

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

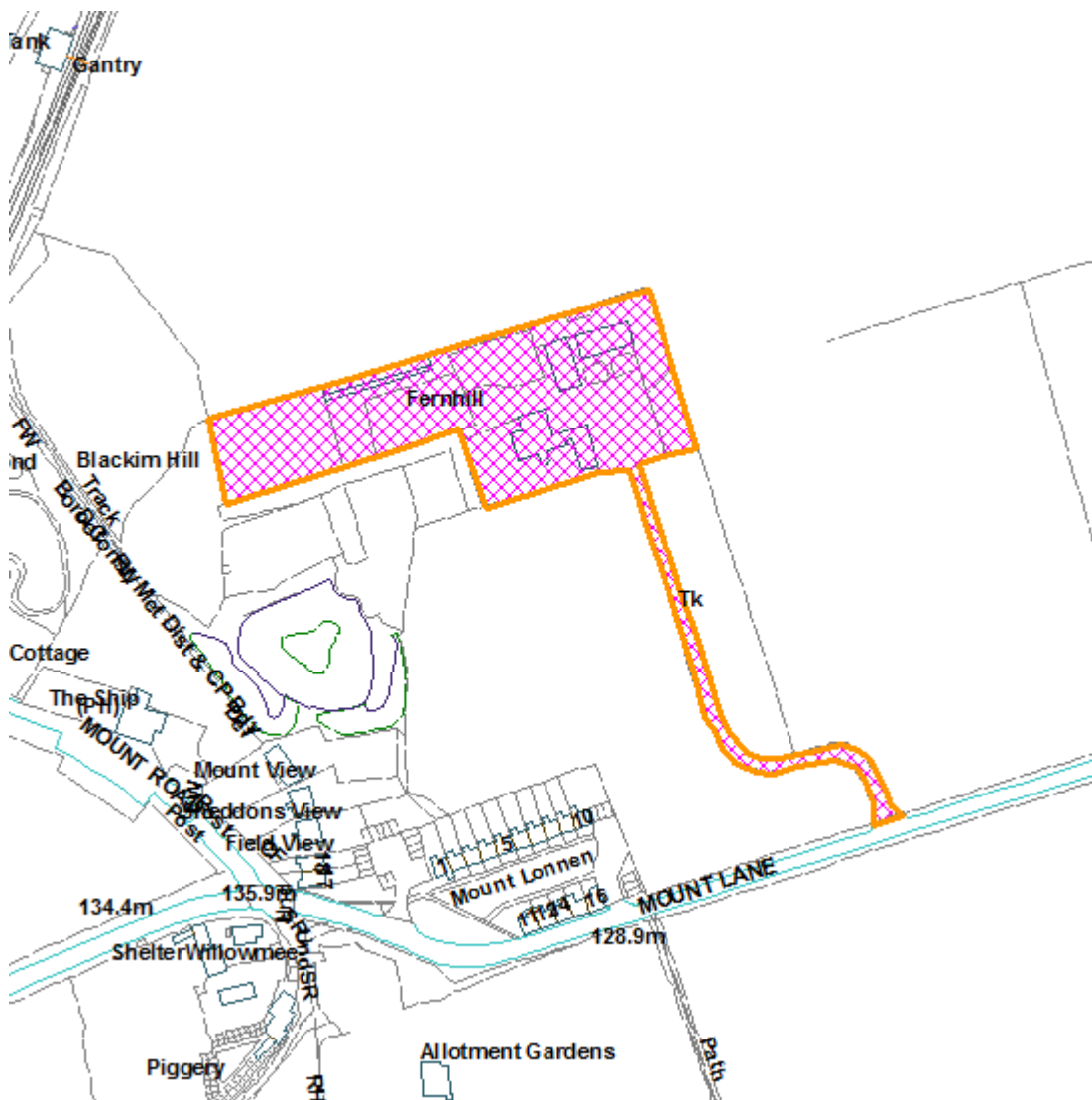
Reference No.: 15/00264/FUL Full Application

Proposal: **Demolition of smaller existing stables and erection of dog kennels and conversion of larger existing stables into a cattery.**

Location: Fernhill Mount Lane Springwell Gateshead NE9 7UQ

Ward: Washington West
 Applicant: Mr Dean Proudfoot
 Date Valid: 1 September 2015
 Target Date: 27 October 2015

Location Plan



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PROPOSAL:

The host site lies just outside the defined village settlement of Springwell within the extent of the Tyne and Wear Green Belt. The land rises notably in gradient on a south to north axis and is accessed via a private driveway from Mount Lane.

The site comprises a single dwelling which is located adjacent to a group of commercial stables whilst the surrounding fields are used for the grazing for horses.

Outwith the site the nearest residential dwellings are those to the south (Mount Lonnen) and south west (Mount View) which are set at a lower level and are located approximately 155 metres and 129 metres away from the development site respectively.

Relevant Planning History

The host site has been subject to the following applications in previous years;

- Ref: 90/0089 - Erection of 1 no. dwelling, stables and hay barn. Approved; 12.06.1990.
- Ref: 93/1096 - Change of use from livery stable to riding school and construction of outdoor paddock. Approved; 19.11.1993.
- Ref: 12/00250/FUL- Increase ridge height of roof to facilitate loft conversion and erection of 2no dormer windows to the east elevation. Erection of a single storey infill extension to the east elevation and erection of a single storey extension to the west elevation. Approved 05.04.2012.

The application proposes to both demolish and convert the current stables associated with the existing riding school (approved in 1993) to provide animal boarding for dogs and cats. Associated grooming facilities are also proposed.

The cattery would be accommodated within the confines of an existing stable block and dry-store room which is positioned towards the north eastern corner of the application site. The converted stables would accommodate 10 cabins with associated runs whilst a grooming parlour would sit within the extent of the existing dry-store room.

The proposed dog kennels would be erected following the demolition of a group of 13 stables which are located to the north west of the main dwelling house. The new kennels and utility/store room would largely sit within the same footprint of the existing stables providing 22 kennels with associated runs. The existing paddock adjacent to the stables is proposed to be utilised as an exercise area for the dogs.

The applicant has expressed a desire to open from 9am until 6pm seven days a week in respect of the grooming facilities with the boarding check in likely to be restricted to a window of 2 hours during the morning and 2 hours during the afternoon. These hours would likely be flexible to account for travel delays and holidays. The accompanying supporting documentation anticipates that 6 members of staff (across full and part time) would be required.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington West - Ward Councillor Consultation
Environment Agency
Environmental Health
Network Management
Gateshead MBC

Final Date for Receipt of Representations: **07.10.2015**

REPRESENTATIONS:

Public representations

As part of the public consultation undertaken nearby properties were notified of the proposal in writing and a site notices was posted adjacent to the entrance on Mount Lane.

Following the consultation carried out one letter of representation has been received from a resident at Mount Lonnen.

The objection has highlighted that the area is semi-rural in nature and as such is very quiet. Consequently there are concerns about the noise that may be emitted from the dog kennels.

External consultation responses

Gateshead Council - The proposed development site is located within c. 250m of a known great crested newt breeding pond(s). Potential great crested newt breeding habitat occurs within c. 100m of the proposed development site and potential terrestrial great crested newt habitat occurs within and immediately adjacent the proposed development site.

Buildings within and/or immediately adjacent the proposed development site is considered to afford some potential opportunities for roosting bats and/or breeding birds.

The proposed development site is located approx. 300m and 600m northeast of Sheddons Hill LWS and Dunkirk Farm Pond LWS respectively. The proposed development is considered unlikely to have a significant impact on the value of either of these designated sites.

In light of the presence of statutorily protected/priority species within close proximity of the proposed development site it is recommended that advice be sought from the local planning authority's 'in house' ecologist to determine the scope and method of ecological survey required in support of the application.

Internal consultee responses

- Ecology - Various advice/comments have been provided by the City Council's Natural Heritage Section on the appropriateness of the survey work that has been submitted with the application.
- Environmental Health - Comment has been received in respect of the noise assessment that accompanies the application.
- Network Management - Have noted that the proposal would likely result in an intensification in the use of the site and further clarification on the number of units as

required for the cats and dogs is required as is the number of parking spaces located within 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

CN_2_Purpose of the Green Belt in Sunderland

CN_3_Control of development within the Green Belt

CN_5_Safeguarding the visual amenity of the Green Belt

CN_18_Promotion of nature conservation (general)

CN_23_Measures to conserve/ improve wildlife corridors

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

COMMENTS:

Planning considerations

The main issues to be considered in determining this application are:-

- 1) Whether the development would be inappropriate within the Green Belt
- 2) Impact on amenity
- 3) Ecology
- 4) Highways;

1. Whether the development would be inappropriate within the Green Belt

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether any conflict is considered to exist between the Council's adopted Unitary Development Plan (the "UDP") and the NPPF. In this regard, it is considered that the UDP policies relating to Green Belt development are partially compliant with the relevant sections of the NPPF, although given that there is some conflict the LPA shall rely primarily on the NPPF to this regard.

