

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 (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 09/04780/FUL Full Application

Proposal: **Erection of building to house a battery manufacturing process (24,825m²), to include detached plant room and associated mechanical, electrical installations and external works.**

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

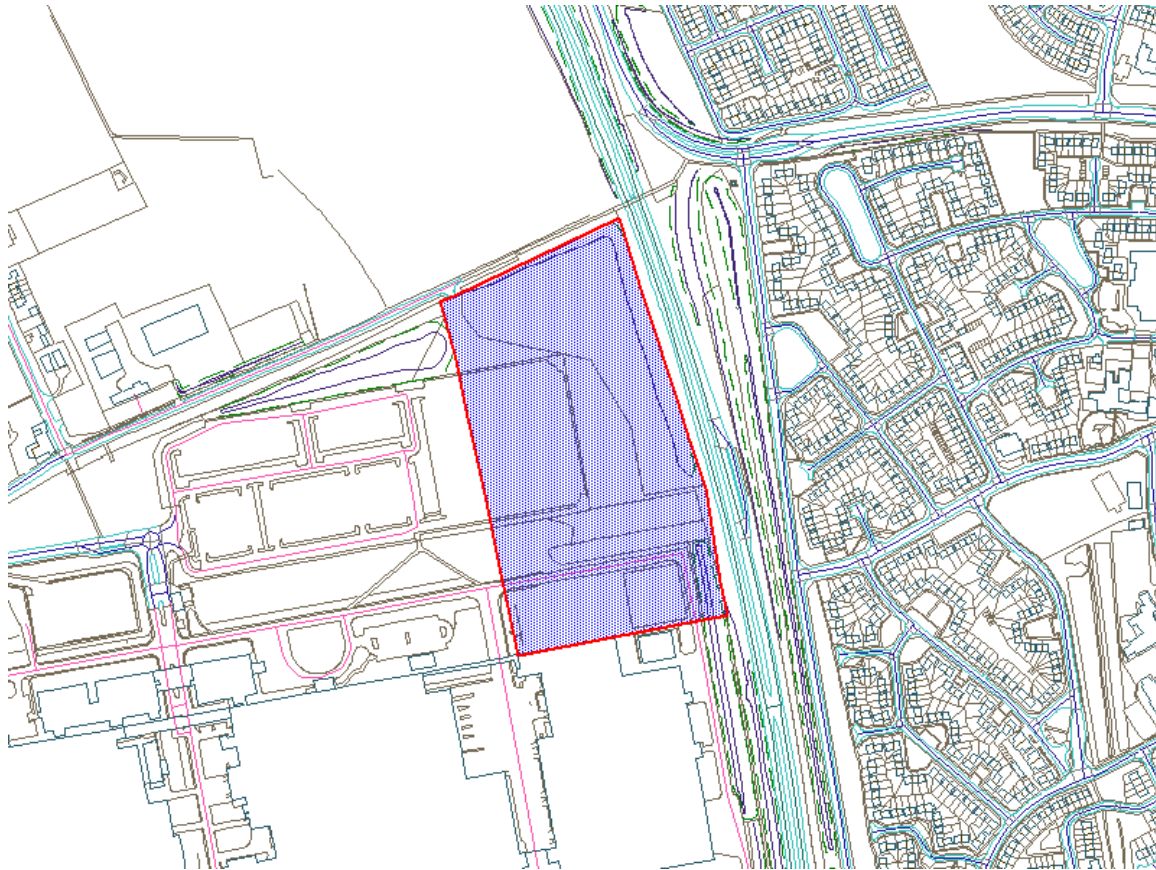
Ward: Washington North

Applicant: Nissan Motor Manufacturing (UK) Limited

Date Valid: 18 December 2009

Target Date: 19 March 2010

Location Plan



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PROPOSAL:

The proposal being considered is for the erection of a new 24,825 sq metre building to house a Battery Assembly Plant within the existing Nissan motor manufacturing plant in Washington.

The proposed battery plant is to provide 22 500 sq metres of production space. Additional space of 3000 sq metres is to be provided for offices, ancillary uses and plant rooms. The proposed building is orientated north-south with the proposed amenity block positioned on the western elevation.

Three ancillary buildings are to be provided. These are a sub station to the north east of the main development, a process plant room and a chemical storage annex.

