays. It is anticipated that the store would create 40 jobs.

ADDITIONAL INFORMATION

The agent has confirmed that the scope for retaining the existing foodstore has been fully investigated however the building and site layout are unsuitable for operational requirements. The principal reasons are cited as:

- There are 19 (non-removable) structural support columns which compromise the internal layout, contrary to Lidl's requirements in terms of aisle widths and layouts.
- The building is in a general state of dis-repair, requiring significant investment. A key concern is the condition of the roof which is leaking and would require comprehensive replacement.
- The car park is poorly configured and requires re-modelling to achieve 'acceptable' Lidl standards.

Operational Matters

Lidl is identified as a 'deep discount' store which concentrates on selling a limited range, of primarily own brand goods (90%), at competitive prices. As such Lidl is classified as a 'limited assortment discounter' which offers in the region of 1,000 to 1,500 product lines as opposed to main convenience retailers offering 10,000 to 15,000 products. A compact catchment is targeted and intended to provide a local shopping facility to complement the existing retail provision given limited product lines.

Lidl has stated that the large open plan sales area is required to keep costs down as many products are placed in the sales area on the delivery pallets. This removes the costs associated with manual handling and shelf stacking.

In terms of sustainability, the agent has outlined the measures adopted by Lidl. These details are contained within the Planning and Retail Statement (page 11-12), however are summarised below for ease of reference:

- Charging for carrier bags to encourage re-use of bags
- Limiting deliveries to a maximum of two per day, whilst return journeys are used to remove waste to reduce trips and emissions
- Recycle all paper/ cardboard and plastic products which accounts for 80% of waste recycling
- Use of efficient condensing boilers which recover waste heat from combustion and the regulating of heating by sensors
- Use of manual dock leveller for deliveries to reduce noise and energy use
- Stores are fitted with 'Building Management System' incorporating movement sensors, lux meters and thermostatic controls. This ensures the back of house areas are only lit when necessary, external lighting is only used when required and temperatures of various areas are maintained. Energy efficient LED lighting is also used while lighting within sales areas is cutback to one third before and after trading hours
- Water consumption is carefully monitored and flow control devices and water meters fitted
- Car parking lighting is designed in accordance with Lidl's 'Dark Sky' policy with fittings carefully specified in order to minimise light spill beyond boundaries with Lux and timer controls fitted
- Travel plans are also produced to promote sustainable transport choices

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Environmental Health
Network Management
Houghton - Ward Councillor Consultation
Northumbrian Water
Flood And Coastal Group Engineer
Environment Agency

Natural England

Final Date for Receipt of Representations: **24.09.2015**

REPRESENTATIONS:

The Statement of Community Involvement submitted alongside the application has detailed the pre-application public consultation undertaken on behalf of Lidl. In this respect, it is noted a press notice was published in the Echo on the 11th July 2015, a community event was held in Houghton Library on the 16th July 2015 whilst it is also stated a leaflet drop was completed. Upon completion of the consultations, it is stated 30 consultation responses were returned, generally supportive of the scheme.

The Local Planning Authority has advertised the application through neighbouring occupier consultation letters, press and site notices. The consultation period for representations expired 17 September 2015, 23 September 2015 and 24 September 2015 respectively.

Neighbour/Local Representation

Upon the expiry of the consultation period five letters of representation have been recorded, two of which are from the same objector whilst one representation has been recorded twice. These objections were received from Councillor Shiela Elliss, Mr Colin Wakefield and the adjacent Methodist Church. The objections are summarised below:

- The appearance of the proposed building is unsuitable
- The site is overlooked by St Michaels and All Angels Parish Church and views out of the Conservation Area must be protected
- The current building could be refurbished and opened in a short space of time
- The building should not be demolished on environmental grounds and the increase in carbon footprint
- The prolonged closure of the store will have a negative effect on trade in Houghton Town Centre
- It has been suggested the applicant should be instructed to withdraw the application and open as soon as possible in the existing store
- There has not been proper public consultation prior to the submission of the application
- Concerns that the car park should remain available for public parking and specifically that there should be exemptions for the adjacent Methodist Church whereby members are not subject to time restrictions
- It has been requested that Sunday store deliveries are after 12 noon
- Concern was expressed that the width of access between the church and proposed store is not reduced.

