

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

1.

Washington

Reference No.: 11/01182/VAR Variation of Condition

Proposal: Variation of condition 3 attached to planning application 92/0740 (Modernisation of waste-reprocessing station and erection of warehouse) to allow business activity between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays (amended description following request from applicant for revision to proposed hours of operation, 23/02/2012)

Location: Holystone Waste Management Ltd Wilden Road Pattinson South Washington NE38 8QA

Ward: Washington East
Applicant: Impetus Waste Management Ltd
Date Valid: 18 April 2011
Target Date: 13 June 2011

Location Plan



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PROPOSAL:

Planning permission is sought to vary condition 3 attached to planning application 92/0740 (Modernisation of waste-reprocessing station and erection of warehouse) to allow business activity between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays at former Holystone Waste Management, Wilden Road, Pattinson South, Washington, NE38 8QB.

Site description

The proposed variation of condition affects an established waste management facility situated within the extensive Pattinson South Industrial Estate in Washington. The station occupies a roughly rectangular compound with an area of approximately 5860 sq. metres and features a large single-storey building used for segregating waste with a footprint of 800 sq. metres. A small, brick-built two-storey office building stands adjacent to its entrance and there is also a weighbridge at the site. The remainder of the compound appears to be used for the storage and sorting of material. The surroundings of the compound are generally industrial and commercial in character, with the nearest residential properties (those of Barmston Court) situated approximately 120 metres to the north.

The compound is bordered by Wilden Road to the north-west, from which vehicular access is taken, and the grounds of industrial/commercial businesses in all other directions. The boundary to Wilden Road takes the form of a 2 metres high palisade fence with a 4 metres high close-boarded timber fence behind, whilst the north-eastern and south-western boundaries are defined by 2 metres high fencing. The compound is enclosed by a belt of trees on its south-eastern side, which extends along the south-western boundary inside the fence. A 4 metres high earth embankment has been built up inside the compound adjacent to the south-east and south-west boundaries.

The existing operations at the site are relatively simple. The site is served by vehicles of various sizes from a variety of sources, which are weighed at the weighbridge before tipping their loads of waste into one of five bays in the aforementioned single-storey building, after which the vehicles leave the site. Between and during tipping, an on-site loading shovel heaps and organises the waste piles within the bays, after which the waste material is loaded onto large trailers for final disposal off the site.

Site history

The use of the compound for the management of waste material is longstanding. In 1992, an application (reference 92/0740) to modernise the waste processing station and erect a warehouse was granted planning permission subject to condition 3, which limits the hours of operation to between:

- 08:00 and 18:00 Monday to Friday;
- 08:00 and 12:00 on Saturday;
- at no time on Sundays and Bank Holidays.

A second application to 'modernise' the site, which included the erection of the aforementioned office building, was granted approval in 1995 (application reference 95/1455).

Planning permission was granted for the large single-storey processing building in 1999 (application reference 99/00814/FUL), whilst the acoustic fence to the

Wilden Road boundary was approved in 2002 (application reference 02/00271/FUL).

Members may also recall that a recent application proposing the erection of an extension to the existing waste segregation and storage building at the site (see app. ref. 11/02809/FUL) was granted approval at the Houghton, Hetton and Washington Development Control Sub-Committee meeting on 29th November 2011.

The site has historically been operated by Holystone Waste Management, but has been occupied by Impetus Waste Management Ltd. since February 2011. Impetus has submitted this planning application.

Proposed variation of condition

The applicant seeks to vary the terms of aforementioned condition 3 of application reference 92/0740 to allow the hours of operation at the site to be extended in order to assist the company in fulfilling contractual obligations. The application originally proposed an extension of the hours of operation to allow activity until 17:00 on Saturdays and between 07:30 and 17:00 on Bank Holidays. However, the applicant has since requested that the application be amended to propose a further extension of the hours of operation, to between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays. No working is proposed on Sundays.

Upon receiving the applicant's amendment request, the application was re-advertised and consultation with neighbouring properties and other internal and external consultees repeated.

The applicant has submitted a statement in support of the application (dated 13th December 2011), which asserts that Impetus Waste Management has, since operating the site, taken additional action to reassure that the proposed modifications to the operating times will have a 'minimal effect' on the local environment. The following measures have been introduced:

- activity will be minimal between 07:30 and 08:00;
- a white noise reversing aid has been fitted to the loading shovel at the site - this device adjusts its audibility depending upon the level of background noise, thus reducing the likelihood of it being heard from a distance;
- rubber stays have been fitted to the end of the weighbridge, to dampen any noise created by the weighbridge hitting the concrete ramps at either end;
- regular consultation and dialogue with the Environment Agency, who issue and regulate permits for waste transfer facilities;
- consultation letters have been sent to 'local people', asking that they engage with Impetus and raise any issues or concerns which could be dealt with in a mutually agreeable manner;
- Impetus operates an 'open door policy', whereby local residents are welcome to make contact with the company at any time.

The statement also notes that the proposed Saturday working is unlikely occur every Saturday; most likely, the site will operate on Saturdays after a Bank Holiday in order to allow the company's municipal customers to catch up with their workload.

The company also suggests that since taking over the site, it has received very little negative feedback and that a lot of effort has been expended into its operation.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Street Scene (Environmental Service)
City Services - Network Management
Environment Agency
Street Scene (Environmental Service)
City Services - Network Management
Environment Agency

Final Date for Receipt of Representations: **20.03.2012**

REPRESENTATIONS:

Neighbours

Two letters of representation, from the occupiers of 45 and 46 Barmston Court, and a petition with 61 signatures (all residents of Barmston Court) have been received in response to the consultation exercise carried out in respect of this application.

The letter from 45 Barmston Court objects to the proposal on the grounds that the existing operations at the site are already noisy, smelly, dusty, dirty and attract flies and that extending the hours of operation will only serve to increase the time the nearest residents are subjected to these nuisances.

Similar concerns are raised by the objector residing at 46 Barmston Court. The letter also suggests that the activity at the site is already taking place beyond the hours specified by the existing planning condition and that there is no guarantee that the requested hours of operation would be adhered to if the application is approved.

The reasons given on the petition for objecting to the application are:

- increased noise levels;
- increase in dust, which is already high;
- infestation of flies, which are already at a level which prevents opening of windows.

The impact of the proposed extension of opening hours on the amenity of the nearest residential dwellings to the application site is given full consideration in the 'Conclusion' section of this report.

The period for receipt of representations does not expire until 20th March 2012. Details of any further representations received prior to the date of the Committee will be reported on a Supplement to the main report.

Consultees

Environment Agency

The Environment Agency raised no objection to the hours of operation originally proposed by the application, but noted that the proposed change to the hours of operation will have implications on the operator's Waste Permit, which it issues and regulates. A condition of the permit would need to be varied if planning permission for the extended hours of operation is granted. The applicant is also advised to contact the Environment Agency with regard to transfer of the permit.

The Environment Agency was consulted again upon receipt of the applicant's request to amend the application. Additional comments were received on 21st March 2012 and it was again stated that there is no objection to the proposal as submitted. The comments advise the City Council that the applicant has been granted a variation of the Environment Agency permit, which served to remove all conditions relating to operational hours. As such, the only means of controlling hours of activity at the site is via planning conditions.

The Environment Agency also note that it has previously received complaints from nearby residents in respect of the site, relating to noise (particularly early in the morning), vehicles parking and waiting on the road outside the site before it opens and business activity commencing prior to the permitted hours. It is advised that these are issues the Environment Agency is unable to control through its permit and it is consequently suggested that these matters could, if the City Council believes necessary or reasonable, be addressed via appropriately worded planning conditions.

Strategic Director of City Services (Environmental Services)

The City Council's Strategic Director of City Services (Environmental Services) has recommended that the applicant appoints a suitably qualified and experienced noise control consultant to undertake a noise assessment in line with British Standard 4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The survey should determine the levels of noise generated by the operations at the site and indicate whether the recorded levels will be of detriment to the amenity of the nearest residential dwellings. The Strategic Director of City Services (Environmental Services) must be satisfied that the noise generated during the extended hours of operation will not exceed the background noise (LA90) by 5dB(A) as an absolute maximum to preclude complaints of nuisance or disturbance.

The applicant has submitted a noise survey, received on 22nd February 2012, in accordance with the above advice. The content of the survey and its conclusions and recommendations are still being considered by the Strategic Director of City Services (Environmental Services). Details of any comments received from the Strategic Director of City Services (Environmental Services) in relation to the survey or any other issues raised by the application will be reported on a Supplement to the main report.

POLICIES:

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

EC_4_Retention and improvement of existing business and industrial land
EN_1_Improvement of the environment
EN_5_Protecting sensitive areas from new noise/vibration generating developments
M_12_Strategic requirements for development/extension of waste disposal/transfer sites
M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- the principle of the proposed variation of condition;
- the impact of the proposed variation of condition on the amenity of the nearest residential dwellings;
- the impact of the proposed variation of condition on highway and pedestrian safety

The Principle of The Proposed Variation of Condition

The proposals map of the City Council's adopted Unitary Development Plan (1998) identifies the Pattinson South Industrial Estate as an existing area for economic development to be retained and improved. Policy EC4 of the UDP states that such business and industrial land will be retained and improved for a range of uses encompassing offices, research and development and light industry (use class B1 of the Town and Country Planning (Use Classes) Order), general industry (use class B2) and storage and distribution (use class B8). Other uses may be acceptable on an ancillary level to meet the needs of each site whilst applications for uses not specifically listed will be considered on their individual merits.

The existing use of the site as a waste management facility falls is a 'sui generis' use (i.e. a use which does not satisfactorily fall into one of the classes of the Use Classes Order). Whilst this use is not specifically listed by policy EC4, it is considered to be closely related to the general industrial uses which are acceptable in business and industrial estates such as Pattinson South. The proposed variation of condition will not introduce any new activities or operations to the site and so the application is not considered to raise any land use issues. The proposal is therefore considered to be compliant with the requirements of policy EC4.

Impact of proposed variation of condition on residential amenity

The nearest residential dwellings to the proposal site are at 77 and 78 Barmston Court, which stand approximately 120 metres to its north. The petition and letters of representation received from the residents of Barmston Court in response to the consultation exercise carried out in respect of this application assert that the existing operations at the site are noisy, dirty, smelly and dusty. It is also suggested that the site is responsible for the dwellings of Barmston Court being plagued by flies. The petition and letters of representation express concern that allowing an increase in the hours of activity at the site will only exacerbate these existing issues.

Given the above comments, it is considered that the main residential amenity issue raised by the proposed variation of condition is whether the increase in hours of operation will result in the nearest dwellings suffering an unacceptable increase in nuisance and disturbance from the extended periods of activity at the site.

In this regard, policy EN1 of the UDP states that improvement of the environment will be achieved by:

- (i) seeking to minimise all forms of pollution and;
- (ii) encouraging, assisting or carrying out a wide range of environmental works, including the enhancement of vacant sites and buildings and the reclamation of derelict land. Policy EN5 of the UDP states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

In addition to the above, policy M12 of the UDP states that proposals for the construction of waste disposal or transfer facilities will be acceptable if it can be shown that:

- (i) the primary requirement is to deal with waste from the City;
- (ii) the method of disposal is proven, effective and environmentally acceptable;
- (iii) consideration has been given to waste reduction by means of appropriate practical and economic recycling measures

Also of relevance is policy M18 of the UDP, which aims to permit the provision of facilities for the reclamation and recycling of waste materials, subject to the protection of local amenity and other proposals of the plan.

As requested by the City Council's Strategic Director of City Services (Environmental Services), the applicant has commissioned a noise survey and report ('Acoustic Assessment, Impetus Waste Transfer Station, Barmston, Washington', prepared by EMAT Ltd., February 2012), which has subsequently been submitted as part of the planning application. The survey aims to establish the noise levels at the nearest receptors (i.e. the dwellings at 77 and 78 Barmston Court) during typical on-site operations and while the application site is quiet. Measurements were taken on a Sunday to represent the likely background noise conditions on a Bank Holiday. The survey also attempts to factor-in the

likely noise emissions from two new sorting machines the applicant intends to install within the building at the site. The noise assessment adopted the methodology set out in British Standard 4142: 'Rating industrial noise affecting mixed residential and industrial areas'.

The report concludes that the site noise experienced at the nearest residential property is of 'marginal significance' when using the ratings set out in BS 4142, even after factoring-in the noise likely to be generated by the new equipment intended to be installed at the site. In addition, it concludes that external noise levels at the nearest receptors (i.e. 77 and 78 Barmston Court) meets the criteria set by a recent World Health Organisation study into acceptable noise levels for internal and external environments, which have been adopted by BS 8233: Sound insulation and noise reduction in buildings - Code of Practice.

The methodology and conclusions of the survey are, however, still being considered by the Strategic Director of City Services (Environmental Services). Furthermore, clarification on the precise nature of the complaints from local residents referred to in the most recent consultation response from the Environment Agency is awaited. The response from the Strategic Director of City Services (Environmental Services) and the additional information requested from the Environment Agency are required before a full assessment of the potential impact of the proposed extension of hours of activity on the amenity of the nearest residential properties can be made. Details of the comments received will be reported on a Supplement to the main report.

Impact of variation of condition on highway and pedestrian safety

Policy T14 of the UDP states that all new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety. The City Council's Executive Director of City Services (Transportation) has assessed the proposals in this regard and has raised no objections or recommendations. Accordingly, the proposed extension of hours of activity is not considered to raise any concerns in relation to highway and pedestrian safety, in compliance with the requirements of aforementioned policy T14.

Conclusion

The proposed variation of the condition attached to the approval of planning application ref. 92/0740 to allow an extension to the currently permitted hours of activity at the existing waste management facility is considered to be acceptable in principle and to comply with the requirements of policy EC4 of the adopted Unitary Development Plan (1998). In addition, the proposal does not raise any concerns in relation to highway and pedestrian safety, in accordance with policy T14 of the UDP.

However, a consultation response is still awaited from the Strategic Director of City Services (Environmental Services) and further information has been requested from the Environment Agency, which are required to enable a full assessment of the impact of the proposal on the amenity of the nearest residential dwellings at Barmston Court. It is anticipated that the outstanding consultation response and additional information will be received prior to the meeting of the Sub-Committee. Details of any responses received, together with

a recommended decision, will be reported on a Supplementary Report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

2.

Washington

Reference No.: 12/00207/FUL Full Application

Proposal: Substitution of garage types to Plots 25-27, 29,34, 45,47,51,52,54,75,80,81,84, 92 and 93 to previously approved application 10/03726/HYB.

