

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

SUPPLEMENT

2 March 2010

Number:	S 1
Application Number:	09/04780/FUL
Proposal:	Erection of building to house a battery manufacturing process (24,825m), to include detached plant room and associated mechanical, electrical installations and external works.
Location:	Nissan Motor Manufacturing (UK) Limited, Washington Road, Usworth, Sunderland.

Further to the main report to committee, considerations in connection with the ecological mitigation strategy submitted in connection with the application and additional information submitted in order to address the concerns of the Environment Agency in terms of flood risk have now been concluded.

Ecological Mitigation Strategy

The Local Planning Authority considers that the submitted ecological mitigation strategy is a good example of positive mitigation, enhancement and management for biodiversity for a development of this nature.

There are a number of matters of detail contained within the mitigation strategy that should be controlled through the imposition of conditions on any consent granted in the event that Members are minded to approve the proposed development. These matters include:

- Detailed design of drainage ditches and sluices.
- Seed/species mix to be agreed prior to seeding.
- Method of thinning for plantation woodland/screening between A19 and development site.

Flood risk

As set out on the main agenda report the Environment Agency objected to the proposed development in response to consultation by the Local Planning Authority.

The Environment Agency objection to the development because they considered that the submitted Flood Risk Assessment did not comply with the

requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25).

In response to the Environment Agency's objection the applicant submitted additional information for the consideration of the Local Planning Authority. Following further consultation with the Environment Agency during which the additional information submitted was considered, the Environment Agency has withdrawn their objection to the development subject to the inclusion of the following condition on any approval granted:

The development hereby approved shall be carried out in strict accordance with the "Nissan Motor Manufacturing (UK) Ltd Flood Risk Assessment" (dated November 2009) and the addendum report to the Flood Risk Assessment (dated 12 February 2010) received 15 February 2010 and the following mitigation measures that as detailed within the approved Flood Risk Assessment:

- Surface water network must include rain water harvesting and hydrobreaks.
- There shall be no increase in discharge to the refurbished drainage ditch that flows under the A19.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site while using sustainable forms of drainage and to prevent flooding elsewhere be ensuring that the existing drainage regime is not affected.

Based upon the above it is considered that the proposed development complies with the requirements of adopted Unitary Development Plan policy EN12 and is acceptable subject to the inclusion of the above condition.

Additional conditions in respect of the above development are currently being finalised. These will be completed prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub-Committee and circulated at the meeting.

RECOMMENDATION: Deputy Chief Executive to report.

Number:	S 2
Application Number:	10/00191/SUB
Proposal:	Erection of 10 bed residential care unit with associated access and parking (RESUBMISSION).
Location:	Land To The North Of All Saints Church Church Road, Hetton le Hole

As stated in the main report, the principle of the use of the site in question for the proposed development is considered to be acceptable. However, the design of the proposed building and its relationship to the existing vicarage were of concern whilst the implications of the proposed development in relation to highway and pedestrian safety matters were still being assessed. Furthermore, the proposal has attracted an objection from Natural England, who consider that the ecological survey submitted with the application is not sufficient to satisfactorily assess the likelihood of the development causing harm to a protected species, namely bats.

Consultee responses from Northumbrian Water, Durham Bat Group and Hetton Town Council were also awaited; to date, no responses from these consultees have been received.

DESIGN CONSIDERATIONS

The agent of the applicant has been contacted with regard to the outstanding design issues, namely the relationship between the proposed building and the existing former vicarage and the treatment of the north, south and east elevations of the proposed building. The agent has advised that the scheme will be amended to address these concerns. However, to date, amended drawings depicting the recommended alterations to the proposed building have not been received.

HIGHWAY AND PEDESTRIAN SAFETY CONSIDERATIONS

The proposed layout of the scheme is satisfactory, with the one-way circular system within the site. However, clarification is sought that the number of parking spaces provided by the development will be sufficient to cater for the number of visitors and staff at the existing and proposed units, to ensure that the proposal will not lead to on-street parking outside the site. It is also considered that a further minibus space could be provided within the development site. There appears to be sufficient room for this space at the front of the building, adjacent to the proposed single minibus parking space.