The comments and matters raised above will be considered in the report below.

Consultees

County Archaeologist

The County Archaeologist noted that the site lies on the outskirts of Houghton Medieval Village which dates back to at least AD1112.

Notwithstanding the above, it was considered that the construction of the old Mautland Square flats and library then subsequently the development of the CO-OP store, will have truncated or destroyed any archaeological remains.

Therefore no archaeological work is deemed necessary.

Environment Agency

No comments were offered in response to consultation with the proposal considered to be outside of the scope of the Environment Agency.

Northumbrian Water

Northumbrian Water has raised no issues in respect to the proposal, subject to the strict accordance with the submitted flood risk assessment. Specifically noted was that peak surface water runoff rates are to be restricted to 50% of the calculated existing peak runoff rates. As such it has been advised that the flood risk assessment limiting runoff to 50% of the existing should form part of any planning approval in the event the application is considered to be acceptable.

Notwithstanding the above, Northumbrian Water have stated they are not commenting on the quality of the flood risk assessment as a whole or the approach to hierarchy of preference. It was stated the Lead Local Flood Authority should be satisfied that the hierarchy has been fully explored.

Natural England

No comments were offered in response consultation. The lack of comment was caveated and it was stated 'the lack of comment from Natural England does not imply that there is no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes'. It was advised the LPA obtains advice from specialist ecological or other environmental advice.

Natural Heritage

Further to the comments provided by Natural England, the City Council's specialist Natural Heritage Team has offered the following comments.

In terms of nature conservation, the proposal was considered to be acceptable subject to conditions securing the delivery of the recommendations provided within the Extended Phase 1 Habitat Survey and Bat Roost Assessment dated July 2015 completed by WYG.

The type and location of bat and bird roost and nest units should be provided, and where possible (locally native) plant species listed in the report should be used in the landscaping of the site with all features managed through a sustainable maintenance programme.

As a precautionary principle it was also recommended key features such as tiles/slates, ridge tiles and barge boards be removed by hand.

Urban Design

Confirmation has been provided by the Council's Urban Design Team that the application raises no significant concerns.

Built Heritage

The Conservation Team have, upon completion of a review of the proposal and potential implications to the Conservation Area, offered no objections to the proposal. The site is considered to be sufficient distance from the north boundary of the Conservation Area, which is itself the least significant edge of the Conservation Area, to have any noticeable impact on its setting or the setting of any listed buildings within it.

Further to the above, it is noted the subject area is defined in Houghton's Conservation Areas Character Appraisal and Management Strategy (CAMS) as the retail area. The CAMS states the retail area, focused around the junction of Newbottle Street and Sunderland Street contains extremely varied buildings in terms of style and materials. It is further noted that 'some of the buildings in the areas are not maintained to the high quality of the rest of the Conservation Area; some in a state of disuse and disrepair. This lends the sub-area a slightly peripheral and shabby air in places, despite its importance as the limit of the historic core and containing several extremely interesting buildings'.

The proposal is therefore not considered to raise any concerns in terms of impact to the adjacent Conservation Area.

Drainage

The Flood and Coastal Group Engineer as Lead Local Flood Authority has noted that the submitted Flood Risk Assessment confirms a 50% reduction to surface water discharge from the site which is welcomed. However the 50% reduction is considered to be contrary to national guidelines which, for previously developed sites, should aim for a value as close as is reasonable practicable, to greenfield runoff rates. In addition it is considered that there has not been sufficient information provided in terms of where current surface water drainage discharges.

In accordance with the above it has been recommended that the application be refused in its current state, unless a discharge rate closer to greenfield runoff rates can be achieved.

The above comments remain under consideration, with the agent exploring options to address the above concerns. It is anticipated that the review will be completed prior to the Committee and as such the findings will be reported via a report for circulation.

Network Management

It is noted that there will be a number of redundant access points which will be reinstated, providing a continuous footway provision around the perimeter of the car park. These works will require the developer to enter into an agreement with the Council under Section 278 of the Highways Act 1980, before commencing

work in the highway. Alterations to the street lighting layout may also be required.