Location: Land East Of Pattinson Road Washington Tyne And Wear

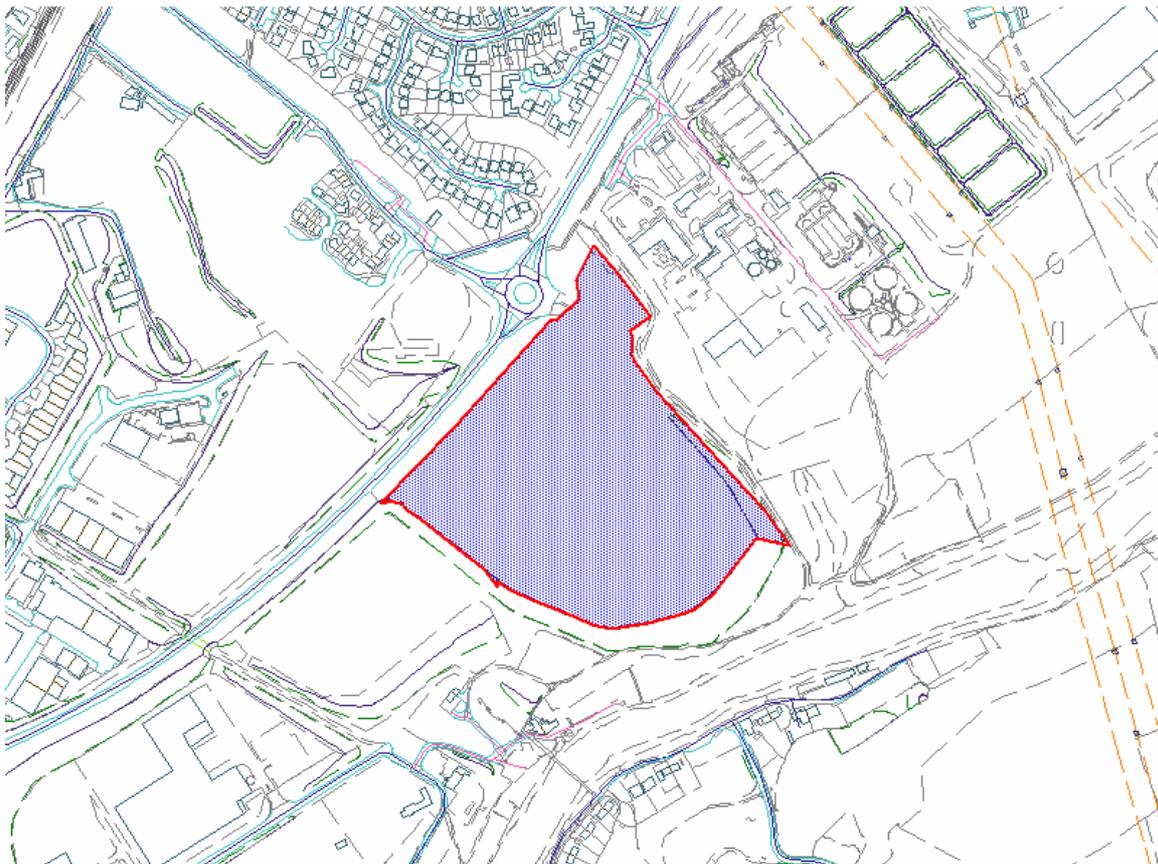
Ward: Washington East

Applicant: Barratt Homes

Date Valid: 28 February 2012

Target Date: 29 May 2012

Location Plan



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PROPOSAL:

The proposal is for the substitution of garage types to Plots 25-27, 29,34, 45,47,51,52,54,75,80,81,84, 92 and 93 to previously approved application 10/03726/HYB.

Members may recall the previous application for the site which was approved in May 2011. This application is simply to change the design of the garages on the

above plots. The principle of the development has already been established through planning application 10/03726/HYB.

The proposal involves changing garage types on the following plots:

- Plots 25-27,54 and 93 involves changing the approved single storey garage to single double length garage.
- Plots 29 Involves a double garage increasing to a triple garage to allow plot 29 to have a double garage rather than a single garage.
- Plots 34, 45, 47, 75, 80 and 81 Involves changing from a single garage to a double garage.
- Plots 51 and 52 have been alter to allow both plots to have a double length single garage rather than single garages.
- Plot 84 involves a double garage increasing to a triple garage to allow plot 84 to have a double garage rather than a single garage.
- Plot 92 now proposes a single garage with a double length single garage to plot 93.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **04.04.2012**

REPRESENTATIONS:

Neighbour Representation

No representation have been received to the proposed development.

Consultee

Executive Director of City Services: Network Management - No observations have been received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

COMMENTS:

The key issues for consideration are:

- Design Consideration
- Highway Consideration.
- Residential and visual amenity considerations

Design Considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

The proposed changes to the garages are considered acceptable in principle as they offer additional off street parking in the context of the overall system. The materials as proposed on the materials layout plan received the 28th March 2012 are considered acceptable.

In conclusion from a design perspective there are no objections to the proposed scheme. It is recommended that the materials be discharged as part of this application for the garages named in the proposal, should Members be minded to approve the application,

Highway Considerations

UDP policy T14 requires new development to provide adequate parking and be readily accessible by pedestrian and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The proposed changes have increased the number of incurtilage parking facilities and as such are considered acceptable in principle and as such comply with policy T14 of the Unitary Development Plan.

Residential and visual amenity considerations

Policy B2 of the UDP requires the scale, massing and layout of new development should retain acceptable levels of privacy and relate harmoniously to adjoining areas. Section 10C of the Residential Design Guide Supplementary Planning

Document requires minimum interface spacing of 21m between main facing windows on two storey development.

In this regard, it is not considered that the proposed changes to the garages will adversely impact on the proposed residential amenity of the occupants of the adjacent properties and as such the proposal is considered to accord with policy B2 of the UDP.

Conclusions

In conclusion the proposed changes to the garages are considered acceptable in principle and are in accordance with relevant UDP, SPG policies and the National Planning Policy Framework.

It is therefore considered that Members should be minded to approve the application subject to the condition listed below.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which full planning permission relates must be begun not later than 3 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:

Application Form received 31st Jan 2012
Garage Type G304 received 15th Feb 2012
Garage Type G203 received 28th Feb 2012
Garage Type G150 received 15th Feb 2012
Garage Type G304 received 15th Feb 2012
Garage Type G303 received 15th Feb 2012
Garage Type G250 received 31st Jan 2012
Technical Planning Layout 31st Jan 2012
Materials Layout Plan 28th March 2012
Location Plan received 31st March 2012

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

3.

Washington

Reference No.: 12/00304/VAR Variation of Condition

Proposal: Variation of condition no.3 (plans) of application number 11/03016/SUB for Erection of 30,000sq m manufacturing facility including ancillary offices, car parking / servicing, associated highway improvements and access arrangements

Location: Radial 64 (Former Dunlop Tyre Factory) Birtley Road Washington

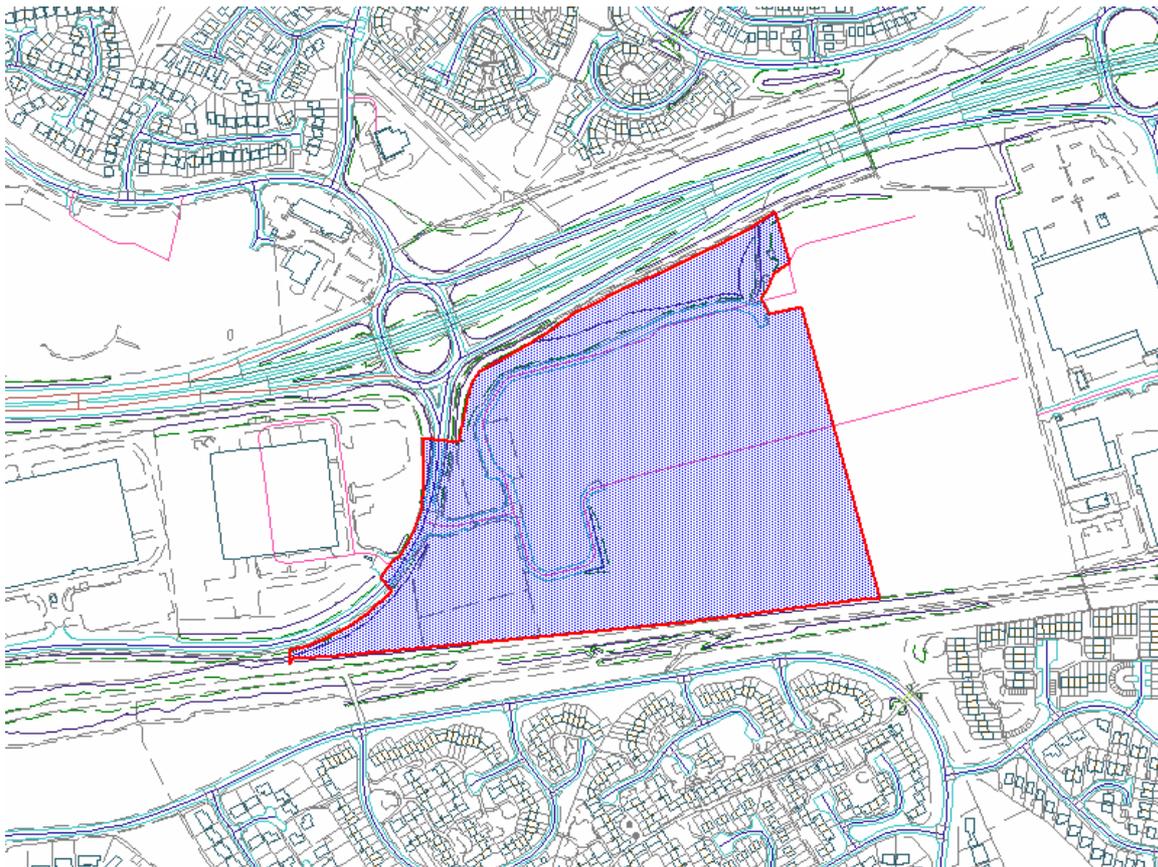
Ward: Washington South

Applicant: Rolls Royce Plc

Date Valid: 14 February 2012

Target Date: 15 May 2012

Location Plan



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PROPOSAL:

The application is to vary the previous consent (ref 11/03016/SUB) for the proposed Rolls Royce factory units on the site of the former Dunlop Tyre factory involving a reconfiguration of the size of the two units, while keeping within the

overall floorspace limit of 30,000 sq m set by the original consent. the changes result from detailed planning of the buildings during the tendering process. The application seeks to achieve this by varying the plans to which the development must accord as required by condition 3 on consent no.11/03016/SUB

The principal changes are as follows:

Building 01, being the replacement for Rolls Royce's Pallion factory, is subject to the following changes:

- reduction in length by 17.5m and by 5m in width;
- ground floor projecting office removed; all the offices located within the volume of the building;
- re-arrangement of plant areas at the rear of the building.

The reduction in the size of Building 01 enables Building 02 to increase in size:

- length increased by 19m and width by 5m;
- office projection at front of building set back by 4.5m.

These changes have impacted on all the site and building drawings. Additional changes introduced following this latest design development change involve:

- central island buildings combined into one single facility;
- securely gatehouse increased in size and repositioned;
- immediate car parking front of each building rebalanced to reflect floorspace adjustments.

These changes result in the following revised building floor areas:

	Current	Previous
Building 01	17,495 sq m	25,253 sq m
Proposed Extension	2,804 sq m	3,153 sq m
Building 02	7,220 sq m	5,795 sq m
Ancillary Buildings	1,195 sq m	928 sq m
Gatehouse	126 sq m	90 sq m
Total	28,840 sq m	30,219 sq m

The floorspace total for Building 01 excludes internal plant decks. These do not constitute operational space as shown in the earlier plans. as with the previous applications because Building 02 is to be occupied by a third part it is probably change in future but will remain subject to the floorspace limit on the site.

Site access; circulation; car park at site entrance; the landscape and nature conservation arrangements all remain as originally planned and approved by the December 2011 consent. The essential shape and form of the buildings and the design approach are also unchanged.

The application is accompanied by the same documents as the previous application with only the Design and Access Statement being amended. All the site drawings have been revised to reflect the changes to the configuration of the buildings

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Street Scene (Environmental Service)
County Archaeologist
City Services - Network Management
Northumbrian Water
Northern Electric
Business Investment
The Highways Agency
National Grid Transco
Force Planning And Police Architectural Liaison Officer
Nexus

Final Date for Receipt of Representations: **20.03.2012**

REPRESENTATIONS:

Neighbours

To date no representations have been received.

Consultees

Executive Director of City Services: Network Management - has indicated that he has no objections to the proposal but notes that the decrease in size of building 01 and the increase in size of building 02 has impacted upon the relative car park sizes for each building. It is noted that the Transport Statement at section 6.1 gives assurances that the parking will be at a rate of 1 space per 50 sq m of floorspace.

Executive Director of City Services: Environmental Services - has commented that the proposed changes to the sizes of the buildings on the site are unlikely to have any impact in terms of noise and air quality and therefore the comments made on the previous application remain relevant.

The County Archaeologist - has indicated that the archaeological conditions on the previous consent remain relevant and should be re-imposed on any new consent issued.

Nexus - has commented that it has no objections to the proposal but re-iterates its request made in response to application 11/03106/SUB that new bus shelters with electrical connections be provided, as well as improved pedestrian links to the eastbound bus stops on Birtley Road. It indicates some areas where the clarity of the Travel Plan element of the Transport Assessment could be improved. Nexus broadly welcomes the proposed signalisation of the Birtley road and Picktree road junctions while indicating that this may result in some delays to

scheduled bus services It welcomes the attention given to sustainable travel modes and particularly the proposed use of salary sacrifice schemes to assist with purchase of public transport season tickets. It is indicated that Nexus would need to be consulted on any proposals to move the position of bus stops as part of the proposed junction alterations. The comments have been passed to the applicant.

Northern Power Grid - has confirmed that there is a Deed of Grant dated February 2011 and potentially a conveyance of September 1984 covering some underground cables on the site. The information has been passed to the applicant.

POLICIES:

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

CN_17_Tree Preservation Orders and replacement of trees

CN_18_Promotion of nature conservation (general)

CN_23_Measures to conserve/ improve wildlife corridors

EC_4_Retention and improvement of existing business and industrial land

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

EN_12_Conflicts between new development and flood risk / water resources

R_1_Working towards environmentally sustainable development

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_9_Specific provision will be made for cyclists on existing/new roads and off road

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

T_22_Parking standards in new developments

WA_1_Retention and improvement of established industrial / business area

WA_26_Identification of Strategic multi-user routes and their protection from development

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

CN_13_Protection and enhancement of important views

CN_14_Landscaping schemes and developments prominent from main transport routes

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

COMMENTS:

The principle of the use of the site for employment purposes and the scale of that development has been set by the policies of the adopted Unitary development Plan (WA1.14 and EC4) and the previous decisions on this site (applications nos

08/03879/OUT, 10/03792/FUL, and 11/03016/SUB) respectively. Consequently, in determining the application the key issues to consider are:

The Design, Layout and Visual Impact of the Development.

Because the proposal is essentially to change the configuration of the buildings on the site it is not considered necessary to re-examine the following issues which were assessed in respect of application 11/03016/SUB:

The Principle of the Use on the Site;
Environmental Considerations;
Archaeology;
Sustainability;
Flood Risk;
Highways / Access Issues; and
Ecology.

However, for completeness a copy of the report on that application to the Sub Committee on 13th December 2011 is appended for Members information.

It is not considered that the recently published National Planning Policy Framework changes the thrust of policy guidance for the consideration of any of the above issues.