The proposed development site is an area of vacant land and staff car parking positioned on the north eastern corner of the Nissan plant. The site is bounded by the A19 trunk road to the east and Washington Road to the north. The buildings proposed plus the external circulation and landscaping works will utilise an area of 13.5 acres.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

The Highways Agency
Northumbrian Water
Business Investment
Director Of Community And Cultural Services
Environment Agency
County Archaeologist
Fire Prevention Officer
One North East

Final Date for Receipt of Representations: **28.01.2010**

REPRESENTATIONS:

CONSULTEES

Highways Agency

It has been agreed that the proposals would not result in a material impact upon the adjacent Strategic Road Network. The Highways Agency therefore offers no objection to the planning application.

Association of North East Councils

The proposed development broadly complies with the requirements of the Regional Spatial Strategy (RSS). No objection.

One North East (ONE) believes it is vital to prioritise support for the accelerated economic growth of the region and maintains that it is necessary to focus actions and interventions in those areas of greatest opportunity, particularly the Tyne and Wear and the Tees Valley city regions. Sunderland is part of the Tyne and Wear

City Region and it is considered that this proposal will contribute significantly to the economic regeneration of this part of Tyne and Wear with benefits from the development of this new technology for the region as a whole.

The Regional Economic Strategy (RES) is developed, delivered and reviewed by ONE. The RES sets out how greater and sustainable prosperity will be delivered to all of the people of the North East up-to 2016. The RES identifies energy as one of three key pillars in meeting its targets of increasing GVA, business opportunities and new job opportunities. In line with the Governments New Industry New Jobs Agenda (NINJA), ONE is pursuing a strategy which involves targeting investment in the energy sector to maximise the potential economic benefit to the region and add value to existing activities. To this end, ONE and Nissan have signed a definitive agreement which sets out a road map for the roll-out of electric vehicles and infrastructure in the North East and cements the regions status as the national centre for the development of ultra low carbon vehicles.

The battery plant will be at the centre of the UK's first Low Carbon Economic Area for Ultra Low Carbon Vehicles, which was announced by the Prime Minister in July 2009 and established North East England as the leading region in the UK for advancing the development of electric cars and associated infrastructure. The Low Carbon Economic Area will see a number of key national assets located on land near to the Nissan plant, including the National Training Centre for Sustainable Manufacturing and the National Research and Development Centre for Ultra Low Carbon Vehicles.

The regions status as a Low Carbon Economic Area also recognises the strategic importance of the automotive sector to North East England. The sector employs approximately 26,000 people and contributes £1 billion to the regional economy. As such, it is in the regions interests to help stimulate this market in order to safeguard these jobs and support the growth of important companies in this market such as Nissan and Smith Electric Vehicles. The advancement of the electric vehicle manufacturing industry is important in the development of the North East of England as a low carbon, smart region.

It also has to be acknowledged that the proposals will help the region meet the commitment it made in February 2009 by signing up to the European Unions Covenant of Mayors to reduce CO2 emissions by 20% by 2020.

Skills training programme.

Through the investment of more than £200 million in building the electric car battery factory up-to 350 jobs will be created. Furthermore, the plant will be the main European site for battery production and as such, is receiving support from both the European Investment Bank (EIB) and UK government grants.

Northumbrian Water

No objections to the proposed development.

Executive Director of City Services - Environmental Health: comment awaited.

Executive Director of City Services -Transportation.

The Council's Transportation Manager has no objection to the proposals as there will be no increase in HGV movements and the vehicles will continue to use the existing route as part of the proposals.

County Archaeologist
No archaeological work is required.

Business Investment: Comments awaited.
Fire Prevention Officer: Comments awaited.

Environment Agency
A flood risk assessment has been submitted in connection with this application. In response to consultation, the Environment Agency has requested further information in relation to flood risk as a result of the proposed development. Additional information was submitted by the applicant on 17 February 2010 and has been forwarded to the Environment Agency for their further consideration, their response is awaited.

NEIGHBOURS

No neighbour representations received.