It was advised that the developer contacts the City Council's Highway Adoption Engineer (Graeme Hurst, 0191 561 1566) to discuss and arrange works in the event of an approval of planning permission.

It is also noted waiting restrictions are in force around the perimeter of the car park which preclude waiting Monday to Saturday 8am-6pm. These restrictions would be required to be altered and the developer is advised to contact Peter Graham, Engineer (0191 561 1621) for further information.

It has also been advised that the car park is used by shoppers visiting Houghton local centre and in this regard it is advised a minimum 2 hour free stay should be provided. The improvement of the parking is duly noted whereby 102 spaces are proposed and that changes are to be made to the delivery and service access arrangements.

In accordance with the above, the proposals appear to be acceptable in terms of highway safety.

Environmental Health

The desk study completed by Dunelm dated July 2015 (Report D6846) has been fully reviewed by Public Protection and Regulatory Services.

It is considered the proposed use is relatively insensitive to contamination and does not constitute a change of use. Shallow mining does not appear to be an issue for the site and contamination risks should they occur, are likely to be manageable. Therefore, assuming that ground investigation and reasonable precautions are taken, there does not appear to be any significant constraints for the redevelopment of the site as a supermarket with associated parking, service roads and limited landscaping.

Based on the recommendations of Dunelm for ground investigation, Public Protection and Regulatory Services have advised that the standard Planning Conditions be imposed for a Phase 2 (Ground Investigation), Remediation Strategy and Validation Plan, Verification Report and Condition for Unexpected Contamination. It was also stated consideration should be given to potential presence of slag (and expansive properties) given the former presence of steel works prior to development of the site.

Upon reviewing the noise assessment completed by the WYG Group (Job No. A092748), it is noted that two receptors may experience higher levels of noise. As such, mitigation has been recommended in the form of a 2 metre high acoustic barrier which is recommended to be conditioned as part of a favourable decision.

In addition given the proximity of the proposed development site to nearby residential occupiers it was also recommended that prior consent should be sought for work on construction sites under the Control of Pollution Act 1974. In addition, it was 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.

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.

POLICIES:

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

EN_5_Protecting sensitive areas from new noise/vibration generating developments

B_1_Priority areas for environmental improvements

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

HA_30_Support for Houghton Town Centre

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

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

T_22_Parking standards in new developments

COMMENTS:

RELEVANT POLICIES

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Development Control Guidelines Supplementary Planning Guidance (SPG), both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed "saved" policies was submitted to the SoS - via Government Office for the North East (GONE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4 September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the NPPF, particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans

according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

As such, in order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) which was adopted in September 1998.

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The overarching aim of the NPPF is to deliver 'sustainable development', which comprises three dimensions: economic, social and environmental. The planning system has a role to play in contributing to all three dimensions and to achieve this, the NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and should encourage the effective re-use of land and property.

Also relevant is section 2 of the NPPF, which requires Local Planning Authorities to promote the vitality of town centres by directing planning applications for 'main town centre uses' to existing centres. Included within the list of 'main town centre uses' are those relating to the provision of retail.

The relevant guidance of the NPPF detailed above feeds into policies B1, B2, S1, S2, S4, S5, S7, HA30, CN18, CN22, EN5, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

The site lies within Houghton Town Centre, as defined by the proposals map of the Council's adopted Unitary Development Plan (UDP), and, as such, policy HA30 is relevant. This policy states that the maintenance and improvement of Houghton Shopping Centre will be supported. Policy HA30 cites policy S2 of the UDP, which states that the Council will give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification of retail centres and thereby facilitate their regeneration. Subject to other policies within the UDP, Use Classes A1 (retail), A2 (financial and professional services), the former Class A3 (all food and drink, which has since been divided into Classes A3, A4 and A5), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) are identified as being acceptable within these centres.

In addition to the above, policy S1 of the UDP seeks to enhance the role of the city's shopping service by encouraging a wide range of attractive, well distributed, facilities to meet future shopping and related needs. This is expanded upon and specifically states 'where appropriate new development will be based on existing centres which will be improved wherever possible'. Policy S5 states 'all new development for retail and other key town centre uses should' amongst other matters 'preferably be located within an appropriate existing centre and be of a scale and type which is appropriate to the centre in which it is located'.