The Design Layout and Visual Impact of the Development

The consideration of design is covered by policy B2 of the adopted Unitary Development Plan (UDP) which requires the scale, massing and layout of new developments to relate harmoniously with adjoining areas and respect the best qualities of nearby properties. The NPPF encourages local planning authorities to seek high quality design with permission refused for poor quality designs which fail to improve the character and quality of an area (section 6). The council's Supplementary Planning Guidance section 8.5, which concerns the control of industrial and commercial development (B2, CN13, T14), states that:

"(ii) Building heights should guard against visual intrusion, and buildings or structures over ten metres in height will normally be restricted to predominantly industrial settings."

The maximum height of the buildings is 14.5m, lower than the adjacent BAE Systems building, while at the eaves it is reduced to a little over 11m. The nearest houses are over 150 m to the south with a wide woodland belt and the cycle route embankment in between. The visual assessment included within the Design and Access statement indicates that the buildings should be well screened even in winter when the trees are bare by both existing and additional evergreen planting

The layout remains logical and retains the rhythmic pattern of development across the site. The main changes in the revised scheme are the external design of the buildings, other than the change in dimensions.. The office frontage on building 01 is set within the centre of the south elevation and set back slightly to add interest through the creation of full height reveals, rather than being 2 storeys set forward of the main frontage. This has the effect of simplifying the building, but making it no less attractive. On building 02 the offices to the front

are shown to extend to the full height of the building but remain set forward of the main rectangular building form.

The gatehouse has been enlarged and repositioned so that it can control access to both the units. The flat roof design of the building is considered to be satisfactory.

The overall design ethos from the earlier application is retained with the utilisation of a curved barrel roof design and the use of two tone silver cladding for the buildings in line with the Rolls-Royce corporate design ,

The changes to the sizes of the buildings inevitably have required the amendment to the car park layout with additional parking to the front of building 02 and less to the front of building 01, These changes are not considered to detract from the overall design of the scheme.

The waste recycling and storage buildings between the two units have been incorporated into one unit with a dual pitched roof, rather than two barrel roofed units. The design of the trade effluent building set to the rear of building 02 remains essentially the same.

The design and layout are considered to be satisfactory and to comply with the requirements of policy B2 of the adopted Unitary Development Plan.

As a result of the changes to the dimensions of the buildings and the associated reduction in height their overall visual impact has been reduced as previously the maximum height of the buildings was some 16m. The distances between the buildings and the nearest housing remains unchanged as does that between building 01 and the BAE Systems building to the east.

The impact of the proposal on the visual amenities of the area is considered to be less than the previous scheme and is considered to be in accord with the requirements of policy B2 of the adopted UDP.

Other Matters

It is considered appropriate to update the conditions in respect of land contamination in order to give more clarity of the requirements of site investigation, remediation, verification and dealing with previously unidentified contamination, in line with current Environment Agency guidance. Consequently, conditions 40 - 42 on consent 11/03016/SUB have been replaced by conditions 40 - 44 and subsequent conditions renumbered accordingly in the attached list of conditions. It is not considered that this change has any significant impact on the burden on the site developer.

Conclusion

The proposals to vary the dimensions of the buildings through the variation of condition no 3 on consent 11/03016/SUB are considered to be acceptable in that layout design and visual impact do not have any significant adverse impact upon the amenities of nearby occupiers and accord with the requirements of policy B2 of the adopted UDP. It is considered therefore that consent should be granted

and a new decision notice issued with condition 3 varied to make reference to the revised drawing nos and the remaining conditions unchanged.

RECOMMENDATION: Approve

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. For the avoidance of doubt, the total gross floor space (including mezzanine levels) for the development hereby approved shall not exceed 30,000 sq m of industrial units (Use Classes B2), but that figure shall exclude any free standing plant and/or refuse storage. This quantum of development will achieve a satisfactory form of development and ensure the highway network can accommodate the traffic generated by the site and thereby comply with policies B2 and T14 of the adopted Unitary Development Plan.
3. 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 / documents:

1872(PL) 01B Location / Site Plan received 14 February 2012
1872(PL) 02C Proposed Site Plan. received 14 February 2012
1872(PL) 03D Landscape / Biodiversity Plan. received 14 February 2012
1872(PL) 05C Detailed Floor Plans Building 02 received 14 February 2012
1872(PL) 07C Elevations Building 02. received 14 February 2012
1872(PL) 08C Site Sections. received 14 February 2012
1872(PL) 09B Aerial View. received 14 February 2012
1872(PL)50B Ground floor Building 01 received 14 February 2012
1872(PL)51B First Floor building 01 received 14 February 2012
1872(PL)52B Second floor Plan building 01 received 14 February 2012
1872(PL)53B Roof Plan Building 01 received 14 February 2012
1872(PL)54C Elevations Building 01 received 14 February 2012
1872(PL)55A Proposed Gate house received 14 February 2012
1872(PL)56A Ancillary Buildings received 14 February 2012
1872(PL)57A Landscape Details - Building 01 received 14 February 2012
Flood Risk Assessment received 14 February 2012
Air Quality Assessment Summary Report received 14 February 2012
Transport Assessment received 14 February 2012
Noise Assessment received 14 February 2012
Habitat Masterplan and Management Plan received 14 February 2012
Design and Access Statement received 14 February 2012

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

Site Organisation etc

4. No works shall take place on any part of the development until a scheme of working for that part has been submitted to the satisfaction of the Local Planning Authority; such a scheme shall include 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 be so implemented, in the interests of the proper planning of the development and to protect the amenity of nearby occupiers and in order to comply with policies B2 and T14 of the adopted Unitary Development Plan.
5. Before the development of each building commences, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. For the avoidance of doubt, these details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
6. The construction works and associated deliveries to site required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing in advance with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.

Archaeology

7. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundwork and construction work to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at all relevant times during the undertaking of groundworks. The observation is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with adopted Unitary Development Plan Policy B13.
8. The development hereby approved shall not be occupied / brought into use until a report compiled of the results of observations of the groundworks has been submitted to and approved in writing by the Local Planning Authority: An investigative report is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with adopted Unitary Development Plan Policy B13.

Ecology and Landscaping

9. Before the development hereby approved is commenced the details of the form and location of fencing to protect the identified areas of grassland habitat during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented and maintained throughout the construction process in order to maintain/enhance the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
10. Prior to the commencement of development, a timetable for the implementation of the agreed Habitat Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, all landscaping / habitat works shall be undertaken in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
11. Prior to the commencement of construction of building 02 a supplementary statement relating to habitat creation and management in line with the agreed Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the identified measures shall be implemented in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
12. Before the commencement of the development, for all retained woodland areas that require a programme of thinning details of the proposed works which should include retention of dead or dying standing and lying timber, and the chemical treatment of some cut stumps, where possible and appropriate, should be submitted to and approved in writing by the Local Planning Authority. It should also be noted that the addition of ground flora species should be through (native and local provenance) seeding, bulbs and/or plugs as appropriate. Once agreed the identified measures shall be fully implemented in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
13. Prior to the commencement of development, a scheme for the future management of habitats, particularly Biodiversity Action Plan habitats and habitat linkages on the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The habitat management scheme shall describe the means of delivery of habitat management, including funding. The scheme shall be based upon the agreed Habitat Masterplan (required by condition no. 10 of this consent) and shall include an appropriate monitoring programme and shall be implemented as agreed and maintained as such thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.

14. Prior to the commencement of development, details of the specification, locations and management of bird and bat boxes, which should accord with agreed the habitat management programme and other factors such as lighting, shall be submitted to and agreed in writing by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
15. The grassland habitats across the site shall be connected in accordance with the scheme indicated in the Habitat Masterplan (December 2011) and the area of such habitats shall be equal to or greater than the area indicated in the Ecological Masterplan in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
16. In the event that the start of development of the site is delayed beyond December 2012 further surveys to check for the presence of protected species on the site shall be carried out and a report of those surveys and recommendations for any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the timetable In order to ensure that adequate safeguards are taken in respect of protected species on the site and to comply with the requirements of policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
17. No trees in existing areas of tree planting shown to be retained on the approved plans shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
18. No existing areas of tree planting shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
19. Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
20. The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and

the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.

21. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
22. No development of building 02 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on/adjacent to that plot, details for their protection during the course of development, and details of the enhancements to the landscaping on the periphery of the site in the interests of visual amenity and to comply with policies B2 and CN17 of the adopted Unitary Development Plan.
23. All planting, seeding or turfing comprised in the approved details of landscaping 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 policies B2 and CN17 of the adopted Unitary Development Plan.

Building/infrastructure details

24. Notwithstanding any details on the submitted plans details of all walls, fences or other means of boundary enclosure for building 02 shall be submitted to and approved by the Local Planning Authority before the work on that building is commenced. The agreed boundary treatment shall be completed prior to the occupation of that particular phase or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
25. Notwithstanding any indication of materials which may have been given in this application, no development shall take place until a schedule and 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. For the avoidance of doubt, such submissions should include the use of sample panels, where appropriate. 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 adopted Unitary Development Plan.
26. Notwithstanding the submitted plans, proposed ground level sections across the site and details of the finished slab levels of each building shall

be submitted and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the approved levels details in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

27. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The details shall incorporate sustainable urban drainage systems measures, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the proposed surface water attenuation pond should be designed and managed with sympathetic profiles and landscaping, including open (wet) grassland habitat to the south. Reference should be made to current good SUDS practice and the Design Manual for Roads and Bridges. Once agreed, the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details, in order to ensure satisfactory drainage to the site, which will not result in any additional flood risk on the site or in the local vicinity and to comply with policy EN12 of the adopted Unitary Development Plan.
28. Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through oil interceptors installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, before the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the adopted Unitary Development Plan.
29. Notwithstanding the submitted plans, detailed scale drawings of the positioning of all external plant / machinery / flues and extraction equipment for buildings 01 and 02 shall be submitted to and agreed and agreed in writing with the Local Planning Authority, prior to the occupation of the building concerned and should be maintained as such thereafter, in order to protect the amenities of the area and to comply with Policy B2 of the adopted Unitary Development Plan.

Highway/Access Requirements

30. Prior to the occupation of any of the buildings on site, full details of the agreed junction improvements at the Birtley Road site access, together with a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented in accordance with the agreed timetable in the interests of highway safety and to comply with policy T14 of the adopted Unitary Development Plan.
31. Prior to the occupation of any of the buildings on site, details of the car parking for that phase / unit, which shall include details and location of any electric car charging points, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme for each phase/unit which shall accord with the requirements of the Council's Supplementary Planning Guidance, unless otherwise agreed in writing by the Local Planning Authority, shall be fully surfaced and laid out before the relevant unit is brought in to use in order to ensure a satisfactory level of

car parking provision in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.

32. Prior to the occupation of any of the buildings on site, car parking management schemes for the (i) the site as a whole and (ii) for each operator (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the agreed scheme should adequately demonstrate that the overall amount of parking provided is sustainable and necessary for the operational requirements of the site / operator. Once agreed, the car parking areas shall be laid out and be fully implemented in accordance with these schemes and operated in such a manner thereafter, in order to ensure that car parks are used effectively for short-term parking and car-sharing and that no overspill parking will take place, in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.
33. Prior to the occupation of any of the buildings on site, a plan detailing enhanced cycle links between the site and the adjacent cycleway network shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before any of the buildings on the site are brought in to use and to comply with policies T9 and T14 of the adopted Unitary Development Plan.
34. Prior to the occupation of any of the buildings on site, a plan detailing enhanced pedestrian links between the site and the adjacent footpath network, Rickleton Way and Vigo Lane shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before any of the buildings on the site are brought in to use and to comply with policies T8 and T14 of the adopted Unitary Development Plan.
35. Prior to the occupation of any of the buildings on site, the details of the internal road layout and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented and no unit occupied until the road giving access to it and its servicing area are laid out and surfaced to at least base course level in order to ensure satisfactory access and servicing is available and to comply with policy T14 of the adopted Unitary Development Plan.
36. Prior to the occupation of any of the buildings on site, a site-wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Travel Plan will continue to support the target of achieving a modal shift of 16% from car borne journeys, to ensure the maximum number of permitted trips for the whole development is not exceeded. Once agreed, the measures and monitoring strategy as set out in the site-wide Travel Plan shall be fully implemented in order to ensure that the Travel Plan targets are being met and to ensure the use of modes of transport other than the private car are promoted, in order to meet clearly defined individual targets and penalties, and to comply with policy T14 of the adopted Unitary Development Plan.
37. Prior to the occupation of any of the buildings on site the occupant shall prepare and submit to the Local Planning Authority a Unit Travel Plan

based on the format contained in the agreed site-wide Travel Plan. The unit Travel Plan shall be agreed in writing by the Local Planning Authority and the requirements of the agreed Plan shall be implemented by the operator in order to ensure access to the site by alternative modes of travel and to accord with policies T1 and T2 of the adopted Unitary Development Plan.

38. Notwithstanding the submitted details, any site access gates / barriers installed at the site entrance at Birtley Road shall wherever possible, remain open between the hours of 08.00 and 18.00 Monday to Friday in order to enable the free flow of traffic, in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.
39. Prior to the occupation of the development, full details of of the improvements to the Birtley Road / Picktree Lane junction shall be submitted to and approved in writing by the Local Planning Authority ,The agreed scheme shall be implemented prior to the first occupation of the development, in the interests of safe and free flow of traffic and to accord with policy T14 of the adopted Unitary Development Plan.

Ground Investigation

Land Contamination 1

40. 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 41 to number 43 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 44 has been complied with in relation to that contamination.

Reasons: 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 adopted Unitary Development Plan.

Site Characterisation

41. 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; and
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.'

Reasons: 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 adopted Unitary Development Plan.

Remediation Scheme

42. 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.

Reasons: 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.

Implementation of approved Remediation

43. The remediation scheme approved under Condition number 42 (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.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Land Contamination 5

44. 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 41 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 42 (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 43 (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.

Reasons: 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 adopted Unitary Development Plan.