POLICIES:

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

R_4_Incorporation of energy saving measures
WA_1_Retention and improvement of established industrial / business area
EN_1_Improvement of the environment
EC_4_Retention and improvement of existing business and industrial land
CN_15_Creation of the Great North Forest
EN_12_Conflicts between new development and flood risk / water resources
B_2_Scale, massing layout and setting of new developments
CN_18_Promotion of nature conservation (general)
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

COMMENTS:

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

- Principle of the development
- Impact upon visual amenity
- Impact upon residential amenity
- Highway access and car parking layout
- Impact upon nature conservation and the natural environment (ecology)
- Impact upon hydrology/flood risk
- Impact upon archaeological interests

PRINCIPLE OF THE DEVELOPMENT

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section

38(6) of the Planning and Compulsory Purchase Act (2004) requires that the adopted development plan be regarded as the primary consideration by the Local Planning Authority in determining a proposal for development unless material considerations dictate otherwise.

The proposed development site is allocated as land for economic development in the Council's adopted Unitary Development Plan (UDP) and is subject to the provisions of policy EC4 (land for economic development) and policy WA1(5) (existing employment sites: Nissan).

Policy EC4 (land for economic development) states that:

Existing businesses and industrial land amounting to some 1215ha will be retained and improved for the following range of uses which are defined in part 2 of the UDP for each site:

Acceptable Primary Uses:

Offices, research & development, light industry (B1)

General Industry (B2)

Warehouse and Storage (B8)

Possible ancillary uses where required to meet the needs of each site:

Shops up to 50 m sq

Individual sales areas

Offices where services are provided for the general public (A2)

Food and drink outlets (A3)

Hotels (C1)

Community Facilities (D1)

Assembly and leisure (D2)

Open Space

Unacceptable uses (exclusions) would include:

Other shops (A1)

Residential institutions (C2)

Housing (C3)

Warehouse Clubs

Proposals involving incompatible or bad neighbour uses will also be required to conform to EC12 & EC15. Proposals for uses not listed will be decided on their individual merits.

The proposed development of a Battery Assembly Plant is considered to be generally industrial in nature and is therefore considered to comply with the requirements of adopted UDP policy EC4. It is not considered that the proposed development constitutes an incompatible or bad neighbour use in the location proposed, therefore policies EC12 - EC15 are not considered to be relevant in this instance.

Adopted UDP policy WA1 aims to retain and improve established industrial and business areas for primary uses identified within the UDP for each site. The site of Nissan is identified by WA1(5). Policy WA1(5) states that:

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

(5) Nissan

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

The proposed development of a Battery Assembly Plant (and ancillary buildings) is considered to be generally industrial in nature and is also considered to be characteristic of the type of activity undertaken on the Nissan site. The proposed development is therefore considered to be acceptable in principle and in accordance with policies EC4 and WA1 of the adopted UDP.

IMPACT UPON VISUAL AMENITY

Policy B2 of the adopted UDP seeks to ensure that developments relate harmoniously to their surroundings.

Policy B2 of the adopted UDP states that:

The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The proposed Battery Assembly Plant is to be located to the north east of the buildings that currently form the Nissan complex. The area in which the building (and the three smaller subsidiary buildings) is to be located is adjacent to the A19 (to the east) and Washington Road (to the north). The proposed application site is comprised of an area of car park which is currently set at a lower ground level than the surrounding A19 and Washington Road, and an area of landscaped buffer which slopes gently upwards towards the two roads.

Although a significant proportion of trees will be removed from the buffer zone between the development site and the A19, a band of trees will remain to the east and to the north of the proposed building, providing screening from the A19 and Washington Road.

In addition to the tree screening provided it must be considered that the proposed development comprises a warehouse type structure (14.48 metres in height to the highest point, 100 metres in width and 225 metres in length) located on an area of allocated employment land. When viewed within the context of the wider Nissan site, which covers an area of 202.34 hectares (500 acres), 30.35 (75 acres) hectares of which comprises built development, the proposed addition of an additional building covering 2.25 hectares will not appear unduly large or excessive in scale when view alongside the existing built development on site which is of a similar character, particularly given the relatively low maximum height of the building proposed at 14.48 metres.

It is therefore considered that the proposed development is very unlikely to have any detrimental impact upon visual amenity within the Nissan site or when viewed from outside of the site. It is further considered that that the proposed

development complies with the requirements of policy B2 of the adopted UDP as set out above.

IMPACT UPON RESIDENTIAL AMENITY

Policy B2 of the adopted UDP also aims to protect the amenity of residential occupiers neighbouring development sites.