Policy B1 aims to secure environmental improvements whilst policy B2 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. Large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

Policy S7 states 'new retail development should be of a high standard of design and well related to its surroundings in appearance and in terms of design, pedestrian, cyclist and vehicular generation'.

UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the ambient sound or vibration levels in residential or other noise sensitive areas, the Council may require the applicant to carry out an assessment of the nature and extent of likely problems or to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission may be refused.

Policy CN18 of the UDP aims to promote the interests of nature conservation throughout the City, the Council will work together with neighbouring authorities and other agencies in regard to aspects affecting the wider area. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced; measures will include:-

- The appropriate management of City Council owned land
- Encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors
- Making provision in development proposals for preservation of habitats or creation of compensatory habitats;
- Seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land;
- Improving access and providing interpretation to appropriate sites of wildlife interest; and
- Refusing inappropriate development.

Policy CN22 of the UDP highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

Emerging Local Development Framework

Reference is also made to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and is not anticipated to be formally adopted by the Council until 2017. As such, the policies referred to can only be given limited weight in the determination of the planning application, but they do provide an indication of how the Council's

approach to considering this type of planning application is likely to take shape in the next 2-3 years.

Policy CS5.1 identifies the overall retail hierarchy in Sunderland, with Houghton identified as a Town Centre, along with Washington, second only in hierarchy to the City Centre. The City Centre and Town Centres are identified as the principal locations for leisure entertainment, cultural facilities and services. Policy CS5.2 states the City Council will continue to seek and support area based regeneration initiatives. Houghton town centre has been identified as a regeneration area where new retail opportunities and environmental improvements will be supported.

Policy DM5.1 gives favourable consideration to new retail development in or on the edge of the centres identified in Policy CS5.1 within which Houghton is included.

Policy DM5.1 introduces a local threshold that requires an impact assessment to be undertaken for all proposed retail developments of more than 500 sq.m gross. Although the Lidl application does not currently face the NPPF impact tests, it would certainly do so if Policy DM5.1 is eventually adopted in its current form.

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.**
- 4) Other issues raised in representations.**

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.

Newbottle Street forms the focal point of the Houghton Retail Centre, with the subject site to the east, beyond the rear elevation of this varied shop provision, as identified on the proposals map of the UDP. The site does however provide the majority of parking provision serving the immediate area.

As noted above, policy HA30 states the maintenance and improvement of Houghton Shopping Centre will be supported and policy S2 states that the Council will give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification of retail centres and thereby facilitate their regeneration. Retail uses, including foodstores, are deemed to be acceptable in principle in such centres.

The Lidl planning application is in compliance with the Shopping Policies S1, S2 and S5 of the UDP without any conflict with Area Proposal HA30. The proposal is also in accordance with draft policies CS5.1, CS5.1 and DM5.1 of the emerging Core Strategy and Development Management Policies Development Plan Document detailed above. 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.

The Design and Access Statement which accompanies the planning application details the design principles and concepts and how issues relating to access to the development have been considered. These factors have then been used to inform the overall layout, scale, massing and external appearance of the foodstore.

Taking each point in turn:

Layout:

The proposed foodstore is to be located to the south of the site occupying a position similar to the existing store. The existing arrangements including car parking position, delivery and store location has directly informed the proposed layout. It is stated the proposed footprint maximises the use of the overall site whilst the separate customer and delivery service yard is deemed a practical and safe solution.

The store entrance faces north, over the car park, with the public parking arrangements reconfigured. The loading area is to be positioned to the south elevation in a comparable positing to the existing. The store has been designed in order that the delivery vehicles reverse to the loading bay door with products unloaded with limited external activity. A manual dock leveller is to be utilised so that noise and energy use is minimised.

Associated highway works are proposed within the scheme which predominately relate to the layout of the public car parking facilities. Access is to remain as existing, for both vehicles and pedestrians.

In accordance with the above, the proposed layout raises no serious concerns and is generally comparable to the existing situation, which has been utilised for a number of years.