Environmental Considerations

45. Before any phase of the development hereby approved is occupied, the details of any CCTV / floodlighting / exterior lighting, including a technical specification to demonstrate that overspill does not occur shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be implemented in accordance with the agreed details and maintained as such thereafter, in order to ensure a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

46. Prior to the occupation of building 02, a noise assessment in line with British Standard 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas" shall be undertaken by a suitably qualified and experienced noise control consultant. For the avoidance of doubt, such an assessment shall include both internal and external noise sources (such as vehicular audible warning systems) and demonstrate that the level of noise from the site shall, throughout the life of the development, not exceed the background level (LA90) by more than 5 dB as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest. A background noise survey must be performed during the proposed operating hours. Following analysis and corrections to the data in accordance with BS4142, the report should accurately determine the difference between the source and existing noise levels. This report, which shall include the specification of any necessary mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure no undue noise nuisance is created and be maintained as such thereafter, in order to comply with policy EN5 of the adopted Unitary Development Plan.
47. Prior to the occupation of Building 02 an air quality assessment shall be undertaken which demonstrates the likely changes in air quality or exposure to air pollutants, as a result of the proposed operations. Such an assessment shall provide sufficient qualitative and quantitative information to determine the 'significance' of the air quality impacts, and therefore the priority given to air quality concerns. The basis of the assessment should be to compare the existing situation with that following completion of the development and determine the changes in air quality expected. The assessment will also need to compare predicted pollutant concentrations with relevant air quality objectives and limit values, requiring the assessment to be consistent with the target years for the limit values and objectives. The method of assessment is included within the guidance document 'Development Control:Planning for Air Quality (2010 Update)' produced by Environmental Protection UK, and reference should be made to this document within the assessment. Once completed, the air quality assessment shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with Policy EN9 of the adopted Unitary Development Plan.
48. Each building structure including roof sky lights and any proposed ventilation louvers shall have a minimum weighted sound reduction index (Rw) of 42 dB, in order to ensure that the development does not cause noise nuisance to neighbouring users and to comply with policy EN5 of the adopted Unitary Development Plan.
49. Noise of plant associated with the development hereby approved should not exceed the background noise level by more than 5dBA or, if the noise is tonal, should not exceed the background noise at all at any noise sensitive property in order to ensure that the development does not cause

noise nuisance to neighbouring users and to comply with policy EN5 of the adopted Unitary Development Plan..

50. A working validation assessment of the assumed noise levels used in the submitted noise assessment report shall be provided post commissioning in order to demonstrate that the assumptions used in the noise model are accurate shall be submitted to and approved in writing by the Local Planning Authority before the building is brought into operation in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.
51. An assessment of the combined impacts on air pollutant concentrations from the manufacturing process emissions and road traffic exhaust emissions shall be undertaken once the information on plant specification for building 01 has been finalised. The assessment together with any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority before the plant is installed. The scheme shall be implemented in accordance with the agreed details in order to ensure that the scheme does not have a significant adverse effect on air quality in the area and to comply with the requirements of policy EN1 of the adopted Unitary Development Plan.
52. Before works on each phase of the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within that phase shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the adopted Unitary Development Plan.
53. Before each building of the development hereby approved is commenced, details of energy efficiency / renewable energy measures should be submitted to and agreed in writing by the Local Planning Authority. Such details, which shall achieve at least the equivalent of 10% of energy demand from renewable resources and the BREEAM very good rating, unless otherwise agreed in writing with the Local Planning Authority, shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures, in the interests of sustainable development and in order to comply with policies R1 and R4 of the adopted Unitary Development Plan.

**APPENDIX to item application no 12/00304/VAR
Copy of Main Agenda and supplement reports to Development control
(Hetton, Houghton and Washington) Sub committee on 13th December 2011**

3

Washington

Reference No.: 11/03016/SUB Resubmission

Proposal: **Erection of 30,000sq m manufacturing facility including ancillary offices, car parking / servicing, associated highway improvements and access arrangements (Resubmission).**

Location: Radial 64 (Former Dunlop Tyre Factory) Birtley Road Washington

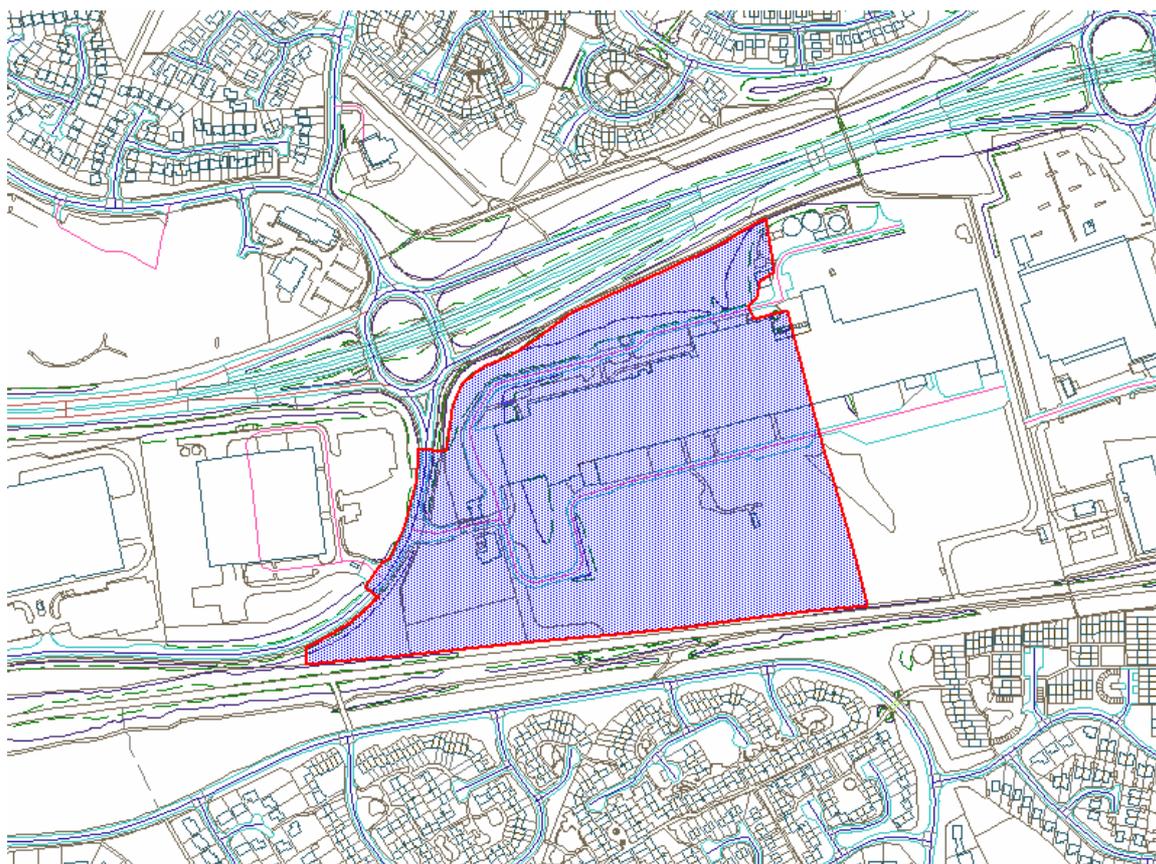
Ward: Washington South

Applicant: Rolls Royce Plc

Date Valid: 5 October 2011

Target Date: 4 January 2012

Location Plan



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PROPOSAL:

Background:

The proposal being considered is a resubmission of the proposed development by Rolls Royce PLC for the development of land at Radial 64, Washington. The site was until recently occupied by a former Goodyear Dunlop Tyres factory. In early 2009, developers Highbridge obtained outline planning permission for a mixed use, commercial redevelopment scheme on the site (application ref 08/03879/OUT). The first phase of that development has involved the erection of a factory for BAE Systems Ltd (Application ref 09/02281/REM) which has recently been completed and brought in to use.

Members will recall that consent was granted in March 2011 (App. no. 10/03792/FUL) for a hybrid scheme, which effectively superseded the previous Highbridge outline consent 08/03879/OUT, by establishing the acceptability of a number of new key parameters of development, namely:-

- the use of the remainder of the site for a manufacturing facility rather than a mix of business and industrial uses;
- the provision of a maximum of 30,000 sq m of general industrial floorspace (including ancillary office space);
- the general scale and form of buildings required;
- access arrangements, including circulation and car parking within the site;
- the arrangements for new landscaping; the protection of existing trees and arrangements for nature conservation; and
- arrangements for the improvement of the access onto Birtley Road.

Subsequent to that consent Rolls Royce have acquired the whole of the Radial 64 site, The details of the scheme for their own development have now been worked up and it was considered to be sufficiently different, albeit of the same general size and character, to the original submission to warrant a new application.

The Radial 64 site has been carefully selected by Rolls Royce based on a number of factors:-

- Location / Access.
- Proximity and links to Trunk Road / Motorway network infrastructure.
- Proximity to their existing workforce in Pallion.
- The site's current land allocation.

Radial 64 site will ultimately accommodate over 65,000m of new buildings, an increase from the 36,400m when the Goodyear Dunlop Tyres factory was in production.

The New Proposal

The revised proposal comprises the following:

— Building 01	25,253 sq m
— Building 01 extension	3,153 sq m
— Building 02	5,795 sq m
— Ancillary buildings (trade effluent & coolant buildings)	928 sq m
— Gatehouse	90 sq m

Although the total floorspace at 30,219 sq m is slightly above the 30,000 sq m limit, imposed by a condition on the previous consent (primarily as a traffic control baseline), it is considered that the ancillary buildings can be excluded from the total as they would not be likely to generate traffic in their own right.

Building 01 is the disc manufacturing plant and is the replacement for the current Pallion facility. It has been relocated to the west of the site relative to the March 2011 consent. It has been increased in size relative to building 02, the original scheme have shown two equally sized buildings. The applicant considers that this: improves the relationship of the Rolls Royce development with the BAE Systems building; reduces the overall building mass on that part of the site closest to the housing east of Rickleton Lane; and moves the building line northwards to improve the relationship to the housing to the south of the site.

A single barrel vault provides the roof to a rectangular plan form for building 01, with the gable ends presented to the north and south. The southern elevation features a two storey centrally located office providing some 2,573 sq m of accommodation. The building will be steel framed finished with composite cladding, the lower 2 m being in dark silver with the remainder of the cladding and roof in light silver. External doors will be identified by a contrast colour. windows to the two storey office areas will be powder coated aluminium with sealed double glazed units in grey antisun glazing. Brise soleil will control solar glare and heat gain. A canopy and recess define the entrance as a central feature.

The long elevations to the east and west of the building are broken by vertical windows which increase the day lighting for the buildings occupants. The plant and flues are located to the north of the building, furthest away from the housing to the south although the final height of the accompanying flues has not yet been determined..

The ancillary buildings are finished in the same palette of materials as the main building. a security gatehouse is located to the south of the main building with a glazed southern elevation to facilitate management of vehicle movements into and out of the site. Three further small buildings for a recycling facility, a chemical/coolant store and a trade effluent facility are located to the east and north east of the building within the service area.

The scheme also indicates the form and style of a probable future extension to building 01 of some 3,153 sq m to allow expansion of the production facility.(which is included with in the 30,000 sq m limit) and Building 02, which is designed in the same style as building 01 and if / when built will be likely to be occupied by one of Rolls Royce's suppliers.

The submitted plans show the provision of up to 600 car parking spaces. Two areas of parking are proposed to serve building 01, one to the south which will provide for the general parking of staff and visitors while the area to the west at the entrance to the site is proposed as an overspill area. Covered bicycle and motorcycle shelters are proposed close to the gatehouse.

Location

The site is located to the south of the A195 on the Wear Industrial Estate, Washington. The 11.4 hectares site comprises the western portion of the former

Goodyear Dunlop factory land, to the west of the site occupied by BAE Systems. Site access is taken from western end of the site, which fronts onto Birtley Road. The southern boundary of the site is defined by a wooded area which includes a section of the Consett and Sunderland Railway Path (CSRP), located on the site of a former railway. To the south of this lie the residential areas of Rickleton, Harraton and Fatfield. To the north, beyond other wooded areas on the opposite side of the A195, lies the residential area of Ayton.

The application acknowledges that the site is bounded on two sides with habitat / nature conservation assets and that these have previously been identified under the extant permission as being retained. This submission has been largely informed by the previously approved framework habitat masterplan, which is referred to in the submitted Design and Access Statement. In addition to this, the application is accompanied by a landscape / biodiversity plan, Transport Assessment (TA), Noise Assessment, Air Quality Assessment and Flood Risk Assessment, which build upon the principles established by the Highbridge and March 2011 consents

TYPE OF PUBLICITY:

*Press Notice Advertised
Site Notice Posted
Neighbour Notifications*

CONSULTEES:

*Street Scene (Environmental Service)
County Archaeologist
City Services - Network Management
Environment Agency
Northumbrian Water
Northern Electric
Business Investment
The Highways Agency
National Grid Transco
Force Planning And Police Architectural Liaison Officer
Nexus*

*Final Date for Receipt of Representations: **24.11.2011***

REPRESENTATIONS:

Pre-Submission consultations:-

The applicant has undertaken its own public consultation exercise prior to the submission of the planning application. Rolls Royce states that is a strong advocate of such an approach as it understands the benefits that this can bring both the local community and the Company and can help in establishing a longer term relationship between both parties.

Some 1700 information leaflets letters were delivered to households in Ayton, Rickleton and Harraton, inviting them to attend an exhibition of the revised proposals on 8th September 2011. Company representatives were available at the exhibition to explain the proposals. In addition individual letters were sent to councillors for Washington South, East and West wards'

At the meetings, residents required clarification upon:-

- the visibility of the buildings*
- the impact of noise from the plant*
- the traffic ingress/egress arrangements*
- the proposed solution to traffic problems at the Picktree Lane and Birtley Road junction;*
- the measures to ensure delivery vehicles avoid Picktree Lane*

Some 70 local residents attended the exhibition, many of whom had objected to the initial scheme. Most were pleased with the revised proposals with few expressing any objection to the principle of the scheme. Rolls Royce has indicated its willingness to set up regular community informatives and liaison as it considers that such regular communication pays considerable dividends for both the company and its neighbours.

Neighbours:-

Some 991 letters were sent to occupiers of nearby properties, following which two letters of representation have been received, One of those simply sought clarification of the details of the scheme due to the delay in those being available on the council's website. The main concerns raised relate to:-

- The belief that there should be no additional development to that already occupied by BAE systems*
- The potential increase in traffic in the area and the impact on the local road network*
- The potential for increased noise levels in the area from the production process*

These concerns are addressed in the main body of the report, below.

Consultees:-

Following consultation with a number of statutory consultees the following responses have been received.

The Environment Agency

Advises that it has no objections to the proposal but requests a condition with respect to the provision of oil interceptors in drainage of car parking areas/hard surfacing. In addition it has general advice in respect of contaminated land, surface water drainage and foul drainage.

Nexus

Advises that it does not object to the proposal but requests that the applicant pay for the provision of bus shelters with electrical connections at the bus stops on Birtley Road, new crossing facilities on Birtley Road to access bus stops anon the

western side of the road and new sections of footway to connect the crossing facilities and those bus stops as currently there is no footway provision.

Highways Agency.

Advises that it considers that the proposal will have less impact than that estimated for the original scheme. Further it does not wish to raise an objection to the scheme provided that a condition is imposed in respect of the implementation of a travel plan and travel plan co-ordinator for the development.

County Archaeologist

Advises that a watching brief will be required on the sites of Milbank and Thorald Coal Pits, which are shown on a map of 1851. This is in order that any archaeological items of interest can be preserved, wherever possible and recorded.

Executive Director of City Services (Transportation)

Advises that the Transport Assessment demonstrates that modifications can be carried out in Birtley Road to accommodate the traffic from the development. Those works include the installation of traffic signals at the entrance to the site and at the Birtley Road / Picktree Lane junction. It is advised that conditions be imposed in respect of the submission of final details of those installations and a timetable for their implementation. He advises also that conditions in respect of pedestrian and cycle links identical to those included on consent 10/03972/FUL should be imposed on any consent issued. As regards public transport use he has indicated that the issues raised by Nexus are inter-related to the main junction improvements proposed for Birtley Road and suggested that a suitable condition be imposed regarding alterations and improvements for public transport users. He notes that a suitable crossing point to the west of the site may be appropriate with the provision of a pedestrian refuge traffic island, which would avoid the need for pedestrians to cross the Walker filtration access. In addition, a number of detailed points of clarification in respect of items in the Transport Assessment are raised, which have been passed to the applicant for consideration.