Policy B2 of the adopted UDP states that:

The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The proposed development site is located remotely from residential areas. The nearest residential properties to the application site are located to the east on Ferryboat Lane which is approximately 84 metres from the development site on the opposite side of the A19 trunk road.

There are also a small group of cottages; known as 'Usworth Cottages' located approximately 370 metres to the north-west of the site on the opposite side of Sunderland Aircraft Museum.

It is not considered that the proposed development will create any conditions prejudicial to residential amenity, particularly given the great distances from the proposed development site to the nearest neighbouring residential properties and the intervening land uses positioned between the proposed development site and the nearest residential properties. The proposed scheme is therefore considered to accord with policy B2 of the adopted UDP in this respect.

HIGHWAYS ACCESS AND CAR PARKING ARRANGEMENTS

When considering the acceptability of the proposed development in terms of highway access and car parking, policies T8, T9, T14 and T22 are relevant.

Policy T8 of the adopted UDP relates to the needs of pedestrians and states:

The needs of pedestrians will be given a high priority throughout the city by:

- i. Taking Account of their requirements in the design of highway maintenance, traffic management and road improvement schemes and in the planning of new development;
- ii. Promoting schemes which provide a convenient, attractive and integrated network of routes offering a high level of personal safety and security;
- iii. Improving and developing pedestrian links between residential areas and educational establishments, employment areas, transport interchanges, recreational areas and shopping centres;

- iv. Improving facilities for pedestrians within the city centre and all other areas where pedestrians are concentrated;
- v. Developing a network of strategic recreational routes to and within the countryside.

Policy T9 of the adopted UDP relates to specific provisions for cyclists. Policy T9 states:

Specific provision will be made for cyclists where appropriate on the existing and proposed road network, and by off road facilities. Measures to assist cycling will be promoted by:

- i. Developing a system of cycle routes linking residential areas and other centres of activity;
- ii. Ensuring that cyclists' needs are taken into account in the design of highways, traffic management and public parking schemes;
- iii. Encouraging cyclists to use recreational routes by access improvements, by signing and surface treatment and the development of long distance cycleways;
- iv. Encouraging through planning conditions and obligations the provision of accessible secure cycle parking facilities at shopping centres, bus and railway stations, social and community facilities and places of work.

Policy T14 of the adopted UDP is concerned with new developments and states that:

Proposals for new development should:

- i. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- ii. Not cause traffic congestion or highway safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- iii. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- iv. Make provision for the loading and unloading of commercial vehicles;
- v. Indicate how parking requirements will be accommodated.

Policy T22 of the adopted UDP is concerned with private parking and states that:

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

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

The necessary car and cycle parking provision will be ensured by means of planning conditions or planning agreements or, if off site, through the use of planning agreements to provide suitable parking elsewhere. Agreements shall be in accordance with guidance in circular 1/97.

Wider road network

With regard to the impact of the proposed development upon the wider road network surrounding the Nissan site, The Highways Agency have observed that the proposed development will not make a significant impact upon the A19 corridor and therefore have no objection to the proposed development.

General access arrangements

Access to the proposed Battery Assembly Plant is to be taken via Nissan's existing vehicle accesses and internal road network.

Goods vehicles

Goods vehicles will access the Nissan site via the existing goods entrance on Nissan Way, which leads from the A1231. Thereafter goods vehicles will follow Nissan's internal road network to the proposed building making deliveries to, and collections from, the southern elevation of the Battery Assembly Plant. The applicant has stated that there will be no significant increase in goods vehicles exiting the site, and that existing delivery routes will be maintained.

Private vehicles

Private vehicles (i.e. cars and bicycles) will not be permitted direct access to the building proposed. Private vehicles will be parked within the existing car parks and bike sheds to the west of the proposed building. It is acknowledged that the proposed development will result in a loss of car parking spaces on the site generally, however it is recognised that the car parks in this area of the Nissan site are under used and the applicant has confirmed that the remaining provision will be sufficient to accommodate parking demand on site at all times.

Access for private vehicles to the site will remain as existing from A1290.

Pedestrian Access

Pedestrian access is to remain as existing with footpaths serving the site from the A1290, via the footbridge over the A19.

However, it is considered that there is a need to improve access for pedestrians and cyclists to the proposed battery plant and in this location generally.