Scale and Massing:

The proposed building is designed to be part single storey and part two storey; constructed with a mono-pitched roof which accommodates staff facilities at first floor level towards the western elevation. The proposed store has a maximum height of 7.8 metres when measured from the north elevation and the section towards the front of the store while towards the south of the site, due to site levels, the height increases a maximum of 9.3 metres. The proposed roof reduces to the lowest point of 5.2 metres, adjacent to Hillside Way.

A number of the existing elevations as detailed on drawing no. A(00)EXE001 are listed, so that the scale of the proposal can be directly compared. The rearmost section of the CO-OP store, containing the servicing area is a maximum of 12 metres whilst the highest section of the main roof is approximately 8.4 metres with the lowest section is 7.5 metres measured from the eastern elevation. The highest section of the store from the car park elevation is 8.8 metres.

In accordance with the above, the proposed store is to be of a scale, in the most part, lower than the existing development on the site. The proposal will create a foodstore which would not be out of keeping with the scale of development in the immediate vicinity therefore raising no concerns in terms of scale and massing.

External Appearance:

A modern elevational design approach is proposed, to create a functional style. The main glazing design feature is located to the northern elevation which is the primary elevation visible from public vantage points. In addition, a section to the northwest elevation is also to be full height glazing, a section of the building where views from Mautland Street will be achieved.

The remaining elevations (east, west and south) are to comprise white wall render, grey plinth render, grey powder coated doors and grey wall cladding. High level windows are to be installed within the west elevation covered by louvred panels to serve the staff facilities. These elevations are partially screened from the surroundings by the footbridge structure and associated works to the east, which also screens elements of the south elevation. The buildings on Newbottle Street screen views of the site from wider vantage points to the west while properties on Sunderland Street screen views of the site from within the Conservation Area. As such, views of the development from the surroundings are limited to particular vantage points.

In terms of the proposed materials, rendering is not considered to be at odds with other buildings and finishes in the immediate vicinity, including 75 Newbottle Street (carpet store), 79 Newbottle Street (Domino's) and 85 Newbottle Street which all bound the car park. In addition it should be noted rendering is a typical elevational finish utilised at the majority of premises on Newbottle Street whilst it is specifically noted Gentoo's property (88 Newbottle Street) has utilised similar materials in terms of white render and large expanses of glazing.

For the reasons detailed above, it is not anticipated that the proposal will compromise the visual amenity of the area with the external appearance deemed acceptable in this location. The proposal has therefore demonstrated consideration of the above matters, in accordance with the principles of the NPPF and policy B2 of the UDP.

Amenity Issues

In terms of overlooking and privacy, the foodstore has been proposed to be situated towards the south of the site in a comparable position to the existing store. The window arrangements are also similar, predominately utilising views over the car park whilst the site is also located well away from residential occupiers.

The longstanding use of the site for a foodstore, with the proposal for the same purpose, utilising similar operating practices in terms of hours and deliveries, ensures no significant detriment to amenity through general noise and disturbance. This can be further protected through the imposition of relevant conditions in accordance with the advice provided by Public Protection and Regulatory Services.

The proposed landscaping results in enhancements to the existing, with improvements to the east and north/ northeast boundaries. It is considered the enhanced landscaping will soften the appearance of the hard standing which currently exists whilst also softening the appearance of the store from Hillside Way.

Furthermore as the building is to be brought further away from the footbridge over Hillside Way, the ramp will have a greater open appearance and the safety fence attached to the existing building preventing access onto the roof, will not be required for the new store.

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. 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.

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 this regard, Network Management has considered the application and offered no significant objections to the proposal. The main comments amount to the requirement for the applicant to enter into a Section 278 agreement under the Highways Act 1980 to secure alterations to the car park and waiting restrictions.

It was also advised that the car park is used by shoppers visiting Houghton local centres and as such a minimum 2 hour free stay parking should be provided. In this respect the applicant's submitted transport assessment confirms this intention.

In conclusion the proposal does not appear to raise any concerns in terms of highway and pedestrian safety. The proposed highway improvements detailed above would be subject to an Agreement under Section 278 of the Highways Act 1980 and as such the proposal is considered to accord with policies T14 and T22 of the adopted Unitary Development Plan.