Executive Director of City Services (Environmental Health - Pollution Control)

Has advised that further survey work will be required in respect of noise and air pollution,

With regards to the actual construction phase of the development, 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 noisy work shall be permitted to take place on Sundays and bank holidays at any time without prior approval from Pollution Control.

In addition to the above, consideration should also 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, should be followed. Vibration from 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, Pollution Control may require that vibration levels be monitored in sensitive locations, should neighbouring premises be affected.

Provision should also be made for the reasonable prevention of dust generation. 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 on site. Dust suppression water should use a dispersal point close to the position of dust generator in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off. Where dust arises and is persistently problematic, the means of removing it should be planned and provided, such as water hoses, road sweepers and window cleaners as appropriate. It should also be noted that any stockpiles of waste materials arising from or in connection with the construction phase of the proposed development shall be dampened down to reduce fugitive dust emissions from the site.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

CN_13_Protection and enhancement of important views

CN_14_Landscaping schemes and developments prominent from main transport routes

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_17_Tree Preservation Orders and replacement of trees

CN_18_Promotion of nature conservation (general)

CN_23_Measures to conserve/ improve wildlife corridors

EC_4_Retention and improvement of existing business and industrial land

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

EN_12_Conflicts between new development and flood risk / water resources

R_1_Working towards environmentally sustainable development

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_9_Specific provision will be made for cyclists on existing/new roads and off road

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

T_22_Parking standards in new developments

WA_1_Retention and improvement of established industrial / business area

WA_26_Identification of Strategic multi-user routes and their protection from development

COMMENTS:

The key issues to consider in relation to the application are:-

- *The Principle of the Use on the Site.*
- *The Design, Layout and Visual Impact of the Development.*
- *Environmental Considerations.*
- *Archaeology.*
- *Sustainability.*
- *Flood Risk*
- *Highways / Access Issues.*
- *Ecology*

The Principle of the Use on the Site.

The site has a long standing history of industrial use dating back to the designation of Washington New Town in 1964. General Industry (use class B2) is one of the types of employment uses that has always been deemed as appropriate on this particular site and is borne out by the long standing history of it being occupied by the Dunlop Tyres factory and the recent construction of the new BAE Systems facility (app no. 09/02281/REM) and the original consent for the Rolls Royce development in March this year (10/03972/FUL). Currently, the applicable policy in the Councils adopted Unitary Development Plan (UDP) for the site is WA1.14, which states that:-

"Established industrial/ business areas and available sites within them will be retained and improved for the primary uses indicated below:

(14) Wear 45.90 ha

Offices, research & development, light industry, general industry, warehouses and storage (B1, B2, B8)"

As such, the principal of a proposal for employment purposes (B1, B2, B8) in the form of a factory for Rolls Royce on this site is considered to be wholly appropriate and in accordance with UDP policy WA1.14. Consequently the concerns raised by the objector in respect of the further industrial development of the site cannot be supported.

The principle of the development is therefore considered to be acceptable subject to the scheme not resulting in significant demonstrable harm in respect of any environmental and highway issues identified.

The Design, Layout and Visual Impact of the Development.

This aspect of the development falls to be considered against policy B2 of the adopted Unitary Development Plan (UDP), which requires 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"

Following on from this, the supporting text states at para 10.27:

"New development, redevelopment and alterations to existing buildings can themselves remedy environmental deficiencies and contribute to the quality of life of the City's residents.....developers will be encouraged to attain a standard of design in new developments which will enrich the local environs. Good design is a vital element and proposals should harmonise with their surroundings and be designed as part of a larger whole. New development should take into account the amenities of adjoining properties; in particular attention should be paid to the scale of new buildings in relation to existing surrounding development, daylight/sunlight effects, siting, elevational treatments and the use of appropriate materials."

It continues at para 10.29, stating that the policy's aim is

"... to attain the creation of a high quality standard of amenity in new development where it would contribute to a safe, quiet and attractive environment, complementing other policies of this Plan which aim to enhance the overall appearance of the City. The Development Control Guidance sets out the requirements for new developments. Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to UDP policies and supplementary guidance. This should be done in a manner appropriate to the nature and scale of the proposals. Poor designs will be rejected, e.g. those which are out of scale or are incompatible with their surroundings. The Council, through its administration of the development control procedures, will ensure that new schemes provide an overall quality to the standard of design, layout and landscaping. "

Moving from UDP policy B2 to the Council's SPG, section 8.5, which concerns the control of industrial and commercial development (B2, CN13, T14), states that:

"(ii) Building heights should guard against visual intrusion, and buildings or structures over ten metres in height will normally be restricted to predominantly industrial settings."

With regards to the proposed siting and impact of the development, however, a number of concerns were raised by residents at the exhibition in September. The height of the building and its visibility were queried. However, the building is no higher than that shown on the plans granted consent in March 2011. The maximum height of the buildings is 16m and is no higher than the adjacent BAE Systems building. The nearest houses are over 150 m to the south with a wide woodland belt and the cycle route embankment in between. The visual assessment included within the Design and Access statement indicates that the buildings are generally well screened even in winter when the trees are bare.

The rationale behind the proposed layout appears logical and results in a rhythmic pattern of development across the site. The decision to orientate the proposed buildings with the long axis running north-south mitigates the potential impacts upon the adjacent residential properties to the south (Wansbeck) by ensuring only the narrowest elevations of the proposed buildings front onto the boundary closest to existing dwellings. A significant increase in spacing between the proposed buildings and existing dwellings in Wansbeck has also been

accommodated into the scheme in comparison to the spacing accommodated as part of the BAE Systems building. The BAE Systems building is currently located approx 75m away from the closest residential buildings, whilst the two proposed units are located approximately 135m and 175m respectively away from the closest dwelling.

In terms of detail / appearance, the two main buildings utilise a curved roof design, measuring 12 metres in height at their lowest (eaves) height, increasing to a maximum overall of 16 metres at its highest point (apex). By way of comparison, the recently completed BAE building on site ranges in height between 8 metres (office element) to 18.5 metres (forge area). In terms of finish, the use of two tone silver cladding for the buildings and the curved roof follow the Rolls-Royce corporate design ethos, which has been employed successfully on other developments nationwide and is considered to be satisfactory and to comply with the requirements of policy B2 of the adopted Unitary development Plan.

Visual Assessment

The visual assessment included within the submitted Design and Access Statement examines views of the building particularly from the south and west, from where it is most likely to be visible. It concludes that when the trees along the southern boundary of the site are in leaf the proposed building will be largely out of sight. While some oblique views will be possible from the Sustrans path south of BAE systems and north of Laburnum Avenue, it is argued that the design of the building and localised planting, including evergreen varieties, will mitigate those limited impacts. In winter the depth of the planting will largely mask the building. It is suggested that the curtain walling on the southern elevation will, from some angles, mirror the landscaping to the south helping to reduce and soften the impact. In addition the vaulted roof profile will help lower the perceived height while the light silver finish to the cladding will help integrate the building within the skyline. The existing vegetation to the north of the site and the relative set down of the building effectively screens the proposed buildings from views of the residents north of the Western Highway.

The additional space (relative to that in the March 2011 proposal) which the current scheme creates between the proposed building and the existing BAE Systems facility will enable additional landscaping to be implemented between, thereby further softening the overall impact of the scheme.

When approached from the Western Highway roundabout north west of the site the proposed buildings are viewed from an elevated position with only the upper most portion of the roof likely to be visible. The barrelled profile of the roof lowering its perceived height, while a new hawthorn and birch planting belt to the west of the buildings will when mature, further screen the buildings from the entrance road.

Whilst it is evident that the proposed building exceeds 10 metres in height, measuring 16 metres at the highest point of its curved roof,, as has already been stated the site forms part of the Wear Industrial Estate, an area allocated for industrial purposes since the times of Washington New Town and the development corporation of the 1960's. As such, the site of the Dunlop Factory and the other land identified as falling under Policy WA.1of the UDP is predominantly industrial in character, flanked by a main arterial road to the north.

Whilst it is acknowledged that housing is indeed situated to the south, it is separated by a significant buffer of planting, as are many of the industrial areas of Washington. Furthermore, even if the area were not considered to be predominantly industrial, as explained above, it is not considered that the proposed buildings will be visually intrusive, by virtue of; i) their orientation, ii) the distance they are situated away from dwellings and iii) the screening that will be provided by the existing planting located in and along the southern boundary of the site and additional planting proposed as part of the overall development.

It is noticeable that the repositioning of the building has resulted in there being no objections to the size or visual impact of the building as a result of the public consultation exercise carried out on this application, compared to the significant concerns expressed on the original scheme.

To conclude therefore, the proposed buildings are considered to be an acceptable distance away from residential properties and it is considered that there are no adverse effects caused by the proposal in terms of loss of daylight, overlooking or visual intrusion. Additionally, it has to be remembered that further on site enhancements to the existing planting in the area will help contribute to creating a more attractive environment. As such, it is considered that the site is suitable for accommodating a development of this size in the location proposed and accords with the Councils Policies as discussed at length above. In assessing the proposal in this context against Policy B2 and section 8.5 of the SPG, it is therefore considered that it is acceptable and in accordance with them; the proposal delivers buildings that are of a good and appropriate design which do not prejudice standard amenity requirements.

Environmental Considerations.

The proposal raises a number of concerns relating to various forms of pollution, namely noise and air pollution, which are considered below.

o Noise Pollution.

The main UDP Policy which covers this matter is EN5 which state that:-

"Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused."

The Executive Director of City Services (Street Scene -Environmental Health) has considered the submitted Noise Assessment. The assessment considers the noise sources associated with the factory to include the processes carried out within the building that may break-out through the building walls and roof plus items of external plant such as extract flues on the northern facade of the building. As the transport assessment concludes that the new factory will not give rise to any material changes to road traffic levels, this has not been assessed.

The assessment has been carried out according to the guidance contained in British Standard BS 4142: 1997 'Method for rating noise affecting mixed residential and industrial areas'. Given that the facility may ultimately operate 24 hours a day and at weekends, the minimum background levels over the full measurement period have been used in this assessment and is therefore considered to present a worst case scenario.

Noise monitoring was carried at two locations that represent the residential premises nearest to the proposed disc facility. At both locations measurements were made over contiguous periods of 5 minutes between 1st and 8th September 2011. The measured data has been processed to define the absolute lowest background noise levels during the day (07:00-19:00), evening (19:00-23:00) and night (23:00-07:00) periods. The measured background noise levels at both of the monitoring locations for these periods were 40, 42, and 33, and 40, 38 and 34 respectively.

The impact of the proposed new disc factory building, has been modelled with the wall construction of the building assumed to have a weighted sound reduction index (R_w) of 42 dB. The expected internal noise levels (based on measurements taken within an existing Rolls- Royce facility) have been subject to the addition of a +5dB penalty to take account of any irregularities in the noise and have then been calculated at 1st floor level at the closest noise sensitive premises.

The predicted noise level produced by the building breakout has been calculated to be 28 dB, which is at least 10 dB below the minimum night time background noise level and considered to be imperceptible.

Internal noise is not the only potential noise source however. The noise assessment also gives consideration to the extraction flues and other external noise sources and recommends that noise from the external plant associated with the development should not exceed 5dB above the measured background noise levels.

The Executive Director therefore has recommended that in the event that planning permission is granted, a condition/conditions be attached requiring the following;

- a) The building structure, including roof, sky lights and any proposed ventilation louvers shall have a minimum weighted sound reduction index (R_w) of 42 dB;*
- b) Noise of plant from the development should not exceed the background noise level by more than 5dBA or, if the noise is tonal, should not exceed the background noise at all at any noise sensitive property;*
- c) A working validation assessment of the assumed levels used in the submitted noise report shall be provided post-commissioning in order to demonstrate that the assumptions used in the noise model are accurate and that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises.*

One objection was received in respect of the likely adverse impact of noise from the plant. However, it can be seen from the above that with the imposition of the

conditions proposed there are unlikely to be any significant noise emissions from the plant .

- *Air Pollution*

The main UDP Policy that covers this matter is EN9 which states that:-

"The relationship between proposed residential or other development requiring a clean environment and existing uses in close proximity giving rise to air pollution, dust or smell will be a material consideration in determining planning applications. Where justified on the basis of specialist advice from the appropriate agencies, planning permission will be refused."

The Executive Director of City Services (Street Scene - Environmental Health) has commented that the submitted air quality impact assessment reviews baseline air quality and summarises potential air quality impacts. The report considers that during the operational phase of the proposed manufacturing facility, potential air quality impacts include those associated with process and energy plant emissions from the facility's stacks/emission points, and road traffic emissions from staff and delivery vehicles. The magnitude of process plant emissions and energy plant emissions will be mitigated through the use of abatement plant and appropriate stack heights so that significant adverse impacts at receptors will consequently not occur.

The response continues to state that air quality in the local area is of a good standard and the amenity of the nearest residents is not currently affected by emissions from existing industrial installations. Several processes within the manufacturing facility will release emissions to the air. These are mainly associated with the extraction of air from the process area and its release to the atmosphere. There are also combustion exhaust emissions from the power plant. Each process emission will be subject to Environmental Permitting requirements that will define the rate at which individual pollutants can be emitted to the atmosphere to avoid adverse impacts on health or amenity of receptors. It is proposed that once the nature and content of the emissions from these stacks is available, the emissions will be modelled.

It is further advised that the conclusions of the Transport Assessment submitted with the previous application were used to conclude that it would be highly unlikely that the contribution of operational vehicle emissions would have a significant effect on air quality at any air quality sensitive receptor.

Consequently, he has recommended that in the event that planning permission is granted, a condition be attached requiring the following;

An assessment of the combined impacts on air pollutant concentrations from the manufacturing process emissions and road traffic exhaust emissions shall be undertaken once information on plant specifications has been finalised.

- *Ground Conditions*

The ground conditions of the site have to be taken into consideration, particularly when considering the long standing industrial nature of the site. In this respect, UDP Policy EN14 states that:-

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

(i) Unstable or potentially unstable;

(ii) Contaminated or potentially at risk from migrating contaminants;

(iii) 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 preventive, 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."

A ground conditions report has been submitted to this effect, of which Environmental Health has advised the following:-

The submission comprises of a brief assessment of conditions at the Rolls Royce site, based on previous investigations by Environ and Cundall together with results of their own investigations. The site has been used for manufacture of tyres since the 1960's and is being redeveloped for a relatively un-sensitive end-use as industrial/commercial premises.

The underlying ground conditions are low permeability which is likely to limit the spread of any pollution, although no validation reports have been supplied. It is therefore recommended that validation for remediation for tank and store areas are provided.

Additionally, the site has a significant thickness of made ground, some of which has been recently imported from the adjacent (BAE) site. Testing has not been provided to show that the newly imported material is suitable and as such, a copy of a Waste Management Plan and Materials Management Plan to show how waste materials, including soils, will be handled on the site will be required. A proposal for soil validation, forming a part of this documentation will also be required.