It is recommended that footpaths within the site are extended and that link footpaths to car parking areas are constructed, both to increase pedestrian safety within the site and to encourage access by walking and cycling. This need is

acknowledged within the Design and Access statement prepared by the applicant. Improvements to footpaths in and around the site would also increase accessibility to bus services located on Washington Road. In the event that Members are minded to approve this application a condition will be attached to any consent granted requiring precise details of footpath and cyclepath improvements to be submitted to, and approved by, the Local Planning Authority prior to development commencing on site and requiring those footpaths/cyclepaths to be fully implemented in accordance with the approved plans.

Travel Plan

A Workplace Travel Plan (WTP) has been submitted in support of this planning application. The WTP submitted covers the entire Nissan site and is welcomed by the Local Planning Authority.

In the event that Members resolve to approve this application, it is recommended that an employment travel survey should be undertaken three months after the occupation of the Battery Assembly Plant. It is considered to be essential for the travel arrangements for the proposed development to be monitored and reviewed by the applicant in conjunction with the City Council's Travel Plan Co-ordinator in order to ensure that the targets set out in the WTP are met. A condition requiring an employment travel survey to be undertaken, as set out above, will be attached to any approval granted.

With the imposition of the conditions indicated above it is considered that the aims of UDP policies T8, T9, T14 and T22 are met.

IMPACT UPON NATURE CONSERVATION AND THE NATURAL ENVIRONMENT (ECOLOGY)

Policy CN 18 of the adopted UDP is concerned with nature conservation and states that:

The promotion of the interests of nature conservation will be sought throughout the city; the Council will work together with neighbouring authorities and other agencies in regard to aspects affecting the wider area. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced; measures will include:-

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

vi. Refusing inappropriate development.

An extended Phase 1 habitat survey of the proposed application site was undertaken in October 2009 by Durham Wildlife Group on behalf of the applicant.

The survey undertaken included a desk based study of the area, an extended phase 1 habitat survey (carried out in accordance with the standard phase 1 habitat survey methodology (JNCC 2003), an ecological walkover was undertaken to survey the site for controlled invasive species as listed under Schedule 9, part 11 of the Wildlife and Countryside Act 1981, and an appraisal of the habitats present on the site was undertaken to identify any signs to suggest the presence of populations of legally protected species or other species of nature conservation importance including mammals, birds, reptiles, amphibians and invertebrates or that the habitats present could potentially provide these species with suitable habitats.

Habitats

Five types of habitat were recorded during the survey undertaken. The main site area is dominated by amenity grassland. The majority of the site contains semi-improved grassland and areas of broadleaved plantation woodland. The proposals are to maintain the area of woodland and enhancement opportunities should be sought within the new development to provide more species rich habitats on the remainder of the site. The loss of the small amount of relatively species poor habitat on site is therefore considered not to be a significant constraint to development.

The area of woodland is likely to be most important in relation on the bird species that it supports. A breeding bird survey was carried out in 2009 of the site and is the subject of a separate Breeding Bird report which was submitted in support of the planning application.

There is a small area of marginal habitat running along an overgrown ditch. The area is small and as there are much larger areas of similar habitat within the Nissan site the loss of this small area of habitat is not considered to be a constraint to development of the site.

The other habitats on site are amenity grassland and a tall ruderal community which are both widespread in the UK and the local area and lack much diversity or biodiversity benefit.

Protected Species

Protected species with implications for progress works on site include the following:

Breeding Birds

The proposed development is unlikely to have a significant detrimental impact upon the regional or national breeding bird population as no bird species of major conservation interest were recorded on the proposed development site. The proposals are unlikely to have a major detrimental impact on the local breeding

bird population as the number of breeding birds affected is small, and long term impact from the development upon breeding birds is considered to be negligible.

The Nissan site has a history of sympathetic land management that benefits wildlife and as access to the public is limited, disturbance to breeding birds is further reduced. There is a similar habitat to that which is being disturbed by the proposed development, within the Nissan site where displaced birds are likely to find a suitable breeding habitat.

The likely impact of the proposed development upon breeding birds is therefore considered to be acceptable. It is recommended however that in the event that members are minded to approve this application conditions should be applied to any consent granted in order to protect breeding birds and their habitat during the construction phase of the development and thereafter.