The site is allocated as part of the Tyne and Wear Green Belt by the Council's adopted Unitary Development Plan (UDP). Paragraph 80 of the National Planning Policy Framework (NPPF) sets out five purposes of including land in Green Belts, which are broadly reflective of policy CN2 of the UDP, namely to:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The essential characteristic of Green Belts is their permanence and their protection must be maintained as far as can be seen ahead. Paragraph 79 of the NPPF highlights the importance the Government attaches to Green Belts, in terms of their openness and permanence and, in order to

safeguard the Green Belt, paragraph 87 considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in very special circumstances. Paragraph 88 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Within this context, paragraph 89 of the NPPF, which is similar to the wording of UDP policy CN3, indicates that the construction of new buildings inside the Green Belt is inappropriate unless for one of the following purposes:

- agriculture and forestry;
- appropriate facilities for outdoor sport, outdoor recreation, and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are:

- Mineral Extraction;
- Engineering Operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

With regard to the above, the first issue to address is whether the proposal constitutes appropriate development in the Green Belt for the purposes of national and local planning policy whilst the second is the effect of the proposal on the openness and visual amenity of the Green Belt. If the proposal amounts to inappropriate development, a third issue arises, that is whether the harm by

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify inappropriate development.

In first considering the merits of the proposed cattery and grooming parlour it is evident that the use would be housed entirely within the confines of the existing longstanding stable block and dry-store and that no additional physical alterations are required to facilitate this use. Consequently it is considered that housing the cattery and grooming parlour within this building would adhere with point 4 of paragraph 90 which allows for the re-use of existing buildings provided that the buildings are of permanent and substantial construction. In this respect there is considered to be no conflict with existing Green Belt Policy.

In turning to the proposed kennels it is evident that the proposed development would involve the removal of the existing stables positioned to the north west of the dwelling in order to facilitate the erection of the new development. Initially the new kennels were proposed to be positioned within an 'L' formation covering areas within and notably beyond the footprint presented by the existing stables. Based on the Green Belt exceptions outlined above, there was considered to be no scope to develop to this extent and consequently the kennels would have amounted to inappropriate development on this basis.

Notwithstanding the above, it is acknowledged that paragraph 89 (point 6), allows for the partial or complete redevelopment of previously developed sites (brownfield land) on the proviso that the new development would not have a greater impact on the openness of the Green Belt than the existing development. As the authorised use of the site is that of a riding school (Use Class D2), it is accepted that the land occupied by the stables would qualify as brownfield for the purposes of Para 89 whilst the existing stables are also considered to be of permanent construction.

Consequently and by way of seeking to address the requirements of Para 89 the applicant was advised to notably curtail the overall extent of the new development so as to respect the footprint presented by the existing stables. As a result of further discussions between the Local Planning Authority and the agent, amended plans were received on 13 January 2016 which have now illustrated that the kennel block would sit generally in line with the existing footprint of the stables. Physically it is acknowledged that the width of the new kennels would exceed the maximum width of the stables by just over 1m however the overall height of the new kennels would be 200mm lower than the existing stables. Given the fact that the new kennels would be located within largely the same footprint and that there would only be a relatively small volumetric difference between the existing and proposed structures, it is on balance considered that the development would have no demonstrably greater impact on the openness of the Green Belt than the existing stables in accordance with the principles of Para 89 of the NPPF. As such it is considered that there is no requirement for the applicant to demonstrate very special circumstances in this instance.

2) Impact on amenity

Policy B2 of the UDP states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The nearest residential property to the development site (siting of kennels), lie some at least 129m away and as has been qualified above, the replacement structures would not be markedly different in scale to those they would replace. As such, it is appropriate to no conclude that the resultant development would have no adverse impact on the living conditions of any nearby occupiers in terms of privacy, overlooking, overshadowing or a loss of sun/daylight.

However, as one element of the new use proposes the introduction of (Kennels) there is potential for the creation of noise and disturbance from dogs barking particularly given the exposed nature of the site and it is noted that this has been raised as a concern by an occupier of Mount Lonnen which lies 155m to the south. The applicant has submitted a noise assessment with the application and the City Council's Environmental Health has considered the findings of the report.

The existing background day and night time noise levels were measured at the two closest receptor locations. As the kennels are not yet built a reference level of a German Shepherd dog was taken to represent a worst case scenario and the levels were calculated as though 36 of these dogs were in residence. (This scenario would however be notably reduced as the kennels have been curtailed from 36 to 22 as a result of amendments received)

The predicted levels at the nearest noise sensitive properties were calculated and compared to the existing background levels. The assessment therefore concludes that there will be a slight change in levels but they are so small as to be barely perceivable. As such, no observations have been offered by Environmental Health on the premises that it is not likely that the noise emanating from the development will negatively impact on neighbouring residential properties. Whilst the applicant has offered potential operational hours for the business, given the relative isolation of the site, it is not considered that the associated comings and goings would cause any undue harm for neighbouring occupiers within the area. As such it is not considered necessary to restrict the operational hours of the business via a condition in this particular instance.

In light of the above, it is not considered that the new development will have a detrimental impact on the living conditions of residents within the general vicinity in accordance with the requirements of UDP Policy B2.

In terms of visual amenity policy CN5 seeks to ensure that care is taken to safeguard the visual amenities of the Green Belt whilst one of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The cattery and grooming parlour would be housed within the extent of an existing building and consequently there would be no visual amenity concerns resulting from this element of the works. The new kennel blocks would be clad in redwood shiplap (cladding) with galvanised steel mesh surrounding the runs to the front whilst the roof would comprise steel composite tile roofing panels.

Whilst the new kennels would be arguably more prominent than the existing wooden stables due to the materials used in their construction, they would be slightly lower in height and could not be considered visually harmful within the context of their setting. In addition and as recommended within the submitted ecological appraisal, it is considered that hedge planting should be implemented alongside the northern and western boundaries of the new kennels to assist in providing a degree of screening.

Consequently, it is not considered that the development would be of undue harm to the qualities and character of the area in accordance with the provisions of UDP policies B2, CN5 and Paragraphs 56, 57 of the NPPF.

3) Ecology

Policy CN18 of the UDP states that the promotion of the interests of nature conservation will be sought throughout the city and areas of nature conservation interest, particularly those of national importance, will be protected and enhanced. UDP Policy CN23 is also applicable given that the host site lies on the fringes of a wildlife corridor.

As the site is located within a semi-rural locality and proposes the demolition of longstanding stables, the application has been accompanied by a Preliminary Ecological Appraisal Report and a Bat Survey Report. The documents were subject to consideration by the City Councils Natural Heritage Section whilst comment was also received from Gateshead Council in their capacity as an adjoining authority.

With regard to the above, the initial comments recommended that further assessment, evaluation and methodology for mitigation and enhancement be undertaken with regards to great crested newts and further appraisal given to reptiles, brown hare and hedgehog. In addition, whilst there were some generic recommendations for ecological mitigation and enhancement measures, it was not considered that they were specific to the development and site. In response, a revised Preliminary Ecological Appraisal Report was submitted (revised October 2015) for consideration. Whilst the revised report maintained no likely impact on great crested newts, the proximity of the development site to wetland with known great crested newt presence and the suitability of habitat providing connectivity between the wetland and the site was considered to be of sufficient concern to request that a precautionary method statement be prepared to enable development to proceed. The applicant has subsequently submitted such a method statement and to the satisfaction of the Natural Heritage Section.

Subject to the delivery of the recommendations for ecological mitigation and enhancement measures contained within the revised Ecological Report (which include the planting of hawthorn and blackthorn hedging and the provision of bird and bat boxes) and adherence to the approach outlined within the Method Statement, there are considered to be no overriding ecological factors which would impede the development in accordance with the requirements of UDP policies CN18 and CN23.

4) Highways

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, that they should not cause traffic problems, that they should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The proposed use of the site is considered to intensify comings and goings although due to amendments received, the capacity of the kennelling has now been reduced from 36 to 22. Although the applicant initially proposed to lay out a number of 'formalised' parking bays this was considered to be at the expense of open areas of grassed land within the site curtilage. During a site visit conducted on 7 October it was observed that notable areas of hard standing existed and that these areas can accommodate a number of vehicles. Consequently it was not considered necessary to remove existing grassed land to accommodate new formalised areas.