Finally, it is noted that the applicant is advocating a precautionary approach to gas protection due to the current lack of monitoring data. As such, it is recommended that the Applicant provide confirmation of the gas protection measures required and a revised gas assessment.

Such matters can be controlled via the imposition of conditions, which require the above information to be submitted, prior to the commencement of any development, should Members be minded to approve the application. As such, the proposal is considered to be in accordance with Policy EN14 of the UDP.

○ *Construction Noise, Dust and Vibration*

The Executive Director of City Services (Street Scene - Environmental Health) has advised that the hours of construction work should be limited to Monday - Friday and Saturday mornings only and that the usual precautions be imposed in respect of dirt and dust suppression during the construction period. It is considered that these can be adequately controlled by means of appropriately worded conditions on any consent issued in the event of Members deciding to approve the application.

To conclude on environmental considerations, in light of the above the view is held that such matters can all be adequately addressed via the imposition of conditions attached to any consent issued. The proposal, with the specified conditions, is therefore considered to be in accordance with adopted UDP Policies EN5 and EN14. Furthermore, it should be noted, by way of reassurance that in the submitted Design and Access Statement, Rolls-Royce have stated that it prides itself on being able to manage its activities reasonably for the benefit of employees and local residents and that they to are satisfied that effective controls can be imposed on the development as has been done on other Rolls-Royce buildings nationwide, in order to ensure that a satisfactory form of development is achieved.

Archaeology.

Archaeological matters are covered by Policy B13 of the UDP, which states that:-

"The city council will seek to safeguard sites of local archaeological significance. When development affecting such is acceptable in principle, the council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. Where the physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required."

As mentioned previously, the County Archaeologist has advised that a watching brief will be required on the sites of Milbank and Thorald Coal Pits. As such, it will be necessary for conditions to be attached to any consent issued, requiring such, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded in accordance with UDP Policy B13.

Sustainability.

UDP Policy R1 considers sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage. The application is generally considered to accord with the principle of R1, because, as already discussed, it is on a site that has long been allocated for industrial purposes and can easily be accessed from major highways and public transport routes.

As per the original outline consent granted for the redevelopment of the site, it is acknowledged that in the interests of sustainability new buildings should aim to achieve accreditation under the BREEAM scheme. The submitted Design and Access Statement indicates that the initial assessment of the Rolls Royce building shows that a "very good" BREEAM rating is achievable. It is also stated that this rating accords with the Rolls Royce's corporate standard nationwide. It is considered appropriate that conditions be attached to any consent granted, in order to ensure that the development will be built to that BREEAM rating, if possible. As such, it is considered that the proposal should be in compliance with the aims of policy R1 of the adopted UDP.

Flood Risk

Policy EN12 of the adopted Unitary Development Plan seeks to ensure that new development does not materially increase the risk of flooding or adversely impact on the quality or availability of ground or surface water.

The applicant has submitted a flood risk assessment which indicates that the site lies within Flood Risk Zone 1, and has a low risk of flooding from fluvial and tidal sources. In addition, the risk of flooding from groundwater, surface water and overland flow and artificial sources is considered to be low. It is proposed that surface water from the development will be discharged to an existing Northumbrian Water surface water sewer which lies adjacent to the southern boundary of the site. With the agreement of Northumbrian Water, surface water runoff from the proposed development is proposed to be controlled and attenuated on the site, indeed a surface water attenuation pond is shown on the site layout plan in the south east corner of the site, with the discharge rate limited to 670 litres per sec. It is considered that the flood risk downstream of the development will not be increased as the surface water attenuation and flow controls will be part of the overall drainage strategy to be implemented. It is considered that the flood risk assessment is satisfactory and that a condition in respect of the details of the design of the attenuation measures to be incorporated in to the drainage strategy will ensure that the requirements of UDP policy EN12 are met.

Highways / Access Issues

UDP policies T14 and T22 seek to ensure that proposed developments provide for satisfactory access and do not lead to conditions prejudicial to highway safety and also provide sufficient on site car parking facilities. In addition policies T8 and T9 aim to ensure that new development has adequate pedestrian and cycle links to the existing route network to encourage travel by those modes of transport.

The submitted TA confirms that the proposed vehicular access will remain from Birtley Road. In order to afford greater control over traffic movements and improve capacity it is proposed to signalise the current "T" junction prior to the occupation of the Rolls Royce building. a roundabout is proposed inside the site which will direct Rolls Royce bound traffic to the right and BAE Systems traffic to the left. An emergency vehicular access is also proposed from the car park at the south western corner of the development which will connect with Birtley Road. Emergency vehicular access to/from the factory is proposed via the shared drive with BAE Systems. Pedestrian access is proposed from Birtley Road and an internal footpath network which connects the development to Sedling Road to the east.

➤ Site Access / Junction Analysis

The submitted Transport Assessment examines Do Minimum and Do Something scenarios for the site access/Birtley Road, Walker Filtration/Birtley Road and Picktree Lane/Birtley Road junctions in terms of both traffic flows and capacity. This has indicated that the junction of the site access with Birtley Road needs to be upgraded in order to operate safely and efficiently particularly in the PM peak. The proposed signalisation of the junction has been tested and has indicated that

it will operate safely without a need to widen Birtley Road and with little impact on vehicles entering leaving the Walker Filtration site opposite. Sensitivity testing of this arrangement combined with the use of a right turn pocket have indicated that the latter arrangement does little in terms of improving the performance of the junctions, A left turn filter slightly increases the performance of the Rolls Royce access (at the AM peak) but increases queuing for access to Walker Filtration.

Proposals were also examined for the signalisation of the Picktree Lane / Birtley Road junction, in order to address concerns identified by residents about the safety of vehicles being able to exit safely from Picktree Lane. These tests have revealed that the signalisation of the junction would reduce and manage queuing up the Picktree Lane arm, the key area of concern, and that the junction would operate within capacity in all scenarios examined.

The Executive Director of City Services - Network Management has indicated that the proposed junction improvements are satisfactory and has requested that a suitable condition be imposed on any consent issued in respect of the submission of details of the schemes and a timetable for their implementation. Consequently, the concerns of the objector in respect of the impact of additional traffic generated by the proposal on highway safety cannot be supported.

It is noted that the Highways Agency has advised that it has no objections to the proposal provided that the conditions (on consent 10/03972/FUL) in respect of the submission and implementation of a Travel Plan for the site are ire-imposed on any consent granted.

➤ *Car Parking*

The submitted scheme makes provision for 600 car parking spaces, which includes 20 disabled spaces, together with 60 cycle spaces and 20 motorcycle spaces. The submitted plans indicate that some 230 spaces immediately adjacent to the Rolls Royce factory, 110 adjacent to factory unit 02 and some 255 spaces located in the south west corner of the site. It is considered that this should be sufficient to cater for the needs of the site and thereby comply with the requirements of UDP policy T22.

However, in order to ensure a consistent approach is undertaken across the site a Parking Management Scheme will need to be introduced to ensure the car park is used effectively for short-term parking, car-sharing and that no overspill parking will take place. This will also allow for the identification of the level of need for spaces for electric cars and the provision of recharging facilities. Conditions can be imposed ensuring this occurs, should Members be minded to approve the application.

➤ *Pedestrian / Cycle Access.*

The submitted Design and Access Statement (DAS) indicates that internal footpaths will be provided to ensure effective connectivity with an existing footpath which bounds the northern and eastern perimeter of the site. That path affords access to the Wear Industrial Estate to the east, via a spur off Sedling Road, as well as to a footbridge at the north east corner of the site, which crosses the A195 Western Highway and provides effective links to the north. In addition, the DAS states that a connection is available via an unsurfaced path at the south west corner of the site to the cycle path, which follows the route of the

former Sunderland - Consett railway, which runs parallel to the southern site boundary. The path also links to Birtley Road close to the south bound bus stop.

While setting out the available access for cyclists by road and existing cycle routes there are no firm proposals to improve linkages between those routes and the site. The scheme does however provide for cycle storage and includes showers and changing facilities to allow for employees to cycle to work.

In his response to the application the Executive Director of City Services - Network Management has indicated that he considers that the conditions in respect of both cycle and pedestrian links to the site which were imposed on the March 2011 consent should be retained on any consent granted for this application.

➤ *Public Transport Access*

As indicated above Nexus in their consultation response indicated that potential benefits of improvements for public transport users should be sought, including:

- _ provision of bus shelters with electrical connections;*
- _ footway provision on the north side of Birtley Road;*
- _ west bound bus stop to be reviewed in terms of location or protection measures.*

The Executive Director of City Services - Network Management is of the view that these issues are inter related with the main junction improvements proposed for Birtley Road and recommends the imposition of suitable conditions to cover the improvements for public transport users. He also notes that a suitable crossing point to the west of the site may be appropriate with the provision of a pedestrian refuge traffic island, which would have the benefit of precluding the need for pedestrians to also cross the Walker filtration access.

The applicant has been advised of the Nexus response and has indicated that the contributions which have been requested are not consistent with the previous applications which have been granted at the Radial 64 site, either for the Highbridge (outline), the BAE (reserved matters) or the existing Rolls-Royce (full consent ref 10/03972/FUL). It contends that none of those permissions were tied to any public transport improvements and therefore those requirements are not justified on the basis of the substituted application now being considered. Rolls Royce does not believe that any circumstances on the highway network or in planning policy terms have changed since the previous consent was granted.

Rolls-Royce also contends that its site benefits from convenient footpath access to the bus stops on Birtley Road. A footpath is located on the east side of the road and pedestrians will be able to cross safely to the other side as there is clear visibility in both directions. In due course, traffic light controls will be introduced east and west of both stops with the effect that traffic will be slower than at present and gaps in the flow will automatically evolve.

While the Executive Director of City Services - Network Management has indicated that it may be possible to incorporate crossing points within the junction improvements, Rolls Royce has contended that such facilities have not been requested in the past and therefore it is unreasonable to seek them at this late stage as it would lead to additional expense and negotiations with third party land owners which lie outside the application site boundary.

Legal advice has been sought on the legitimacy of the arguments put forward by Rolls Royce and it is clear that it would be very difficult to raise a successful argument against the Rolls Royce view. The UDP does not include any policies seeking to improve bus shelters and the like, there are only policies relating to the maintenance and improvement of public transport services. The absence of any comments on the previous application for whatever reason cannot be taken as a reason to now wish to impose further conditions on the applicant.

Rolls Royce also commented that the shift patterns at the plant would mean that many arrivals and departures of staff were unlikely to correspond to the bus timetable. This argument is not accepted as the information within the submitted Transport Assessment indicates that there is a service every 30 minutes (Heworth and Chester -le Street) Mon -Sat and hourly on a Sunday.

On balance it is considered that the existing provision for public transport users is satisfactory and that the request put forward by Nexus cannot be supported.

➤ *Travel Plan*

The submitted Transport Assessment indicates that Rolls Royce are committed to encouraging sustainable travel behaviour by ensuring employees have access to a wide range of travel modes for commuting to work. It states that the company proposes to implement a Travel Plan for the whole of the Radial 64 site to build upon and promote the opportunities to utilise other forms of travel. It is the intention that a full Travel Plan would be produced and agreed with the employees and respective authorities prior to the first occupation of the development, when further detail is available of number and nature of the occupants and staff on site. The statement also includes a framework for the Travel Plan, which seeks to inform employees of the alternative opportunities available to them and provide an on site package of measures to promote the uptake of walking, cycling and public transport. It is recognised that the appointment of a travel Plan Co-ordinator will be vital to the success of the Travel Plan and will be responsible for its implementation and monitoring as well as the drawing up of regular Action Plans. While no specific targets are set out in the Framework, it does indicate that the four main aims and objectives of the Travel Plan will be:

- reducing the overall level of trips;*
- reducing the number of single occupancy car trips;*
- reducing the impact of travel particularly for business purposes;
and*
- increasing the attractiveness of walking, cycling and public transport.*

The Travel Plan for the outline planning permission indicated a 16% modal shift from car alone use, which was used as a target to set the maximum permitted vehicle trips. It is considered appropriate to set the same targets and jointly deliver the level of measures for both the BAE site and this development in relation to sustainable travel to promote walking, cycling and use of available public transport.

It is considered that with the imposition of conditions as indicated above the proposed scheme is acceptable in highway engineering terms and thereby will meet the requirements of policies T8, T9, T14 and T22 of the adopted UDP.

Ecology

The UDP policies considered with regards to ecology are CN16, CN17, CN18, and CN23. These relevant aspects are these are summarised below:-

CN16 - The city council will seek to retain and enhance existing woodlands, tree belts and field hedgerows. It will undertake and encourage planting of new tree belts and woodlands, in the main of native species

CN17 - The city council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible

CN18 - The promotion of the interests of nature conservation will be sought 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:-

- ii encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors;*
- iv seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land*

CN23 - Within the wildlife corridors as indicated on the proposals map:-

- i measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts*
- iii where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.*

The application is accompanied by a Habitat Masterplan and Management Plan which seeks to respond to the requirements of conditions 10 - 13 on the March 2011 consent. The document identifies the existing habitats on site including:

Dense Scrub - which lies predominantly along the southern boundary adjacent to the cycle route, which is identified for retention. There is an area also in the northern part of the site adjacent to the site of the demolished factory which includes Japanese rose which is to be removed as a schedule 9 species (Wildlife and Countryside Act 1981). Two small areas of scrub, which are of no significant ecological value are also to be cleared to facilitate the development.

Ephemeral /Short perennial vegetation - has developed on areas of the site which have been subject to disturbance during demolition of the Dunlop factory. this is considered to be of little ecological value and will be cleared to facilitate the development.

Open Ephemeral Water - areas of standing water on disturbed ground with no aquatic vegetation and fluctuating water levels and which have little ecological value will be removed.

Plantation woodland - a semi-mature mixed plantation of Scots pine and sycamore together with adjoining stands of wild cherry beech, ash and oak in the northwest corner is to be retained as is the woodland along the southern edge of the site parallel to the cycle route. A small copse in the centre of the site recorded in the 2009 survey for the Highbridge outline application has subsequently been cleared. Additional tree planting is to be undertaken to compensate for the loss of that habitat.

Species Poor Rough Grassland - which has developed on previously disturbed land is proposed to be either improved where it has a rank overgrown nature or removed where it is within the footprint of the development.

Unmanaged Semi-Improved Neutral Grassland - this has been subject to invasion by scrub species such as hawthorn and dog rose and wild cherry which generally has a low ecological value and is to be cleared to facilitate development.

Remnant Calcareous Grassland - an area in the north east corner of the site appears to have been degraded since the original survey in 2009 and it is proposed to diversify and increase the area of this habitat.. Along the southern boundary of the site is an area of semi-improved grassland dominated by rank grasses, but with 2 species of orchid also present. While this area of grassland would not meet the thresholds for consideration as part of the Magnesian Limestone grassland habitat defined in the Durham Biodiversity Action Plan (DBAP) it does represent the most ecologically interesting habitat still on site and is therefore to be preserved.