4. Other issues raised in representations

Further to the considerations detailed above concerning the principle of the development, siting and design of the building, amenity issues and also highway matters, objector's have also raised concerns with regard to the following:

- 1) The existing store should be retained, refitted and opening quickly
- 2) There has not been proper public consultation prior to the submission of the application
- 3) There should be exemptions for the Methodist Church whereby members are not subject to parking time restrictions
- 4) Deliveries should not occur on Sunday mornings
- 5) The access between the church and store should not be reduced.

In respect of the above issues the following comments are offered:

1) As detailed within the 'Additional Information' section of the report above, the agent has confirmed that the scope for retaining the existing foodstore has been fully investigated however a number of factors precluded this option. The principal reasons were cited as:

- There are 19 (non-removable) structural support columns which compromise the internal layout and specifically Lidl's requirements in terms of aisle widths and layouts.
- The building is in a general state of dis-repair, requiring significant investment. A key concern is the condition of the roof which is leaking and would require comprehensive replacement.
- The car park is poorly configured and requires re-modelling to achieve 'acceptable' Lidl standards.

In accordance with the above, it is considered Lidl have explored the option to re-use the existing store and arrangements however this was not deemed to be feasible.

- 2) Lidl have completed pre-application consultations through a press notice, community event and a leaflet drop in compliance with the requirements for pre-application consultation as set out in the Council's adopted Statement of Community Involvement.
- 3) The agent was asked if it was possible to provide parking exemptions for the members of the adjacent Methodist Church however it was stated that this was not possible and would set a precedent for other regular visits, businesses and operators in the vicinity.
- 4) Concerning deliveries, the agent acknowledged and was receptive to the request to avoid deliveries on Sunday mornings however, due to operating practices and constraints from distribution centres, was not keen on imposing restrictive conditions to this effect.

Further to the above, it is noted that the existing CO-OP store operated with unrestricted hours for deliveries and operation. In addition the service area is located away from the main entrance to the church and therefore potential conflict is unlikely to be significant.

- 5) Upon reviewing the submitted plans the access between the church and store is to be increased, due to the relocation of the pedestrian ramp.

Conclusion

The principle of the development is considered to be acceptable with due regard to policies HA30, S1, S2 and S5 of the Council's adopted Unitary Development Plan whilst also in accordance with draft policies CS5.1, CS5.1 and DM5.1 of the emerging Core Strategy and Development Management Policies Development Plan Document.

The siting, design and relationship between the application site and surroundings is considered to be acceptable and respects the surrounding built form and materials utilised. 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 policy B2 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 Section 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 generally acceptable with due regard to the relevant national and local planning policy. Consideration is still being given to the implications of the redevelopment of the site to surface water drainage, while further enhancements options are being explored. It is anticipated that full consideration of this matter will be completed prior to the Committee and as such will be reported via a report for circulation. Subject to securing a satisfactory resolution to surface water drainage, it is recommended that Members be minded to approve the application 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:-

- 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 be minded to approve subject to the draft conditions listed 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:

- Drawing No. 0(90)EXP001 Rev 1: Site location plan, received 12.08.2015
- Drawing No. A(00)EXP001 Rev 1: Existing ground floor plan, received 12.08.2015
- Drawing No. A(00)EXP002 Rev 1: Existing site layout, received 12.08.2015
- Drawing No. A(00)EXE001 Rev 1: Existing elevations, received 12.08.2015
- Drawing No. A(00)GAE001 Rev 2: Proposed elevations, received 15.10.2015
- Drawing No. A(00)GAP001 Rev 4: Proposed floor plans, received 14.10.2015
- Drawing No. A(90)GAP002 Rev 14: Proposed site layout, received 12.08.2015
- Drawing No. A(00)GAP002 Rev 1: Proposed roof plan, received 20.08.2015
- Drawing No. R/1753/1: Landscape details, received 12.08.2015
- Car park lighting, received 12.08.2015