Although Network Management have commented that it would be desirable to accommodate passing places on the approach from the private driveway, it is acknowledged that the site is currently in commercial use as a riding school and that the intensity of the new use is not likely to be such that it would necessitate these remedial works be carried out.

With regard to the above it is considered that the development accords with the requirements of UDP policy T14.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion

Based on the reasoning provided above it is considered that the proposed development is consistent with national policy insofar that it accords with the exceptions as outlined within Paragraphs 89 and 90 of the NPPF and would not conflict with the five purposes of including land within the Green Belt.

It is further considered that the proposed development would have no demonstrable harm on the residential or visual amenity of the area in accordance with the provisions of UDP policy B2 and Paragraphs 56, 57 of the NPPF, whilst there are also considered to be no overriding ecological or highway constraints in this instance.

In light of the above reasoning and in giving further material weight to paragraph 3 of the NPPF which requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion and well-designed new buildings, it is considered that the proposed development is acceptable and members are therefore recommended to approve the application subject to the following conditions.

RECOMMENDATION: Approve subject to conditions set out below:

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The existing floor plans and elevations received 13.02.2015 and 01.09.2015 (Plan refs: SCC/MA0295/100 and SCC/MA0295/101)
 - The proposed floor plans and elevations (Cattery and Grooming) received 13.02.2015 (Plan ref: SCC/MA0295/200)
 - The proposed floor plans and elevations as amended (Kennels) received 13.01.2016 (Plan ref: SCC/MA0295/220 REV C)
 - The site plan as amended received 13.01.2016 (Plan ref: SCC/MA0295/800 REV C)
 - The location plan received 13.02.2015 (Plan ref: SCC/MA0295/001)

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 The external materials to be used in the kennels hereby approved, shall adhere with the 'Balmoral' specifications as outlined within the Reeves Animal Housing Brochure date stamped 13.02.2015, in the interests of visual amenity and to comply with policies B2 and CN5 of the Unitary Development Plan.
- 4 The development hereby approved shall not commence until details of a scheme of biodiversity enhancement which includes a timeframe for implementation, has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the scheme shall provide details of proposed planting, which should include hedge screening to the north and west of the old stables and the the provision of

bird nesting boxes and bat roost boxes as recommended by section 7.1 (Habitat Enhancement) of the Preliminary Ecological Appraisal Report dated April 2015 and revised October 15 prepared by Ecosurv Ltd.

Reason; In the interests of improving the biodiversity value of the site and to comply with the requirements of policies CN18 and CN23 of the Unitary Development Plan and Section 11 of the NPPF.

- 5 The development hereby approved shall be carried out in full accordance with the measures outlined within the Method Statement pertaining to the potential presence of Great Crested Newts dated 21 December 2015 and prepared by Ecosurv Ltd. Should Great Crested Newts or other amphibians be discovered during the works carried out on site the project ecologist in the first instance should be contacted for further advice on how to proceed, and the discovery and action reported to the local planning authority thereafter. If the development is delayed for 18 months or more from the date of decision, or the land surrounding the site undergoes a change of use or management, a further ecological checking assessment should be carried out prior to works commencing.

Reason; In the interests of protecting the biodiversity of the site and to comply with the requirements of policies CN18 and CN23 of the Unitary Development Plan and Section 11 of the NPPF.

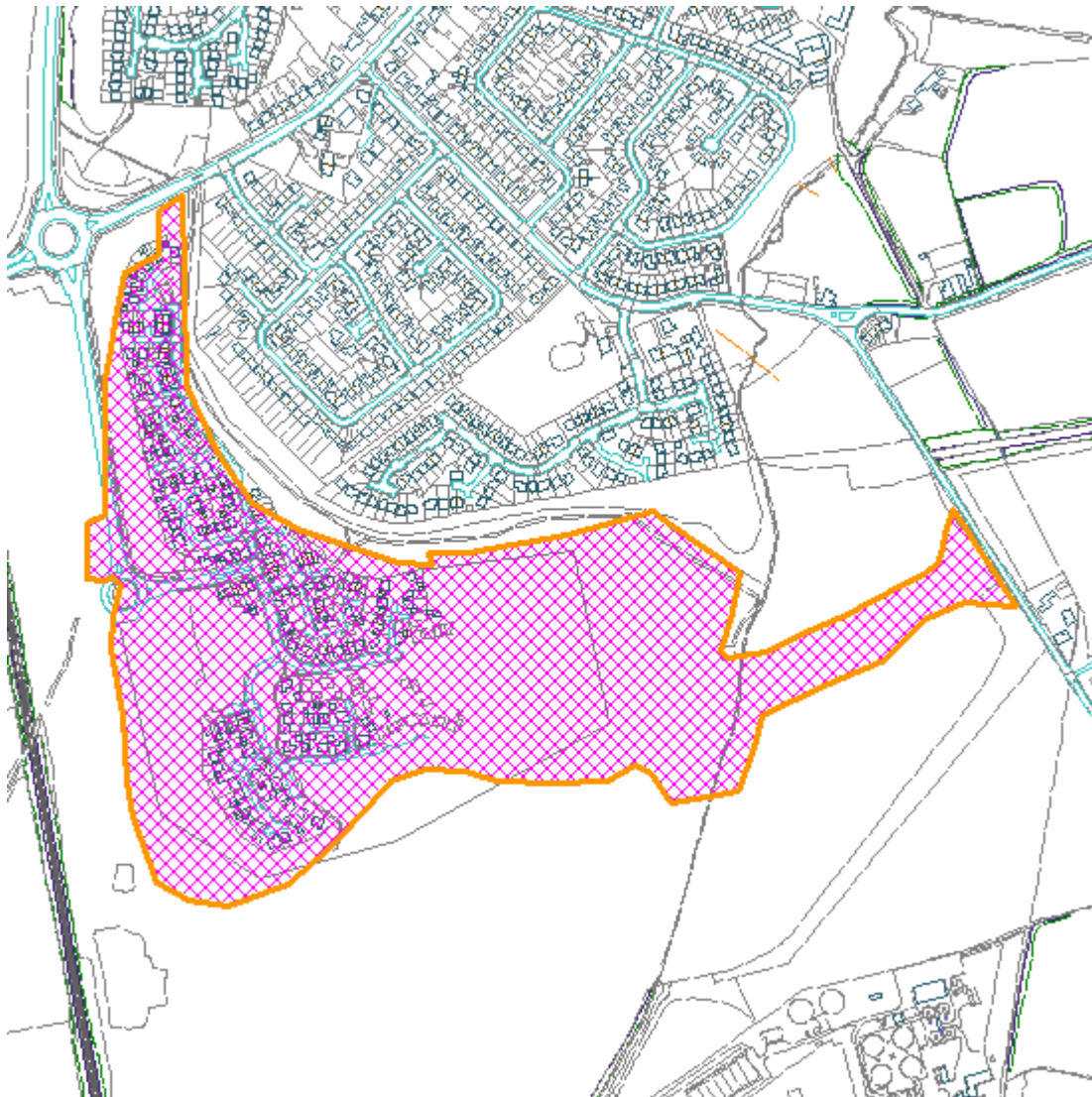
Reference No.: 15/02237/VAR Variation of Condition

Proposal: **Variation of condition 6 (approved plans) attached to reserved matters application 09/02328/REM, to amend roof pitches and elevational treatments to dwellings and amend roofs of detached garage blocks**

Location: Lambton Coke Works Blind Lane Chester Road Houghton-le-Spring

Ward: Shiney Row
Applicant: BDW Trading
Date Valid: 16 November 2015
Target Date: 15 February 2016

Location Plan



PROPOSAL:

Consent is sought to make a 'material minor amendment' under section 73 of The Town and Country Planning Act 1990 by varying condition 6 (list of approved plans) of the approved reserved matters application ref. 09/02328/REM for a residential development of 254no. dwellings which comprises Phase 2 of the former Lambton Cokeworks, now known as Elba Park.

The current application affects 120no. of the approved dwellings and 32no. of the double/triple garage blocks adjacent to the affected plots.

It is proposed to reduce the roof pitches of 89no. dwellings (Plots 152, 153, 155, 156, 161, 163, 164, 166, 170, 179, 183, 186-188, 192-194, 197, 200, 203-209, 213-215, 218-225, 228-235, 243, 246, 247-254, 256-264, 267-270, 274-286 and 291-298) from 42 degrees to 35 degrees, thereby reducing the ridge height of each affected unit by a minimum of 660mm and a maximum of 1100mm.

The elevational treatment of Plots 150-200 is proposed to be replaced from a 'contemporary' to a 'traditional' design and a revised materials schedule has been submitted in accordance with such revisions. The developer has stated that the previously approved contemporary house designs are not proving popular to customers, hence the submission of the current application. It is noted that the housing layout and individual floorplans of the affected plots would not be altered.