The measures for retention and enhancement include:

- *The protection of retained habitats* - with any orchid populations staked and taped during woodland underplanting works, Retained grassland areas will be subject to low key maintenance to enhance them and avoid further degradation.
- *Woodland Enhancement* - a new hedge line along the eastern boundary of the site will ensure the north - south connectivity across the site is retained. Plantations will be underplanted with native tree species which should in time replace the non-native canopy species. In the northern plantation new planting will be predominantly ash with some oak and silver birch, while in the south alder and downy birch are considered to be more appropriate species. in each case. Shrub cover of 20% is proposed in all plantation areas comprising mainly hawthorn, hazel and guelder at 400 plants per hectare.. Twenty log piles and scrub bundles to provide dead wood habitats are proposed using scrub and felled timber cleared from the site. where the soil is disturbed by necessary works within the plantations a native ground flora seed mix will be sown. Within the southern plantation underplanting will be undertaken as well as the creation of two small clearings to provide sheltered areas for invertebrates and feeding areas for foraging bats.

- *Grassland - a new area of calcareous grassland will be created with a broader more natural species mix than that it is replacing over an area of some 4000 sq m. It is proposed to mix subsoil with a magnesian limestone gravel to dust mix and sown with a British native limestone flora mix sown at a rate of 4 kg/ha.*

In order to help increase the diversity of the new areas rather than being sown flat, they will be contoured to create 20 small mounds and associated hollows creating a large amount of south, southeast and south west facing slope to maximise the sun's rays and attract the greatest populations of invertebrates. An ephemeral pool will be created as a detention basin as part of the surface water drainage network. This will have 1:3 slopes and 1m x 29m flat base. The depth of the basin measured from the toe of the slope will be between 2.5m and 3m with a high water depth of 1.5m under the worst case design storm. The soil base will be sown with a marshy wildflower seed mix, designed for seasonal wetlands at a rate of 15kg/ha.

- *The scheme also includes the creation of 18 x 3 sq m scrub branch piles each with an apex height of 1m which will help provide invertebrate habitat.*
- *The creation of a new hedgerow along the eastern edge of the Rolls Royce site is proposed as a means of complying with the requirement of condition 10 on the original consent for the creation of habitat linkages and continued functionality of BAP habitats on and off site. Further the layout of the development has sought to avoid the Durham BAP habitats and the areas of calcareous grassland. The scheme as indicated above includes areas of new and enhanced habitats which support the ecology masterplan from the original outline consent for the redevelopment of the Dunlop site.*
- *It is proposed that 28 bird nesting boxes will be provided, 12 in the northern plantation and 16 in the southern. These will include "open" boxes suitable for robins and flycatchers, tit boxes and specialist boxes for tawny owls and woodpeckers. In addition, 20 bat boxes are proposed in the woodland area. The bat boxes will be self cleaning and of long lasting woodcrete structure.*

Both bird and bat boxes will be located such that the entrance face towards the sun, set between 2m and 5m above the ground with a free space of least 1m below the box.. Several insect boxes are proposed to be attached to the buildings facing the main retained habitat areas of the site.

An indicative timetable for the implementation of the habitat works has been included in the documentation. This indicates that the implementation will begin in the summer of 2012 and continue through to the winter of 2012/13.. It is indicated that a thorough tree survey of the site will be required in order to achieve a detailed, balanced underplanting and thinning regime for the site.

In order to accord with the requirements of condition 12 on consent 10/03972/FUL a scheme for the management of habitats on the site has been put forward which identifies the principal habitat types a maintenance regime and responsibilities for that regime.

The response of the council's ecologist on the proposals has only recently been received and is being given consideration.

Conclusion:

Whilst the majority of important considerations identified above have been satisfactorily addressed by the proposals the ecological issues are being given further consideration. As such, it is anticipated that a supplement report addressing those issues will be circulated prior to the committee meeting.

RECOMMENDATION: Deputy Chief Executive to Report

SUPPLEMENT report to development Control (Hetton, Houghton and Washington) Sub committee 13.12.2011

As indicated in the main agenda report the main issues outstanding are in relation to ecology / landscaping. The City Council's ecologist has indicated that the proposals submitted were generally acceptable but requested further clarification on matters of detail and recommended a number of conditions to address some issues remaining outstanding from conditions 10 - 13 on consent 10/03972/FUL. Further discussions have been held with the applicants ecology consultant which has resulted in the submission of an amended Habitat and Landscape Masterplan and the associated Management document to reflect the agreed changes. the ecology, landscaping and habitat proposals are now considered to be satisfactory subject to the imposition of appropriate conditions to cover the following issues:

- Details of the form and location of fencing to protect retained habitats during construction;*
- Requirement for grassland habitats to be connected and to be greater than or equal to the areas set out in the original ecological masterplan for the Radial 64 site;*
- Detailed scheduling of the proposed woodland thinning and under planting*
- Details of the bat and bird box locations*
- Checking surveys for protected species in the event of delays in implementing the consent.*

With those conditions in place it is considered that the scheme will accord with the aims of the original habitat Masterplan for the site and policies CN16, CN17, CN18 and CN23 of the adopted Unitary Development Plan.

Other Matters

At the present time it is not known when building 02 will be constructed or by whom it will be occupied, other than it is likely to be one of Rolls Royce's suppliers. However, it is considered expedient to grant consent for the general elevational treatment of the building submitted but to impose condition on any consent issued in respect of the details of flues, vents etc and car parking. If the building design is changed significantly to meet the needs of the eventual occupier then a further application would need to be submitted in due course.

Conclusion

The proposed revisions to the Rolls Royce development relative to that approved in March 2011 have been considered against the relevant policies of the adopted Unitary Development Plan, in respect of the principle of the development, the design and layout of the development, its visual impact, environmental considerations (noise, air quality and ground contamination), archaeology, sustainability, flood risk, access and highway issues and ecological /landscape issues. In no instance did any matter come to light which has not been satisfactorily resolved through discussions with the applicant's consultants or through the imposition of an appropriate condition.

Consequently, it is considered that the proposal will result in the development of an employment generating site to the overall benefit of the residents of the city. Members are recommended to grant consent subject to the conditions set out below.

Recommendation: APPROVE 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. For the avoidance of doubt, the total gross floor space (including mezzanine levels) for the development hereby approved shall not exceed 30,000 sq m of industrial units (Use Classes B2), but that figure shall exclude any free standing plant and/or refuse storage. This quantum of development will achieve a satisfactory form of development and ensure the highway network can accommodate the traffic generated by the site and thereby comply with policies B2 and T14 of the adopted Unitary Development Plan.
3. 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 / documents:

1872(PL) 01B Location / Site Plan	received 05 Oct 2011
1872(PL) 02B	Proposed Site Plan.
received 05 Oct 2011	
1872(PL) 03C	Landscape / Biodiversity
Plan.) received 02 Dec 2011	
1872(PL) 05B Detailed Floor Plans Building 02	received 05 Oct 2011
1872(PL) 07B Elevations Building 02.	received 05 Oct 2011
1872(PL) 08B	Site Sections.
received 05 Oct 2011	
1872(PL) 09A	Aerial View. received 05
Oct 2011	
1872(PL)50A Ground floor Building 01	received 05 Oct 2011

1872(PL)51A	First Floor building 01	received 05 Oct 2011
1872(PL)52A	Second floor Plan building 01	received 05 Oct 2011
1872(PL)53A	Roof Plan Building 01	received 05 Oct 2011
1872(PL)54A	elevations Building 01	received 05 Oct 2011
1872(PL)55	Proposed Gate house	received 05 Oct 2011
1872(PL)56	Ancillary Buildings	received 05 Oct 2011
1872(PL)57	Landscape Details & Building 01	received 05 Oct 2011
	Flood Risk Assessment	received 05 Oct 2011
	Air Quality Assessment Summary Report	received 05 Oct 2011
	Transport Assessment	received 05 Oct 2011
	Noise Assessment	received 05 Oct 2011
	Habitat Masterplan and Management Plan	received 02 Dec 2011
	Design and Access Statement	received 05 Oct 2011

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

Site Organisation etc

4. *No works shall take place on any part of the development until a scheme of working for that part has been submitted to the satisfaction of the Local Planning Authority; such a scheme shall include 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 be so implemented, in the interests of the proper planning of the development and to protect the amenity of nearby occupiers and in order to comply with policies B2 and T14 of the adopted Unitary Development Plan.*
5. *Before the development of each building commences, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. For the avoidance of doubt, these details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.*
6. *The construction works and associated deliveries to site required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing in advance with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.*

Archaeology

7. *No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of*

groundwork and construction work to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at all relevant times during the undertaking of groundworks. The observation is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with adopted Unitary Development Plan Policy B13.

8. *The development hereby approved shall not be occupied / brought into use until a report compiled of the results of observations of the groundworks has been submitted to and approved in writing by the Local Planning Authority: An investigative report is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with adopted Unitary Development Plan Policy B13.*

Ecology and Landscaping

9. *Before the development hereby approved is commenced the details of the form and location of fencing to protect the identified areas of grassland habitat during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented and maintained throughout the construction process in order to maintain/enhance the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
10. *Prior to the commencement of development, a timetable for the implementation of the agreed Habitat Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, all landscaping / habitat works shall be undertaken in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
11. *Prior to the commencement of construction of building 02 a supplementary statement relating to habitat creation and management in line with the agreed Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the identified measures shall be implemented in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
12. *Before the commencement of the development, for all retained woodland areas that require a programme of thinning details of the proposed works which should include retention of dead or dying standing and lying timber, and the chemical treatment of some cut stumps, where possible and appropriate. should be submitted to and approved in writing by the Local Planning Authority . It should also be noted that the addition of ground flora species should be through (native and local provenance) seeding, bulbs and/or plugs as appropriate. Once agreed the identified measures*

shall be fully implemented in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.

- 13. Prior to the commencement of development, a scheme for the future management of habitats, particularly Biodiversity Action Plan habitats and habitat linkages on the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The habitat management scheme shall describe the means of delivery of habitat management, including funding. The scheme shall be based upon the agreed Habitat Masterplan (required by condition no. 10 of this consent) and shall include an appropriate monitoring programme and shall be implemented as agreed and maintained as such thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
- 14. Prior to the commencement of development, details of the specification, locations and management of bird and bat boxes, which should accord with agreed the habitat management programme and other factors such as lighting, shall be submitted to and agreed in writing by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
- 15. The grassland habitats across the site shall be connected in accordance with the scheme indicated in the Habitat Masterplan (December 2011) and the area of such habitats shall be equal to or greater than the area indicated in the Ecological Masterplan in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
- 16. In the event that the start of development of the site is delayed beyond December 2012 further surveys to check for the presence of protected species on the site shall be carried out and a report of those surveys and recommendations for any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the timetable In order to ensure that adequate safeguards are taken in respect of protected species on the site and to comply with the requirements of policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.*
- 17. No trees in existing areas of tree planting shown to be retained on the approved plans shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.*
- 18. No existing areas of tree planting shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.*

19. *Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.*
20. *The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.*
21. *If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.*
22. *No development of building 02 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on/adjacent to that plot, details for their protection during the course of development, and details of the enhancements to the landscaping on the periphery of the site in the interests of visual amenity and to comply with policies B2 and CN17 of the adopted Unitary Development Plan.*
23. *All planting, seeding or turfing comprised in the approved details of landscaping 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 policies B2 and CN17 of the adopted Unitary Development Plan.*

Building/infrastructure details

24. *Notwithstanding any details on the submitted plans details of all walls, fences or other means of boundary enclosure for building 02 shall be submitted to and approved by the Local Planning Authority before the work on that building is commenced. The agreed boundary treatment shall be completed prior to the occupation of that particular phase or in accordance*

with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

- 25. Notwithstanding any indication of materials which may have been given in this application, no development shall take place until a schedule and 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. For the avoidance of doubt, such submissions should include the use of sample panels, where appropriate. 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 adopted Unitary Development Plan.*
- 26. Notwithstanding the submitted plans, proposed ground level sections across the site and details of the finished slab levels of each building shall be submitted and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the approved levels details in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.*
- 27. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The details shall incorporate sustainable urban drainage systems measures, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the proposed surface water attenuation pond should be designed and managed with sympathetic profiles and landscaping, including open (wet) grassland habitat to the south. Reference should be made to current good SUDS practice and the Design Manual for Roads and Bridges. Once agreed, the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details, in order to ensure satisfactory drainage to the site, which will not result in any additional flood risk on the site or in the local vicinity and to comply with policy EN12 of the adopted Unitary Development Plan.*
- 28. Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through oil interceptors installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, before the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the adopted Unitary Development Plan.*
- 29. Notwithstanding the submitted plans, detailed scale drawings of the positioning of all external plant / machinery / flues and extraction equipment for buildings 01 and 02 shall be submitted to and agreed and agreed in writing with the Local Planning Authority, prior to the occupation of the building concerned and should be maintained as such thereafter, in order to protect the amenities of the area and to comply with Policy B2 of the adopted Unitary Development Plan.*

Highway/Access Requirements

- 30. Prior to the occupation of any of the buildings on site, full details of the*

agreed junction improvements at the Birtley Road site access, together with a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented in accordance with the agreed timetable in the interests of highway safety and to comply with policy T14 of the adopted Unitary Development Plan.