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 07:00-19:00 Monday to Friday, 07:30-14:00 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 08:00 and 20:00 Monday to Saturday and 10:00 and 16:00 Sundays and Bank Holidays, 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 :
 - Monday to Saturday 07:00 to 21.00;
 - Sunday 09:00 to 17.00;In order to protect the amenities of the area in accordance with policies EN5 of the UDP.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping (drawing no: R/1753/1, received 12.08.2015) 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 minimise, 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.
- 16 The development hereby approved shall not be brought into use until details (height, colour treatment etc) of a noise barrier/fence to be installed adjacent to the delivery area have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the noise barrier/fence shall be installed in full accordance with the agreed details prior to the foodstore being brought into use, in order to protect the amenities of the area, in accordance with 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, in the compound area to the southwest of the store, 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 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 The development hereby approved shall be carried out in accordance with the recommendations detailed in the Extended Phase 1 Habitat Survey and Bat Roost Assessment July 2015 prepared by WYG, 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
- 21 Prior to the commencement of development, comprehensive details of all ecological enhancement measures, such as the type and location of bat roosts and bird nest units, and the sustainable post-development management of features, shall be submitted to and approved in writing by the Council as Local Planning Authority, 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.
- 22 Notwithstanding any information submitted concerning the demolition of the existing store, as there are records of bats and bat roosts in proximity to the site, key features such as tiles/ slates, ridge tiles and barge boards shall be removed by hand, in order to ensure the development will not give rise to harm to the protected species, and to comply with the requirements of policy CN22 of the UDP and section 11 of the NPPF

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
09/02091/FUL	Peel Investments (UK) LTD	Demolition of Unit 2 (Allied Carpets) and erection of new retail unit attached to existing Unit 1 (Homebase)	03/06/2009	02/09/2009
Washington North	Allied Carpets Unit 2 The Peel Centre District 10 Peel Retail Park Washington NE37 2PA			
15/01701/FU4	Teal Farm Residents Association	Erection of 3 no lecterns and 6 no owl sculptures to mark the new Teal Farm nature trail.	07/09/2015	02/11/2015
Washington East	Various Locations Within Teal Farm Nature Trail Otterington Washin gton NE38 8TE			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/00691/OUT	Mr Neil Findlay	Outline planning application for residential development comprising of 45no Dwellings - approval sought for appearance, layout, scale & access.	05/06/2015	04/09/2015
Houghton	Former Chilton Moor Cricket Club Chilton Moor Houghton-le-Spring			
15/00264/FUL	Mr Dean Proudfoot	Demolition of smaller existing stables and erection of dog kennels and conversion of larger existing stables into a cattery.	01/09/2015	27/10/2015
Washington West	Fernhill Mount Lane Springwell Gateshead NE9 7UQ			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01100/LO4	Springboard North East	Demolition of existing community training facility and construction of new single storey community training facility, incorporating classrooms, office, cafe, changing rooms, bicycle repair shop, equipment stores, minibus garage, and ancillary accommodation, with associated landscape works.	14/05/2014	09/07/2014
Hetton	Hetton Lyons ParkDowns Pit LaneHetton-le- HoleHoughton-le- SpringDH5 9NL			
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved).	17/11/2014	16/02/2015
Hetton	Coal Bank FarmHetton- le-HoleHoughton-le- SpringDH5 0DX			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
15/00978/VAR	Peel Property Intermediate Limited	Variation of condition 13 of planning approval 07/02384/VAR (Application to revise condition No.13 of planning permission 03/00120/OUT) to allow the sale of food and drink. (Updated information received 21 August 2015).Condition Number(s): 13Conditions(s) Removal:To enable the development to be completed and occupied.To allow the sale of food and drink.	27/05/2015	26/08/2015
Washington North	The Peel Centre Phase 2 Spire RoadGloverWashington			

Appeals Received Hetton Houghton and Washington

Between 01/09/15 and 30/09/15

Team	Ref No	Address	Description	Date Appeal Lodged
HO				
	15/00008/REF	Land Adjacent8 Saint MichaelsFence HousesHoughton-le- SpringDH4 5NR	Change of use of open space to private garden and erection of a 1.8m high timber boarded fence. (Retrospective).	16/09/2015
W				
	15/00021/REF	30 Muirfield DriveUsworthWashing tonNE37 2LS	Erection of a single storey dwelling on land adjacent to 30 Muirfield Drive (Resubmission).	06/09/2015