The proposed alterations to the garage blocks comprise the provision of hipped roofs with a 900mm lower ridge height than the previously approved gabled roofs.

Elba Park, the former Lambton Cokeworks, lies to the south of Chester Road, east of the route of the proposed "Central Route" west of Blind Lane and north of the Sedgeleth Sewage Treatment Works and Fencehouses.

Planning permission for the reclamation of the former Lambton Cokeworks site was granted in October 1998 (ref. 98/01135/LAP) and an outline planning application 350 no. dwellings (ref. 06/00843/OUT) which subsequently was approved in May 2006.

Phase 1 of this 350 dwelling development, comprising 96no. dwellings, was granted consent in September 2009 (ref. 09/02185/REM), whilst Phase 2, to which the current application relates, accounts for the remaining 254no. dwellings and was granted consent in December 2009 (ref. 09/02328/REM).

Consent was subsequently granted in January 2013 (ref. 12/02340/FUL) for an alteration to the housing layout granted by 09/02328/REM comprising a substitution of house types affecting 6no. plots and the construction of an electricity substation and for a minor material amendment (ref. 12/02339/VAR) to change fenestration, materials and elevations of house types of Plots 203-225 and 228-306, which also involved the replacement of 'Contemporary' elevations to 'Traditional'.

An application for full planning permission (ref. 15/02328/FUL) is also being considered to carry out alterations and add a rear extension to 6no. plots within this development (Plots 104, 147, 157, 158, 165 and 171), which is due to be determined under the powers delegated to the Executive Director of Commercial Development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

Neighbour Notifications

CONSULTEES:

Shiney Row - Ward Councillors Consultation
Network Management

Final Date for Receipt of Representations: **17.12.2015**

REPRESENTATIONS:

The Council's Network Management section noted that no changes are proposed to the approved highway layout and, as such, confirmed that no observations or recommendations are offered in this instance.

No representations have been received from neighbouring occupants.

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_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_11_Restrictions upon new development or intensified use of land liable to flooding
EN_12_Conflicts between new development and flood risk / water resources
T_8_The needs of pedestrians will be given a high priority throughout the city.
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 whether the proposal is considered a 'minor material amendment', design / visual amenity and residential amenity.

Whether the Proposal is Considered a 'Minor Material Amendment'

A 'minor material amendment' to a planning permission can be made by varying the condition which lists the approved plans (in this case condition 2) through an application under section 73 of the Town and Country Planning Act 1990. The Planning Practice Guidance (PPG) to the National Planning Policy Framework (Paragraph: 018 Reference ID: 17a-018-20140306 Revision date: 06 03 2014) states that 'there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

It is noted that the current application proposes a notable reduction in the ridge height of 86no. of the 254no. units of this phase of the Elba Park development, which is considered to be a relatively significant change, in addition to elevational alterations to 51no. dwellings and revisions to the roof design and 900mm reduction in height of 32no. garage blocks. However, the proposed alterations must be considered within the context of the overall development and, in this context, it is not considered that the proposal would result in a development which is substantially different from that which has been approved, particularly given that the number of units and layout remains unchanged, the design concept and massing is similar to the originally approved development

and the height of the units would be reduced rather than increased, thereby posing fewer potential planning concerns in terms of the other issues set out in this report.

Therefore, the proposed revisions are, cumulatively, considered to represent a 'minor material amendment' to the original planning permission.

Design and Visual Amenity

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Policy B2 of the adopted Unitary Development Plan (UDP) reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide SPD which set out standards and examples of good design practice.

From a design perspective, the principle of changing the fenestrations of the house types to a more traditional style within this particular phase of Elba Park has already been established through the approval of application ref. 12/02339/VAR, as alluded to above. Nevertheless, it is considered essential that a coherent transition is achieved between the contemporary and traditional phases and the current proposal respects and incorporates design features of the wider development.

It is noted that house types EP38T, EP48B and EP48K incorporate artstone banding and contrasting brick in-fills within ground floor and first floor window openings in their frontage, a feature which mirrors the cladding and wood panelling detail on the contemporary first phase which has been incorporated into the traditional second phase of the wider development. The current application proposes three variations of house type EP38T, two variations of EP48B and two variations of EP48K which do not incorporate this feature, so the feature would be lost on a total of 12no. units relative to the previous approval of the affected properties. However, the majority of these units do not front onto the main estate road which runs east-west through the site but, instead, are situated in less prominent locations in culs-de-sac. The artstone banding and contrasting brick in-fills are proposed to be retained on 6no. units, 5no. of which front onto the main estate road, and this feature would be lost on only 4no. units which front onto this road. In addition, the traditional elevations will include rendered elements to complement those contemporary house types which also incorporate render within their fenestration. In addition, the banding feature would be incorporated on more than 10no. plots of the southern section of phase 2 of the development. Therefore, it is considered that the proposed amendments adequately reflect the character and appearance of the wider estate.

The proposed reduction in the roof pitches and consequent reduction in the ridge height of 89no. units by between 660mm and 1100mm. However, the ridge heights and house types of properties are notably varied throughout the development and, as such, there is no perceived uniformity in terms of heights and design of dwellings. Therefore, it is not considered that this

reduction in roof pitches / ridge heights would appear out of keeping or compromise the overall design, scale and massing of the estate.

Residential Amenity

Having regard to paragraph 17 of the NPPF and UDP policy B2, as set out above, consideration must be given to the impact of the proposal on existing and future residents of the neighbouring and affected plots. In addition, section 10C of the Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments.

Given that the proposed amendments comprise a notable reduction in the height of dwellings and garage blocks and no units would be relocated, the affected structures would have a lesser visual impact on neighbouring residents and would result in a lesser degree of potential overshadowing / restriction of light. In addition, no additional windows are proposed, so privacy would not be affected relative to the previously approved arrangement.

In terms of the level of amenity afforded to the affected dwellings, whilst their height would be reduced, the internal floor area remains unchanged. Therefore, it is not considered that the proposal would offer any lesser amenity value to future residents of the affected units.

Other Considerations

Further to condition 6, which this application seeks to vary, planning consent 09/02328/REM was also subject to 7 other conditions.

The first condition restricted permitted development rights for the dwelling houses and, for consistency and in recognition that this variation application forms part of the wider Phase 2, it is recommended that this condition also be imposed in this instance, should Members be minded to approve. The second condition restricted permitted development rights to alter the cladding and render system of the approved dwelling houses and, in view of render being proposed on a number of plots affected by this variation application, it is also considered appropriate to re-impose this condition.

Conditions 3 ('Green Route' footpath link), 5 (Management of Surface Water) and 7 (Eastern Gateway Feature) have all been formally discharged following the approval of application 09/02328/REM. Accordingly, should Members be minded to approve, it is recommended that these pre-commencement conditions be re-worded requiring compliance with the agreed details.

Finally conditions 4 (Flood Risk) and 8 (Noise Attenuation) require the development to be built in accordance with details submitted with the approved application 09/02328/REM and the latter requires testing of the effectiveness of the specified noise attenuation measures after they have been installed. These measures are considered to remain necessary and, as such, it is considered appropriate to re-impose these conditions, should Members be minded to approve.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion

For the reasons given above, the proposal is considered to represent a 'minor material amendment' to the consent which it seeks to vary and it is considered that such amendments are acceptable in design terms and would not be detrimental to visual or residential amenity. It is therefore considered that the proposal accords with UDP policy B2 and the relevant criteria of the NPPF set out above and, as such, it is recommended that Members grant consent, subject to the conditions set out below.

RECOMMENDATION: Approve subject to conditions set out below:

Conditions:

- 1 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order (Schedule 2 Parts 1 and 2,) no extensions or other development shall be undertaken to the dwellings hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.
- 2 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order the cladding and render on the residential dwellings hereby granted consent shall be retained and stained /varnished/painted/coloured in accordance with the agreed scheme and shall be retained as such. Thereafter the cladding and render shall not be re-coloured or otherwise altered without the prior written consent of the Local Planning Authority in order to retain the design scheme for the development in the interests of visual amenity and to comply with policy B2 of the adopted UDP.
- 3 The development hereby permitted shall not be carried out except in accordance with the agreed "Green Route" footpath link details as shown on the plans submitted in connection with the discharge of condition 3 (LPA ref. 10/02016/DIS) of planning permission 09/02328/REM, namely; drawing numbers IDPL127-D001, SL007H and QD294-07-05 Rev C (received 11 June 2010), IDPL 127-D001_rev A (received 16 August 2010) and SL007H and QD294-07-05 Rev C (received 11 June 2010). The "Green Route" footpath link shall be laid out and available for use prior to the occupation of the dwellings which face on to the route, in the interests of achieving acceptable pedestrian links between the residential area and the country park and to comply with policies B2, T14 and T8 of the adopted UDP.
- 4 The development hereby approved shall only be carried out in accordance with the 09/02328/REM approved Phase 2 Flood Risk Assessment (FRA) Ref. No. QD249-90-14 Revision B dated 29 June 2009 and the following mitigation measures as detailed within the FRA:
 - (i) The development layout is as per Drawing No. QD249-03-02;
 - (ii) Minimum finished floor levels are set no lower than 40.600 mAOD;
 - (iii) Surface water discharge from the site must be attenuated to 3.5l/s/ha of impermeable area;
 - (iv) Flood resilience construction measures must be incorporated into the foul flow pumping house;
 - (v) The carriageway access over the Herrington Burn must be raised above the flood zone levels.