- 31. Prior to the occupation of any of the buildings on site, details of the car parking for that phase / unit, which shall include details and location of any electric car charging points, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme for each phase/unit which shall accord with the requirements of the Council's Supplementary Planning Guidance, unless otherwise agreed in writing by the Local Planning Authority, shall be fully surfaced and laid out before the relevant unit is brought in to use in order to ensure a satisfactory level of car parking provision in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.*
- 32. Prior to the occupation of any of the buildings on site, car parking management schemes for the (i) the site as a whole and (ii) for each operator (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the agreed scheme should adequately demonstrate that the overall amount of parking provided is sustainable and necessary for the operational requirements of the site / operator. Once agreed, the car parking areas shall be laid out and be fully implemented in accordance with these schemes and operated in such a manner thereafter, in order to ensure that car parks are used effectively for short-term parking and car-sharing and that no overspill parking will take place, in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.*
- 33. Prior to the occupation of any of the buildings on site, a plan detailing enhanced cycle links between the site and the adjacent cycleway network shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before any of the buildings on the site are brought in to use and to comply with policies T9 and T14 of the adopted Unitary Development Plan.*
- 34. Prior to the occupation of any of the buildings on site, a plan detailing enhanced pedestrian links between the site and the adjacent footpath network, Rickleton Way and Vigo Lane shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before any of the buildings on the site are brought in to use and to comply with policies T8 and T14 of the adopted Unitary Development Plan.*
- 35. Prior to the occupation of any of the buildings on site, the details of the internal road layout and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented and no unit occupied until the road giving access to it and its servicing area are laid out and surfaced to at least base course level in order to ensure satisfactory access and servicing is available and to comply with policy T14 of the adopted Unitary Development Plan.*

36. *Prior to the occupation of any of the buildings on site, a site-wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Travel Plan will continue to support the target of achieving a modal shift of 16% from car borne journeys, to ensure the maximum number of permitted trips for the whole development is not exceeded. Once agreed, the measures and monitoring strategy as set out in the site-wide Travel Plan shall be fully implemented in order to ensure that the Travel Plan targets are being met and to ensure the use of modes of transport other than the private car are promoted, in order to meet clearly defined individual targets and penalties, and to comply with policy T14 of the adopted Unitary Development Plan.*
37. *Prior to the occupation of any of the buildings on site the occupant shall prepare and submit to the Local Planning Authority a Unit Travel Plan based on the format contained in the agreed site-wide Travel Plan. The unit Travel Plan shall be agreed in writing by the Local Planning Authority and the requirements of the agreed Plan shall be implemented by the operator in order to ensure access to the site by alternative modes of travel and to accord with policies T1 and T2 of the adopted Unitary Development Plan.*
38. *Notwithstanding the submitted details, any site access gates / barriers installed at the site entrance at Birtley road shall wherever possible, remain open between the hours of 08.00 and 18.00 Monday to Friday in order to enable the free flow of traffic, in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.*
39. *Prior to the occupation of the development, full details of of the improvements to the Birtley Road / Picktree Lane junction shall be submitted to and approved in writing by the Local Planning Authority ,The agreed scheme shall be implemented prior to the first occupation of the development, in the interests of safe and free flow of traffic and to accord with policy T14 of the adopted Unitary Development Plan.*

Environmental considerations

40. *No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the Local Planning Authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the Local Planning Authority, in the interests of amenities of the surrounding area and to comply with policy EN14 of the adopted Unitary Development Plan.*
41. *No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the Local Planning Authority, in the interests of the amenities of the surrounding area and to comply with policy EN14 of the adopted Unitary Development Plan.*
42. *Should any contamination not previously considered be identified during construction works an additional method statement regarding this material*

shall be submitted to the Local Planning Authority for approval, in the interests of the amenities of the surrounding area and to comply with policy EN14 of the adopted Unitary Development Plan.

- 43. Before any phase of the development hereby approved is occupied, the details of any CCTV / floodlighting / exterior lighting, including a technical specification to demonstrate that overspill does not occur shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be implemented in accordance with the agreed details and maintained as such thereafter, in order to ensure a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.*
- 44. Prior to the occupation of building 02, a noise assessment in line with British Standard 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas" shall be undertaken by a suitably qualified and experienced noise control consultant. For the avoidance of doubt, such an assessment shall include both internal and external noise sources (such as vehicular audible warning systems) and demonstrate that the level of noise from the site shall, throughout the life of the development, not exceed the background level (LA90) by more than 5 dB as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest. A background noise survey must be performed during the proposed operating hours. Following analysis and corrections to the data in accordance with BS4142, the report should accurately determine the difference between the source and existing noise levels. This report, which shall include the specification of any necessary mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure no undue noise nuisance is created and be maintained as such thereafter, in order to comply with policy EN5 of the adopted Unitary Development Plan.*
- 45. Prior to the occupation of Building 02 an air quality assessment shall be undertaken which demonstrates the likely changes in air quality or exposure to air pollutants, as a result of the proposed operations. Such an assessment shall provide sufficient qualitative and quantitative information to determine the 'significance' of the air quality impacts, and therefore the priority given to air quality concerns. The basis of the assessment should be to compare the existing situation with that following completion of the development and determine the changes in air quality expected. The assessment will also need to compare predicted pollutant concentrations with relevant air quality objectives and limit values, requiring the assessment to be consistent with the target years for the limit values and objectives. The method of assessment is included within the guidance document 'Development Control: Planning for Air Quality (2010 Update)' produced by Environmental Protection UK, and reference should be made to this document within the assessment. Once completed, the air quality assessment shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with Policy EN9 of the adopted Unitary Development Plan.*
- 46. Each building structure including roof sky lights and any proposed ventilation louvers shall have a minimum weighted sound reduction index*

(Rw) of 42 dB, in order to ensure that the development does not cause noise nuisance to neighbouring users and to comply with policy EN5 of the adopted Unitary Development Plan.

- 47. Noise of plant associated with the development hereby approved should not exceed the background noise level by more than 5dBAor, if the noise is tonal, should not exceed the background noise at all at any noise sensitive property in order to ensure that the development does not cause noise nuisance to neighbouring users and to comply with policy EN5 of the adopted Unitary Development Plan..*
- 48 A working validation assessment of the assumed noise levels used in the submitted noise assessment report shall be provided post commissioning in order to demonstrate that the assumptions used in the noise model are accurate shall be submitted to and approved in writing by the Local Planning Authority before the building is brought into operation in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.*
- 49. An assessment of the combined impacts on air pollutant concentrations from the manufacturing process emissions and road traffic exhaust emissions shall be undertaken once the information on plant specification for building 01 has been finalised. The assessment together with any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority before the plant is installed. The scheme shall be implemented in accordance with the agreed details in order to ensure that the scheme does not have a significant adverse effect on air quality in the area and to comply with the requirements of policy EN1 of the adopted Unitary Development Plan.*
- 50. Before works on each phase of the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within that phase shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the adopted Unitary Development Plan.*
- 51. Before each building of the development hereby approved is commenced, details of energy efficiency / renewable energy measures should be submitted to and agreed in writing by the Local Planning Authority. Such details, which shall achieve at least the equivalent of 10% of energy demand from renewable resources and the BREEAM very good rating, unless otherwise agreed in writing with the Local Planning Authority, shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures, in the interests of sustainable development and in order to comply with policies R1 and R4 of the adopted Unitary Development Plan.*

Reference No.: 12/00320/FUL Full Application

Proposal: **The construction of 12no. residential dwellings with associated hard/soft landscaping, drainage and mains services and associated access and infrastructure, including stopping up of existing highway.**

Location: Land At Kingsway/Queensway Houghton-Le-Spring

Ward: Copt Hill

Applicant: Gentoo

Date Valid: 15 February 2012

Target Date: 16 May 2012

Location Plan



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PROPOSAL:

This application seeks permission for twelve residential dwellings as part of a wider redevelopment of the established Racecourse Estate, Houghton le Spring.

The application under consideration forms "Area 1" of phase 4 of the redevelopment of the Racecourse Estate which comprises both this site and a

site located approximately 70 metres to the west at land bounded by Queensway, Hall Lane and Normandy Crescent. This site is known as "Area 2" of phase 4 and is the subject of a separate planning application, reference: 12/00516/FUL.

The application site under consideration (Area 1) is located on an area of land bounded by Kingsway, Queensway and Kirkstone Close. The application site measures approximately 0.4 hectares in area and the topography of the site falls from east to west.

Though at the time of the case officer's site visit, the application site was being used as a construction compound by Gentoo to facilitate the construction of earlier phases in the redevelopment of the Racecourse Estate, it has historically been in residential use for family housing.

There are established residential areas located to the north, south, east and west of the application site and a small parade of six commercial units is located to the immediate west of the site at 19 - 31 Queensway.

This application seeks approval for the erection of 12 two storey houses. Plots 7 to 12 are to be arranged in a cul-de-sac following re-alignment and remodelling of "The Close" highway which is currently located to the side and rear of number 47 Kingsway.

Ten of the proposed dwellings are arranged with their frontages facing on to Kingsway, Queensway and Kirkstone Close (plots 1 to 10). A back garden to back garden arrangement exists to the rear of these houses. Each of the dwellings proposed has a block paved driveway located to the side or front and a cycle storage shed.

Plots 11 and 12 are located in the northern most extent of the site to the rear of numbers 45 and 47 Kingsway. These proposed dwellings have a south-eastern orientation with their frontages facing on to the frontage of proposed plots 9 and 10.

A series of retaining walls are to be constructed as part of the development and are required to address the significant fall across the site. These walls have been incorporated in to boundary walls of the plots.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
The Highways Agency
Northumbrian Water
Northern Electric
Street Scene (Environmental Service)
Director Of Children's Services
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **10.04.2012**

REPRESENTATIONS:

Site Notices Posted
Neighbour Notifications
Press Notice

The period for the receipt of representations does not expire until 10 April 2012.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
H_21_Open space requirements in new residential developments (over 40 bed spaces)

COMMENTS:

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

- Principle of the development.
- Highway access and car parking arrangements.
- Design, Layout and Impact of proposed development upon existing residential occupiers.
- Requirement for Open Space.
- Requirement for equipped children's play facilities.

Principle of the Development

The proposed development site is located within an established residential area. Furthermore the application site is coloured white on the adopted Unitary Development Plan Proposals Map and is therefore subject to the requirements of Policy EN10 of the plan.

Policy EN10 requires that:

All proposals for new development will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

As the principal use of the neighbourhood surrounding the application site is residential it is considered that the proposed development of 12 houses is acceptable in principle and in accordance with the requirements of the adopted Unitary Development Plan.

Highway Access and Car parking Arrangements

The application under consideration proposes the realignment of The Close to allow the formation of a cul-de-sac access to plots 8 to 12 and also to accommodate three visitor parking bays within the cul-de-sac.

Vehicle access to private driveways serving the proposed houses is proposed from Kirkstone Close; Queensway and Kingsway and one visitor parking bay is proposed to the front of Plot 2 on Queensway. A further visitor parking bay is proposed to the front of plot 6 on Kingsway. Both visitor parking bays proposed are located within the highway but fall outside of the red line boundary of the planning application.

Car parking for the proposed development is proposed at a ratio of one private car parking space per dwelling in accordance with the requirements of the City Council. In terms of visitor parking, five visitor parking spaces are proposed. This exceeds the number of visitor parking spaces required by one. Normally visitor car parking spaces are provided at a ratio of one space per three dwellings proposed. The location and number of car parking spaces required are considered to be acceptable.

In terms of public transport the site is served by buses to the City Centre and other locations in the City. Queensway, which is located adjacent to the southern boundary of the application site is a bus route, hence easy access is provided from the site to public transport.

Based upon the above considerations the proposed development is considered to be generally acceptable in highway access and car parking terms and is considered to be in accordance with policies T14 and T22 of the adopted Unitary Development Plan. These policies require that:

Policy T14: New Development

Proposals for new development should:

- i. 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;
- ii. Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be provided to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- iii. 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;

- iv. Make provision for the loading and unloading of vehicles;
- v. Indicate how parking requirements will be accommodated.

Policy T22: Private Parking

In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to:

- i. Development Type (e.g. scale, use, catchment, user characteristics);
- ii. Locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character).

However, the Executive Director of City Services: Network Management has been consulted regarding this proposed development and their comments are awaited. It is anticipated that these comments will be available prior to the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee and will be reported on a supplementary report accordingly.

Design and Layout

Layout

The application under consideration seeks permission for 12 houses. Plots 1 to 7 are arranged so as to front on to existing streets: Queensway, Kingsway and Kirkstone Close and present an active frontage. It is considered that the positioning of the proposed houses is such that it respects and reinforces the existing line of built development within these streetscenes, whilst the use of ¿corner-turning¿ semi detached properties on plots 1 to 2 and 5 to 8 successfully treat the prominent position that the site occupies on Queensway.

House Types

The proposed development comprises four different house types. These comprise:

- 2no 2 bedroom (three person) houses;
- 2no 2 bedroom (four person) houses; and
- 8no 3 bedroom (five person) houses.

The house types proposed reflect those that have been used in previous phases of the redevelopment of the Racecourse Estate.

The main fenestration detail (i.e. windows and doors) are contained on the front and rear elevations of each of these house types. The gable elevations of three of the house types contain small openings for windows which serve either the ground floor W.C. or the staircase/hall way of the proposed dwelling.

Landscaping

Each proposed house has a front garden which will be defined by steel railings and hedge planting (and a driveway) and an enclosed private rear garden which

will be sown to grass. Due to the steep gradient running down from east to west, steps have been incorporated between dwellings. The maximum step between plots is 1.2 metres. The use of retaining structures and sloped landscaping also features prominently to both front and rear gardens.

Open Space

An area of approximately 120 square metres of open green space has been created within the proposed cul-de-sac. Landscaped verges and planting strips are also proposed and these are considered to enhance these areas of amenity open space.

Materials Pallet

The material pallet proposed is considered to enhance the architectural quality of the area with the construction materials chosen echoing those used in previous phases of the redevelopment. The materials proposed consist of a mixture of red and buff clay facing brick with off white render feature panels to each dwelling.

Artstone will be used to create a string course above the heads of the ground and first floor windows. Artstone Cills are also proposed to each window.

The pallet of materials suggested for the construction of the proposed houses is considered to be acceptable. However, a condition will be attached to any approval granted requiring the submission of a schedule and samples of the construction materials proposed.

Design and Layout - Summary

The design and layout of the proposed development is considered to be acceptable and in accordance with Policy B2 of the adopted Unitary Development Plan which is set out below:

Policy B2 of the adopted Unitary Development Plan requires 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.

Impact of proposed development upon existing residential occupiers

The proposed development has been designed so that only one of the proposed houses (plot 5) has an element of its front elevation that directly faces an existing house (38 Queensway). However a distance of 21 metres will be retained between the front elevations of these properties in accordance with the guidelines set out in the Council's adopted supplementary planning guidance for new residential development.

Plots 1, 11 and 12 have gable elevations that face existing residential property but in each instance the distances retained between the gable elevation of the proposed property and the rear elevations of those existing exceeds 14 metres.

Again this is in accordance with the requirements of supplementary planning guidelines.

It is considered that the proposed development will not result in any loss of residential amenity for the occupiers of nearby neighbouring residential dwellings. This is in accordance with policy B2 of the adopted Unitary Development Plan.

Provision of Equipped Children's Play Facilities

Policy H21 of the adopted Unitary Development Plan requires the provision of an equipped children's play area within residential developments comprising 10 or more family homes (i.e. 2 bedrooms or more). Where such an area cannot be accommodated within a development site it is possible for the applicant to enter into an agreement under the provisions of Section 106 of the Planning Act (Section 106 Agreement). This allows a financial contribution to be made, in lieu of the provision of a play area, towards the provision of, or upgrading of existing play area(s) off site.

In this instance the developer has agreed to enter into such an agreement with the Council. A sum of £8412 will be paid to the Council by the developer towards the provision of provision/upgrade of play equipment and facilities at Kirklee Field Play Area in Houghton-le-Spring through the completion of a Section 106 agreement.

Members should note that the section 106 agreement in connection with this application must be completed on or before the final date for determination of this planning application in order that the proposal can be considered to comply with policy H21 of the adopted plan. It is anticipated that the agreement will be completed by this date. However in the event that such an agreement is not completed within the required timescale the application will be considered as unacceptable and contrary to the requirements of Policy H21.

Conclusions

The proposed development is considered to be acceptable in principle and in accordance with Unitary Development Plan land use policies. However, a section 106 agreement in connection with the proposed development is currently being prepared.

In addition to this, the publicity undertaken in connection with this application does not expire until 10 April 2012 and consultation responses in connection with this application are awaited. This date is prior to Committee but is after the deadline date for preparation of the Committee papers.

Consultation responses and any representations received in connection with this application will therefore be reported to Members via a Supplement Report together with a recommendation.

RECOMMENDATION: Deputy Chief Executive to Report