Furthermore, whilst the proposed increase in the width of the access point to the development site is generally acceptable, it is considered that the access should be widened at its north side. Large vehicles, such as ambulances and delivery vehicles, approaching the access point from the south currently have difficulty negotiating the sharp left turn into the site due to the proximity of a

traffic calming measure on Church Road. Widening the north side of the access point will give more space for large vehicles to negotiate the left turn into the site from Church Road.

These matters have been raised with the agent of the applicant, who has advised that further information regarding staff and visitor levels will be provided and the layout of the scheme amended to include an additional minibus parking bay and widen the north side of the access point. However, to date, the required information and amended drawings have not been received.

IMPACT OF PROPOSED DEVELOPMENT ON PROTECTED SPECIES

As stated in the main report, Natural England has outstanding concerns regarding the proposal at this stage, and considers that further information should be submitted to adequately demonstrate whether or not the development would have an adverse effect on species especially protected by law; in this case, bats. The letter of objection from Natural England has been forwarded to the agent of the applicant, who has passed a copy to the ecologist employed to undertake the assessment submitted with the application.

Following consideration of Natural England's concerns, the ecologist has written a letter the City Council requesting that a more lenient approach be taken given that the surveys undertaken so far have found that the risk of bats being present is low. It is suggested that planning permission could be granted subject to conditions requiring active season surveys to be carried out at the suitable time of year. A bat protection plan has also been submitted, incorporating 'worst case scenario' mitigation measures in the event bats were found within the outbuildings proposed to be demolished. The ecologist will also discuss the matter directly with Natural England in an attempt to seek the withdrawal of their objection.

Further advice is sought from Natural England as to whether the arguments and mitigation measures put forward by the ecologist are sufficient to warrant a withdrawal of their objection. In the event that the objection can be withdrawn, this may permit the City Council to consider an approval of the application.

CONCLUSION

The outstanding issues relating to the design of the proposed building and the parking and access arrangements are not yet resolved. However, it is anticipated that these matters will be addressed via the requested amendments to the submitted drawings. In the event that the desired alterations are carried out, it is considered that the proposed development will be acceptable with regard to visual amenity and highway and pedestrian safety, in compliance with the requirements of policies B2 and T14 of the City Council's adopted Unitary Development Plan (1998). The concerns of Natural England also remain outstanding and will do so until further discussions between the ecologist of the applicant, the City Council and Natural England have taken place.

The final date for the determination of this application is 16th March 2010. In order to give additional time for the desired amendments to the submitted plans to be undertaken and further discussions with Natural England to take place, it is requested that Members Delegate the application to the Deputy Chief Executive. In the event that the objection of Natural England is not withdrawn and/or the desired amendments to the submitted plans are not carried out, the application would be refused planning permission.

In the event that the objection of Natural England is withdrawn and the proposal is satisfactorily amended to improve the appearance of the proposed building and improve the parking and access arrangements, the application would be approved, subject to the following conditions:

- 1 - standard condition requiring development to begin within three years of date of decision;
- 2 - standard condition requiring development to be carried out in accordance with approved plans;
- 3 - condition requiring submission of materials;
- 4 - condition restricting number of bedrooms within new building;
- 5 - condition restricting future use of approved building;
- 6 - condition restricting hours of construction work;
- 7 - condition requiring wheel wash facility
- 8 - condition stipulating building not to be occupied until approved parking and access arrangements have been carried out;
- 9 - condition requiring submission of landscaping scheme;
- 10 - condition stipulating no trees other than those indicated on approved plans to be removed;
- 11 - condition(s) stipulating that development shall be carried out in accordance with the tree protection measures indicated within arboricultural survey
- 12 - condition requiring that stone pillars on either side of access point are retained;
- 13 - condition requiring retention of remaining brick boundary wall to Church Road;
- 14 - condition requiring ground investigation report to be carried out, as recommended in Geo-Environmental Appraisal submitted with application
- 15 - any other conditions suggested by Natural England in order to mitigate against impact on protected species.

RECOMMENDATION: DELEGATE to the Deputy Chief Executive to

EITHER:

1) APPROVE subject to receipt of satisfactory amended drawings and withdrawal of Natural England objection;

OR

2) REFUSE should satisfactorily amended drawings not be submitted and/or the objection of Natural England is not withdrawn.