In order to reduce the risk of flooding to future occupants and downstream as a result of the development and to ensure the pumping house remains operational during times of flooding and to provide road access and egress from the site at all times and to comply with policies EN11 and EN12 of the adopted UDP.

- 5 The development hereby permitted shall not be carried out except in accordance with the Surface Water Management details as agreed via the discharge of condition 5 (LPA ref. 11/00657/DIS) of planning permission 09/02328/REM. The scheme shall be fully implemented and subsequently maintained as agreed via 11/00657/DIS, in order to

prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with policy EN12 of the adopted UDP.

6 The development hereby granted permission shall be carried out in full accordance with the following approved plans and documentation:

- Materials Schedule received 02 January 2013
- Proposed Site Layout For Partial Site Redevelopment, Drawing No. SL001E received 25 January 2013
- House Brochure Lambton Cokeworks received 21 August 2012, incorporating revised house types: House Type EP38T - Elevations (page 23), House Type EP48B - T - Elevations (page 41), House Type EP48K - T - Elevations (page 48) received 4 December 2012;
- Site Location Plan Phase 2, Drawing No. SL001.

Insofar that they relate only to Plots 150-200, 152, 153, 155, 156, 161, 163, 164, 166, 170, 179, 183, 186-188, 192-194, 197, 200, 203-209, 213-215, 218-225, 228-235, 243, 246, 247-254, 256-264, 267-270, 274-286 and 291-298:

- Drawing no. SL007 S: Proposed Site Layout: Phase 2 - Revised Proposals received 13.01.2016
- House type drawings (34no. sheets) received 21.10.2015
- House types EP20T and EP20T(V1) received 18.12.2015
- House type EP44T received 14 Jan 2016
- Drawing no. H5019/GARAGE/TYPEN/01: Floor Plan and Elevations received 16.11.2015
- Drawing no. H5019/GARAGE/TYPEO/01: Floor Plan and Elevations received 16.11.2015
- Drawing no. H5019/GARAGE/TYPEP/01: Floor Plan and Elevations received 16.11.2015
- Drawing no. H5019/GARAGE/TYPEQ/01: Floor Plan received 16.11.2015
- Drawing no. H5019/GARAGE/TYPEQ/02: Elevations received 16.11.2015
- and revision G dated 21.10.2015

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

7 The development hereby permitted shall not be carried out except in accordance with the agreed "Gateway Feature" details as shown on the plan submitted in connection with the discharge of condition 7 (LPA ref. 10/02016/DIS) of planning permission 09/02328/REM, namely; drawing number IDPL127-D001 received 11 June 2010, it_8n the interests of visual amenity and to comply with policy B2 of the adopted UDP.

8 The noise attenuation measures recommended in the submitted noise assessment shall be fully implemented and their effectiveness checked. The results of the re-assessment together with details of any further remedial measures shall be submitted to the Local Planning Authority prior to the occupation of each of the dwellings affected, in order to ensure that noise levels in and around the dwellings are reduced to an acceptable level and to comply with the requirements of policy EN6 of the adopted UDP.

Reference No.: 15/02247/FUL Full Application

Proposal: **Construction of new paint shop building, including link bridge into existing building, alteration of external service road, and re-provision of car-parking at north western edge of site.**

Location: Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland SR5 3NS

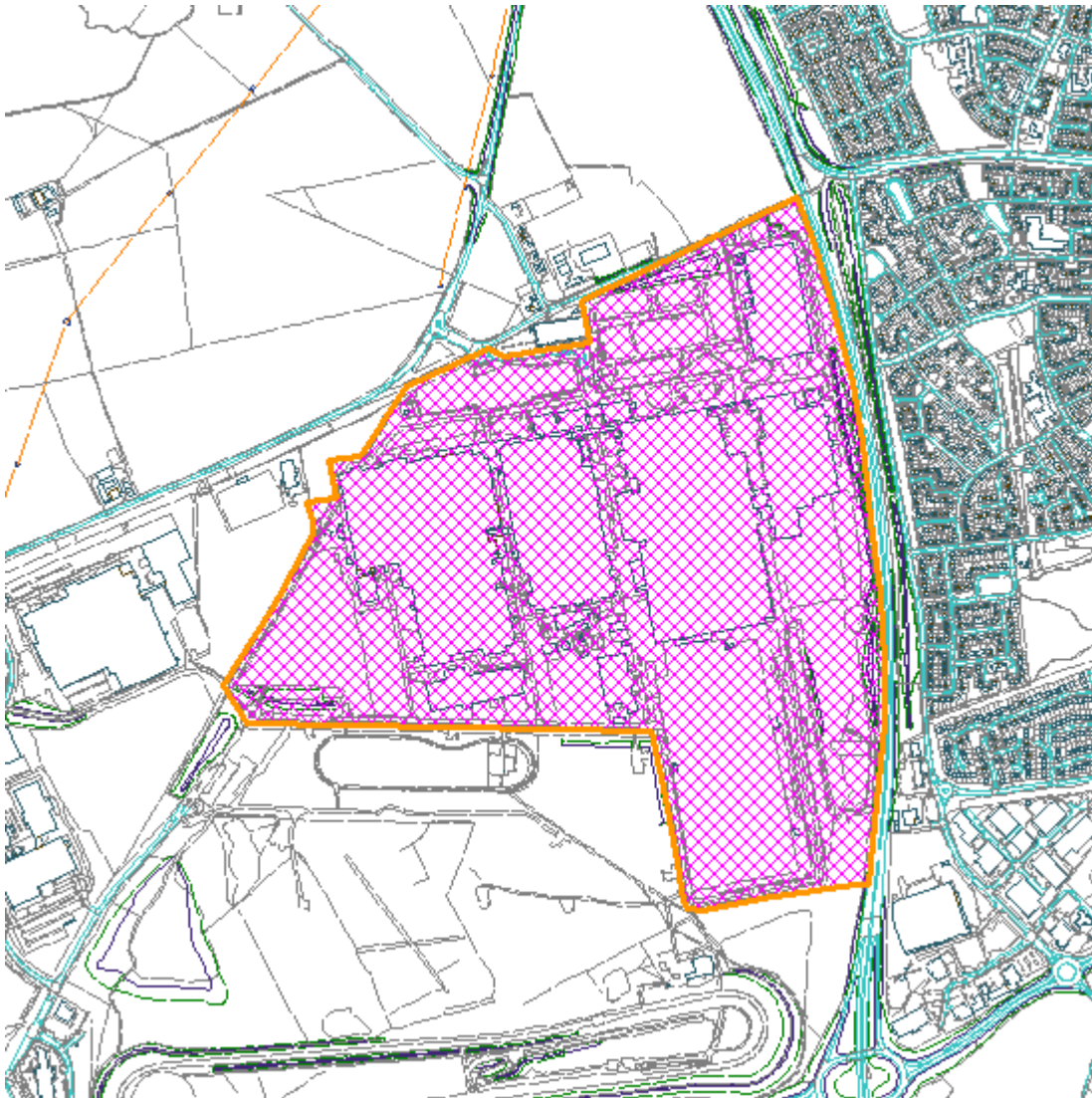
Ward: Washington North

Applicant: Nissan Motor Manufacturing (UK) Ltd

Date Valid: 7 December 2015

Target Date: 7 March 2016

Location Plan



PROPOSAL:

The proposed building is to be a steel framed, metal composite clad building providing manufacturing space, and will match the appearance of the buildings to which it is attached. Its is to be linked to the existing paint shop by a bridge at the first floor level, which ramps down from a proposed first floor level in the new building, to the existing first floor level in the paint shop.

The site is accessed by the alteration of the internal road system around the main plant.

The site is predominately flat, dropping slightly the east.

The Nissan complex is bounded to the east by the A19 trunk road, a main arterial route between Scotland and Newcastle to the north and to Teesside and beyond to the south. To the south of the site lies Turbine Business Park, a recently developed employment site with the A1231 Sunderland Highway beyond. This road links Sunderland to Washington and the A1 for north bound traffic. South of the A1231 is the river Wear. The A1290 bounds the north of the site with open green belt farmland beyond.

The Nissan complex is designated within the Unitary Development Plan as a site for industrial development and is seen as a key site for the city.

The proposed new building is adjacent to the existing paint shop facility to allow continuity of production. To minimise the building footprint and to incorporate the necessary tall painting equipment, the building is designed over four levels, with voids to allow equipment and process space around it and provides 30,000 square meters of new floor space.

A number of car parking spaces will be lost on the development sit, and as part of the application a site of the north corner of the campus has been identified to provide replacement parking. There is to be no net change in either car parking numbers of employees, and therefore there will be no impact on traffic numbers or highways networks.

A suite of supporting documentation accompanies the application, including a Design and Access Statement, Environmental information, Transport Statement and Wildlife Surveys. The application has been advertised accordingly, by the way of site, press and neighbour notifications.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
The Highways Agency
Network Management
Washington North - Ward Councillor Consultation
Environment Agency
Environmental Health
Tyne And Wear Archaeology Officer
Natural England
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **06.01.2016**

REPRESENTATIONS:

Natural England - No representation has been received from Natural England, only comments in respect of Nature Conservation which is the Local Planning Authorities responsibility.

Highways England - No comments offered on the application.

Environment Agency - No comments offered in respect of the proposed development

Network Management - No adverse comments received, the proposal provides an increase in car parking.

Public Health -

It is understood that the applicant wishes to develop a new paint shop building to the north of the current body and paint shop, to the north west corner of the overall site. NMUK currently operate 2 paint lines (Paint Lines 1 and 2) in parallel within the existing building. It is proposed that the topcoat painting and inspection element of paint line 1 will be relocated to the proposed new building and is considered critical to existing car production on site.

The paint shop building will be 216m long, 49.5m wide and 3 storeys high. A bridge link will connect the new building to the existing paint shop line at first floor level to transfer car bodies from the existing building and across into the new paint line in the new building.

The existing service access road will be rerouted around the northern edge of the building and between the existing car park areas. 237 car park spaces will be relocated to the north western edge of the site.

Location

The Nissan site is bounded to the immediate east by A19 and beyond this the residential areas of Castletown and Town End Farm. To the south lies the A1231. To the North is Washington Road and the A1290 and to the west other commercial/industrial units.

Background

NMUK currently holds a number of permits issued by Sunderland City Council under the Pollution Prevention and Control Act 1999 and subsequent regulations, for a variety of activities carried out on site including the painting of vehicles. The purpose of the permits is to transpose European legislation and government requirements into a workable and enforceable document which regulates the permitted activities on site in respect of emissions to air, land contamination, noise etc. In doing this the permit documents contain emission limits for pollutants to ensure the protection of the local environment and surrounding communities.

In particular, and in relation to mass painting activities, the EU and national emission limit for Volatile Organic Solvent has recently been almost halved from 60g/m² to 35g/m². Compliance with this new limit must be achieved by 2018. Whilst NMUK have been seen to comply with the existing limit, compliance with the new reduced limit requires complete infrastructure changes. This proposal therefore forms part of NMUK's proposals to ensure fulfilment of these future obligations

Complaint History

Since 2000 Public Protection and Regulatory Services has received 9 complaints about noise and 17 for odour from the Nissan site. All complaints have been investigated and we have concluded that no evidence of a statutory nuisance has been evident.

Having regard to the specific complaint history of the area in conjunction with an objective appraisal of all the information submitted by the Applicant in support of the development, it is concluded that the proposed development is anticipated to significantly reduce any impact on nearby sensitive receptors.

Land Contamination

The Applicant has submitted a Geo-Environmental Appraisal which is currently under consideration by PPRS. Comments will be forwarded once the documentation assessment is complete. The responsibility for safe development of the site rests with the Developer.

Construction

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Noise

The Applicant has considered operational noise associated with the development since the proposal includes the introduction of new plant and equipment to their site and has stated that noise from the proposal will not exceed 5dB below background noise levels. Current national guidance (BS4142 2014, Methods for rating and assessing industrial and commercial sound) suggests that the rating level of the plant should be no greater than the existing background levels and therefore NMUK propose to comply with a more stringent limit than this.

It is recommended that this is controlled by a suitable worded condition such as:

- The rating level of the plant shall be no greater than 5dB below the existing background levels, when measured in accordance with BS4142 2014.

Furthermore, it is also recommended that the following condition be attached to any granted consent in order to validate operational noise levels:

- Within 3 months of the commencement of the approved use a validating noise monitoring and assessment exercise shall be carried out and submitted to the LPA for approval.

Air Quality

The permit issued by Sunderland City Council which relates to the coating activities undertaken on the Nissan Site transposes European and National legislation and guidance into a document which regulates the activities that are undertaken on the Nissan site in respect of a number of environmental issues such as air quality, odour, energy use, waste, noise etc. It includes

measures necessary to achieve a high level of protection of the environment by taking all appropriate preventative measures against pollution

In particular, and in relation to air emissions, limits are placed upon the emissions from activities in order to protect the local environment and its communities. Over the years in relation to emissions of volatile organic compounds, this has reduced from 120g/m² per car body to 60mg/m². NMUK have undertaken significant changes in production methods adopting low solvent content and water based paints to comply with these reductions in emission limits. The latest required reduction in emissions from 60mg/m² to 35mg/m² requires a more fundamental process and abatement change. Compliance with this new limit must be achieved by 2018. NMUK advises that it considers relocation and upgrade of Paint Line 1 integral to achieving compliance with this limit.

In doing so NMUK advises that it is committed to implementing the Best Available Techniques as outlined in UK and EU guidance notes and standards and on this basis consider that once complete there will be an overall reduction in environmental impact as compared with the existing process.

Additionally NMUK has advised that, as the new paint shop is to replace part of the existing paint facility, there will be no increase in traffic (employee and deliveries etc.) and therefore no impact on local air quality.

Public Protection and Regulatory Services accepts this conclusion and anticipate that the development, if granted consent, will reduce environmental pollution.

County Archaeologist - A formal response has been received which stated no comments on the proposed extension.

Police - No response received

Local Lead Flood Authority - No adverse comments received further to amendments submitted, it is recommended that a condition be imposed to ensure the development is implemented satisfactory.

Neighbour Notification: A total of 32 neighbour notification letters were sent out as part of the process and no comments have been received.

The overall date for responses to consultations has expired.

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_1_Improvement of the environment

EN_12_Conflicts between new development and flood risk / water resources

EN_2_Proposals for the production and distribution of energy

CN_18_Promotion of nature conservation (general)

CN_21_Developments affecting designated / proposed LNR's, SSSI's or RIGS

EN_12_Conflicts between new development and flood risk / water resources

EN_11_Restrictions upon new development or intensified use of land liable to flooding

COMMENTS:

The key issues to consider are as follows:

- The Principle of Development
- Scale and Massing of the proposed development.
- Highways
- Environmental Factors

The Principle of Development.

The National Planning Policy Framework (NPPF)

The NPPF states that "The purpose of planning is to help achieve sustainable development" and that "sustainable development is about positive growth - making economic, environmental and social progress for this and future generations" by planning proactively to meet the development needs of business and support an economy fit for the 21st century

Planning therefore has to take a balanced view over the economic and social benefits that a proposal may bring, whilst ensuring our environment is protected.

Clearly, Nissan has been a great success since establishing its plant in Washington and has steadily grown to the size that it is at now, being one of the major employers of the north east. Throughout the evolution of the plant, care has always been taken at each stage in its development in to ensure that any impacts are kept to a minimum. Indeed developments seen in recent years, such as the installation of wind turbines and the investment in low carbon vehicle technology have been met positively, as ultimately it is these types of developments that can help to change the face of modern manufacturing and transportation. When considering the proposals against this wider backdrop, it is clear that the overall ethos of Nissans operation, moving forward is a one that creates a form of sustainable development which truly accords with the principles of the NPPF. Notwithstanding this, due consideration has been given to the any immediate environmental effects that may occur as a direct result of the extensions, as discussed in the preceding "EIA" section. Furthermore, the appearance of these elements have also been duly considered and are considered in the UDP section that follows.

The Unitary Development Plan (UDP)

Nissans site and a large proportion of the land along the A1231 corridor are identified as falling under UDP Policy WA1.5. This policy allocates the land for economic development purposes such as B1, B2 and B8 uses, such as what the proposal will deliver; namely extensions to an existing vehicle manufacturing plant. In addition, Policy B2 of the UDP requires proposals to relate harmoniously to their adjoining areas. In the context of the existing Nissan plant, the proposed extensions are considered to be in keeping; due to their industrial / employment nature and also due to their similar appearance to the current plant. As such, the development being considered accords with the aforementioned policies.

Emerging Core Strategy

Building upon the UDP, the emerging Core Strategy also identifies the Nissan site as a Primary Employment Area that plays a key part in helping the Cities Economic Prosperity. Policy CS3.3 encourages further development of such land:-

Established employment areas in the City will be maintained through the improvement, development and intensification of land and premises for economic development (B1, B2 and B8) purposes.

To conclude matters relating to the Principle of Development, the proposal results in the further development of an existing allocation in the UDP and the Core Strategy for economic development purposes. The creation of these extensions to the existing Nissan complex will enable Nissan to increase their production, which in turn will help to stimulate further future development to occur in the surrounding area, by providing opportunities for other supply-chain companies. Therefore, the proposal accords with the NPPF, Policies EC2, EC3, EC4, WA1.5 of the UDP and CS3.3 of the Core Strategy and as such, is acceptable in principle.

The provision of the new facility is critical to the operation of Nissan business.

At the ground floor level a small block of staff amenity spaces is to be provided, but the majority of the floor is occupied with the paint processes. The first, second and third floor are taken up with purely the painting processes. Stairs and lifts will link all the floors together.

At ground floor level, the existing service access road will be re-routed around the northern edge of the building, and between the existing car parking areas. In total, 237 car parking spaces will be lost which currently occupy some of the site. These are to be replaced by 237 new spaces at the north western edge of the site, so that the net difference is zero.

A bridge link will connect the new building to the existing paint shop line at the first floor level. Clearly this is critical to the process; the line will transfer car bodies from the existing building and access into the new paint line in the new building.

The manufacturing process requires additional space in the site to accommodate manufacture of the body shell, panel press, paint and trim processes and the proposal. The proposal is to develop several new buildings adjacent to the existing relevant production spaces to accommodate the new facilities. It is intended that this will be the first phased development upon the site to manufacture the vehicles. As the intention is to expand the processes in time selected site needs to be able to accommodate future expansion.

The scale of Nissans buildings dominates the site to the south with its four district manufacturing blocks, the longest extending south by approximately 650m.

The production buildings are linked along the northern elevation by high level bridges and office accommodation which results in northern elevation with a length in excess of 1km.

The proposed building size and shape have been determined by the needs and layout of the manufacturing process contained within.

The paint shop building is 216m long and 49.5 wide and 3 storey building and will be linked to the existing paint shop via a bridge link at first floor level. Their appearance marries with the context of the Nissan Site and existing building stock so unlike Battery Plan which is standalone facility, will match the main plant.

Since the extensions are to be linked directly to the existing building, they are designed to match the height of the adjacent facility. The typical existing eaves height is c.10m from the ground level.

The proposed development is higher than the existing building on the Nissan site. Given, the size and scale of Nissan the proposed building will introduce a unique character to the fairly low level building height. Behind the proposed development is the existing turbines which are approximately 77m in height.

The proposed scale, massing and layout of the proposed extension is considered acceptable in principle and as such complies with policy B2 of the adopted Unitary Development Plan.

Highways

The new paint shop is to replace an existing paint line to comply with current environmental standards and legislation. It is expected that there will be no increase in employee numbers as ultimately this will be a replacement facility. As a result there is no impact on the local highways network.

The existing site contains 237 parking spaces which will be lost as a result of creating the new building. A site on the north eastern corner of the Nissan site has been chosen for the replacement of the 237 car parking spaces.

Highways England has confirmed they have no objections to the current proposal. No adverse comments have been received from the Network Management

The proposed development in terms of highways implications is considered acceptable in principle and as such complies with policy T14 of the adopted Unitary Development Plan.

Environmental Factors

The Need for Environmental Impact Assessment (EIA).

Prior to the submission of the application a request for an EIA Screening Opinion was submitted to the Local Planning Authority due to the fact that the proposals involve changes or extensions to an existing facility which manufactures and assembles motor vehicles, over the 1000 sq Metre threshold for such projects.

The likely impacts of the proposed building works / extensions to Nissans Washington plant were duly assessed and it was considered that the proposals are unlikely to generate any impact which would be significant against any of the relevant EIA criteria either singly or cumulatively. As such, it was considered that that a full EIA would not need to be submitted but a suite of suitably robust environmental information, (as submitted) would have to support the application.

The usual environmental factors such as drainage and ground conditions have been duly assessed against the submitted information, as described below:-

Ground Conditions.

A preliminary desk based assessment and risk assessment has been carried and submitted in support of the application. Based on this study and the proposed land use the site is considered to be relatively insensitive to soil contamination because post-development there will be limited with regards contact to the underlying soils. An exploratory investigation of boreholes and hand dug trial pits have also been undertaken to help further demonstrate the above and this work also suggests that the soils below the site are suitable for the proposed industrial end use.

As such, it is recommended that a basic level of gas protection be provided by agreement with Environmental Health. Based on the gas monitoring to date, it has been recommended that a Low Permeability Membrane be considered including sealing of joints and around service entrances to prevent influx of ground gases.

Other than the above, Environmental Health has recommended placing Conditions for remediation or verification of soils except to stipulate that notification must be provided of any unforeseen ground contamination and they must be consulted regarding appropriate mitigation. This can be achieved via the imposition of appropriately worded conditions, should Members be minded to approve the application.

It is considered that the submitted information adequately addresses any potential concerns and outstanding issues can be satisfied by conditions should Members be minded to grant consent. To conclude Environmental matters, it is considered that the submitted information adequately addresses any potential concerns and as such, accords with the NPPF and Policy EN14 of the Unitary Development Plan.

Ecology

There are four statutory designated sites within 2km of the proposed development and 15 non statutory sites. They are all deemed to be of a distance far enough away from the works to not be affected.

Eight habitats were recorded within the proposed area of works which were scattered trees, running water, broadleaved semi-natural woodland, arable land, amenity grassland, tall ruderal, building, hard-standing.

Birds are likely to use the scattered trees and broadleaved semi-natural woodland which area to be removed as part of the works. Therefore trees should be felled outside the nest season (March to August). Should this not be possible, then prior to the felling it is recommended that a breeding check is undertaken by a suitable qualified ecologist a maximum of 48 hours prior to the works commencing. If any breeding birds are found then a demarcation line will be implemented until the chicks have fledged. The size of the area will be allocated on a case by case basis depending on the species of the birds to be affected.

Due to the size of the development within broad leaved semi-natural woodland it is recommended that the trees are re-planted to replace the woodland to be lost where possible around the site where appropriate.

Conclusions and Recommendations on ecology

- Due to the habitat to be directly affected there is no effect on any protected species.
- Mitigation measures are needed for this development in terms of tree replanting. .
- It is recommended that future developments do not go south of South Road.

If members are minded to grant consent it is recommended that a condition be imposed to ensure the development is carried out in accordance with mitigation measures proposed on page 15 of the Ecology Appraisal Report date November 2015.

Noise Assessment

The new building will have a number of new items of plant. The new plant will be assessed for its acoustic performance and acoustic treatment once implemented and if required mitigation will be introduced.

The assessment of the acoustic performance of the plan and the acoustic treatment will be required to comply with the requirements that the noise at the boundary of the site is not increased by the new development. Specifically for the night-time acoustic levels, they will be typically 5dba below the background level.

If members are minded to grant consent it is recommended that a noise assessment be submitted within 3 months of equipment being fully operational to ensure noise levels are compliant and that the development complies with policy EN5 of the adopted Unitary Development Plan.

Sustainability Statement

The proposed development will be constructed to meet the requirements of Approved Document L2A of the Building Regulations current at the time of construction.

This will mean appropriate levels of the thermal insulation and efficient M and E services to achieve at least betterment specified in the Approved Documents L2A of the Building Regulations.

This could be achieved by

- o Air Source heat pumps
- o Photovoltaic cells
- o CHP
- o Grey Water recycling and harvesting rain water.

As much material as possible arising any grounds disturbing works will be reused on site.

The proposal will be controlled through the Building Regulation process, however the proposed methods are considered to comply with policy EN3 of the adopted Unitary Development Plan.

Air Quality Assessment

The closes residential properties are located approximately 200m east of the site at Hlyton Castle on the western boundary of Sunderland.

Whilst they may be dust generated from the construction of the proposed building it is considered that any adverse impacts can be readily mitigated through implementation of the best practice construction methods and a construction environmental management plan.

The new paint shop works will reduce the emissions of volatile organic compounds from the painting process.

Nissan Motor Manufacturing (UK) Ltd holds an environmental permit issued under the Pollution Prevention and Control Act 1999. The permit contains mandatory emission limits for volatile organic compounds emissions. The EU and national emission limits for VOC were reduced in 2011 from 60g/m² to 35g/m² (car body area only).

Nissan Motor Manufacturing (UK) Ltd permit requires compliance with the new limit no later than December 2018. The paint shop proposal is essential to ensure NMUK can comply with the new legislation and therefore continue to operate a vehicle painting facility.

Lighting

Current Lighting Provision

The existing site is only lit around the periphery by contextual lighting from the car parking area and site service road. The service road has single-sided 10m high column lights, whilst the car park has dual aspect columns.

Proposed Lighting Provision

The new paint shop building will have minimal building mounted lighting to illuminate doors and areas as required, but there will be no substantial uplift in lighting levels over those as existing. The diverted service access road around the north edge of the new building will have new lighting columns as required, with similar strategy to the existing. Building mounted lights will be metal halide type floodlighting.

Flood Risk Assessment and Drainage

The total area of the paint shop is approximately 2.4ha, approximately 0.5ha of which is impermeable at present. The Paint Shop site is bound by access roads and parking to the north and west, an existing body shop to the south and access roads and an admin office to the east. The site generally slopes in an easterly direction from a high point of approximately 38.4m OD along the western boundary to approximately 33.2m at the eastern site boundary. Overall, the gradient of the site is fairly gentle.

The total area of the proposed car park extension is approximately 0.7ha, it is entirely permeable at present. It is bound by existing parking to the south, and dense trees to the west, north and east.

As the site is located in Flood Zone 1, and the proposals are classed as Less vulnerable the development of the site is deemed appropriate and no exceptions test is required in this instance.

SuDs

Further to the concerns raised Nissan have submitted additional information to address the concerns of the Local Flood Lead Authority. To expand on section 4.1 of the existing drainage within the Nissan Paint Shop Flood risk assessment, the proposal for surface water is to discharge into the existing drainage system with attenuation and flow control.

The developed Nissan Site is served by private surface water network with 4N/S legs. The eastern run has a subsidiary pipe from the battery plant site. These feed to a collector pipe which runs along the south road. The collector pipe then runs to the manhole MSW1 from this the runs to an outfall pipe which heads south under the A1231 and into the River Wear. From the A1231 to the river this is a deep drain run with no other connections.

At the A1231 crossing point is a feed for water into the Toby Grill which helps to maintain its levels in the dry weather.

To the north of the new paint shop site are existing staff car parks which feed into the existing site network. The proposed shop requires the diversion of one of these drain connections, the diversion will connect into the new drainage being provided to the Paint Shop. Currently this connection is a 450mm dia. concrete pipe and during storm conditions is capable of discharge at 220l/s into the existing Nissan Network. The proposed paint shop scheme will reduce the flow from the car park (by using Hydro Brakes) to below 15l/s. The paint shop drainage is oversized and has a secondary storage pipe to provide attenuation upstream of the hydro brake and reduce the discharge from the scheme as a whole (including both existing car and proposed Paint Shop) to 15l/s. A net reduction into the discharge system of 200l/s during storm conditions.

All technical information is set out in section 10.3 of the Sirius Geotechnical Report and section G of the Site Investigation report (Gas and Ground Water Monitoring) results.

The local ditch systems generally run into the Nissan Internal drainage system so provide little relief to the overall site run off.

Nissan have concluded that there are no suitable appropriate water courses nearby. Furthermore, the Paint Shop is an extension to the existing Nissan development and will therefore discharge to the existing Nissan Network, which in turn discharges to the River Wear.

In conclusion, the overall impact of the scheme will be a reduction in a discharge to the existing drainage network and River Wear when compared with the current discharge from the existing car park alone it will be restricted to 15l/s. As the proposals cause an overall reduction in the flow to the existing sewer we contend that this is better than restricting the paint shop to greenfield and discharging it to the sewers in addition to the existing flow from the car park.

If members are minded to grant planning permission it is recommended that conditions be imposed to ensure the development is satisfactory and comply with relevant Unitary Development Plan policies and National Planning Policy Framework.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion:-

The proposals represent a further important step in the continued success of Nissan. The submission has been assessed against the relevant planning criteria as set out in this report and is considered to be in keeping within the context of Nissans existing operation and will have little visual impact on its surroundings due to the overall scale of the plant.

Once complete, the extensions will enable further growth which will continue to support employment in the North East and keep the City on the map with regard to manufacture and export. It is therefore recommended that the application is approved accordingly, subject to the conditions as set out below:-

RECOMMENDATION: Approve subject to the conditions set out below

Conditions:

1 The development hereby approved must commence no later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority. The development hereby granted permission shall be carried out in full accordance with the following approved plans:-

- A-05_10-100 Site Location Plan 1:2500 received 3rd November 2015
- A-05_10-101 Block Plan 1:2500 received 3rd November 2015
- A-05_10-102 Existing Site Layout Plan 1:500 received 3rd November 2015
- A-05_10-103 Proposed Site Layout Plan 1:500 received 3rd November 2015
- A-05_10-104 Existing Car Park Layout 1:500 received 3rd November 2015
- A-05_10-105 Proposed Car Park Layout 1:500 received 3rd November 2015
- A-00_10-000 Level 00 Proposed Plan 1:200 received 3rd November 2015
- A-00_10-100 Level 01 Proposed Plan 1:200 received 3rd November 2015
- A-00_10-110 Level 01 Bridge Link Proposed Plan 1:200 received 3rd November 2015
- A-00_10-200 Level 02 Proposed Plan 1:200 received 3rd November 2015
- A-00_10-300 Level 03 Proposed Plan 1:200 received 3rd November 2015
- A-00_10-400 Proposed Roof Plan 1:200 received 3rd November 2015
- A-00_10-020 Sections Existing and Proposed 1:200 received 3rd November 2015
- A-00_10-021 Sections Existing and Proposed 1:200 received 3rd November 2015
- A-00_10-022 Link Bridge Section as Proposed 1:200/50 received 3rd November 2015
- A-00_10-051 Contextual Elevations as Existing 1:500 received 3rd November 2015
- A-00_10-052 Contextual Elevations as Proposed 1:500 received 3rd November 2015
- A-00_10-053 Elevations as Proposed 1:200 received 3rd November 2015
- A-00_10-054 Elevations as Proposed 1:200 received 3rd November 2015

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 and T14 of the adopted Unitary Development Plan.

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period

unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- (i) access to the site for construction traffic and routes to and from the site for construction traffic, including the parking of vehicles of site operatives and visitors
- (ii) siting and organisation of the construction compound and site cabins, including the loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) access arrangements to existing public rights of way on the site
- (v) measures to control the emission of dust, dirt, vibration and other effects
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works

In the interests of the proper planning of the development and to protect the amenity and access rights of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.

5 The construction works required for the development hereby approved shall only be carried out between the hours of 07:00 and 19:00 Monday to Friday and between the hours of 07:00 and 15:00 on Saturdays and Sunday and at no time on a Bank Holidays unless otherwise varied and agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan

6 The development hereby approved shall be carried out in complete accordance with the conclusions and recommendations set out in the following documents prepared by Mott McDonald Ltd:-

- Preliminary Ecological Appraisal - November 2015

For the avoidance of doubt, this shall include the use of advisory notes in contractor method statements where working areas are within the vicinity of ditches or other key habitats; and where possible ecological enhancement measures should be applied to adjacent habitats recorded in the reports, In the interest of nature conservation and the conservation of protected species and habitats and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

7 Prior to the commencement of development, details of gas risk assessment shall be submitted to and approved in writing by the Local Planning Authority, in order to comply with policy EN14 of the Unitary Development Plan

8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 9 to number 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 9 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan
- 10 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 11 Implementation Remediation Scheme The remediation scheme approved under Condition number 10 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 9 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 10 (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 11 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

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

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policies EN11 and EN12 of the adopted Unitary Development Plan.

- 14 The noise assessment and mitigation measures set out in the appendix L shall be fully implemented in accordance with the measures set out in that report, the plant shall be no greater than 5db below the existing background levels, when measured in accordance with BS4142 2014.

Reason: In the interest of residential amenity to comply with the requirements of policy EN5 of the adopted Unitary Development Plan.

- 15 Within 3 months of the paint shop use commencing a noise monitoring and assessment exercise shall be carried out and submitted to the LPA for approval, in order to validate noise levels and comply with policy EN5 of the adopted Unitary Development Plan.