Mammals

Although evidence of protected species was not found on site, working methods should be followed to ensure that any mammals which may use the site are safeguarded. This includes safe storage of materials that may be poisonous to mammals and any excavations should be covered over at night time or a ramp placed inside so that if a mammal falls in then it has an access out and does not become trapped. In the event that members are minded to approve this application a condition will be attached to any approval granted requiring these measures to be fully implemented on the site.

A new ditch will be constructed to the east of the proposed building with some wrapping around to the northern fringe. This new ditch will link into the existing ditch that runs offsite underneath the A19. The ditch will be primarily designed for the benefit of Water Voles (*Arvicola terrestris*).

Trees will be removed to a distance of 5m from the existing and proposed ditch to prevent shading of bankside vegetation. A section of trees can be left alongside the A19 where the ditch passes under the road to maintain the screening of the site. Before this work is carried out on the existing ditch a walkover survey should be carried out to check for the presence of Water Voles. Should members be minded to approve this application a condition will be attached to any approval granted requiring this walk over survey to be undertaken.

No further tree planting will occur within 5m of the proposed ditch to maintain diverse grassland adjacent as potential Water Vole habitat.

The ditch will have a series of sluices installed in order to maintain areas of open water. These sluices will be installed at 20m intervals along the ditch.

Potential for Ecological Enhancements

Whilst at this stage there are not considered to be any significant constraints to development of the site, taking the requirements of Planning Policy Statement 9 into account, opportunities should be sought where possible for nature conservation enhancement on site. The applicant has therefore agreed that the landscaping areas will be designed to maximise their benefits to biodiversity and should incorporate areas of species rich and use native tree and shrub species wherever possible.

Ecological Mitigation and Management Plan

The applicant has agreed that prior to the commencement of any development on the site; a detailed ecological mitigation and management plan will be prepared to ensure that the development takes place with the minimum impact on biodiversity.

It is considered that with the application of conditions as set out above the proposed development is acceptable and in accordance with the requirements of policy CN18 of the adopted UDP.

IMPACT UPON HYDROLOGY/FLOODRISK

Policy EN12 of the adopted UDP is concerned with protecting the quality of water and protecting developments and their surroundings from flooding.

Policy EN12 states that:

In assessing proposals for development (including changes of use), the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

- i. Not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- ii. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water based wildlife habitats.

A flood risk assessment has been submitted in connection with this application. In response to consultation, the Environment Agency has requested further information in relation to flood risk as a result of the proposed development. Additional information was submitted by the applicant on 17 February 2010 and has been forwarded to the Environment Agency for their further consideration, their response is awaited. It is anticipated that the Environment Agency's response will be received prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub-Committee and reported on the supplement accordingly.

IMPACT UPON ARCHAEOLOGICAL INTERESTS

The County Archaeologist has been consulted and has subsequently confirmed that the proposed development site lies outside of the former extent of RAF Usworth and that no archaeological work is required.

SUSTAINABILITY

Policy R4 of the adopted UDP is concerned with Energy Conservation. UDP policy R4 states that:

In assessing proposals for development (including changes of use), the Council will have regard to evolving governments policy on the efficient use of energy and use of non-fossil fuel sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy-saving technology. Combined heat and power schemes will be encouraged in major development and restructuring schemes.

In developing the proposed scheme due regard has been given to sustainability. U value targets for the building have been set below those required within the Building Regulations. The scheme requires the reuse of rainwater collected from the roofs in non potable water situations. The scheme will develop landscaped areas in conjunction with Durham Wildlife to provide habitats for breeding birds and small mammals.

The wider Nissan site also includes ten large wind turbines providing a source of renewable energy on site.

In addition to the above considerations, the development proposed is to facilitate the production of lithium battery packs for use within electrically powered vehicles which in itself is designed to contribute to reducing consumption of fossil fuels on a global scale.

It is therefore considered that the proposed development is considered to be acceptable in terms of sustainability and complies with the requirements of policy R4 of the adopted UDP.

CONCLUSION

The proposal is considered to be acceptable in principle and has no significant adverse impact on either visual or residential amenity in the locality, nor will it be likely to raise significant highway safety or parking issues. It is likely to have only limited impacts on flora and fauna in the vicinity. However, the submitted ecological mitigation plan and the flood risk assessment submitted remain under consideration. It is considered that those considerations will be concluded in time to allow them to be reported, along with a recommendation, on the supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

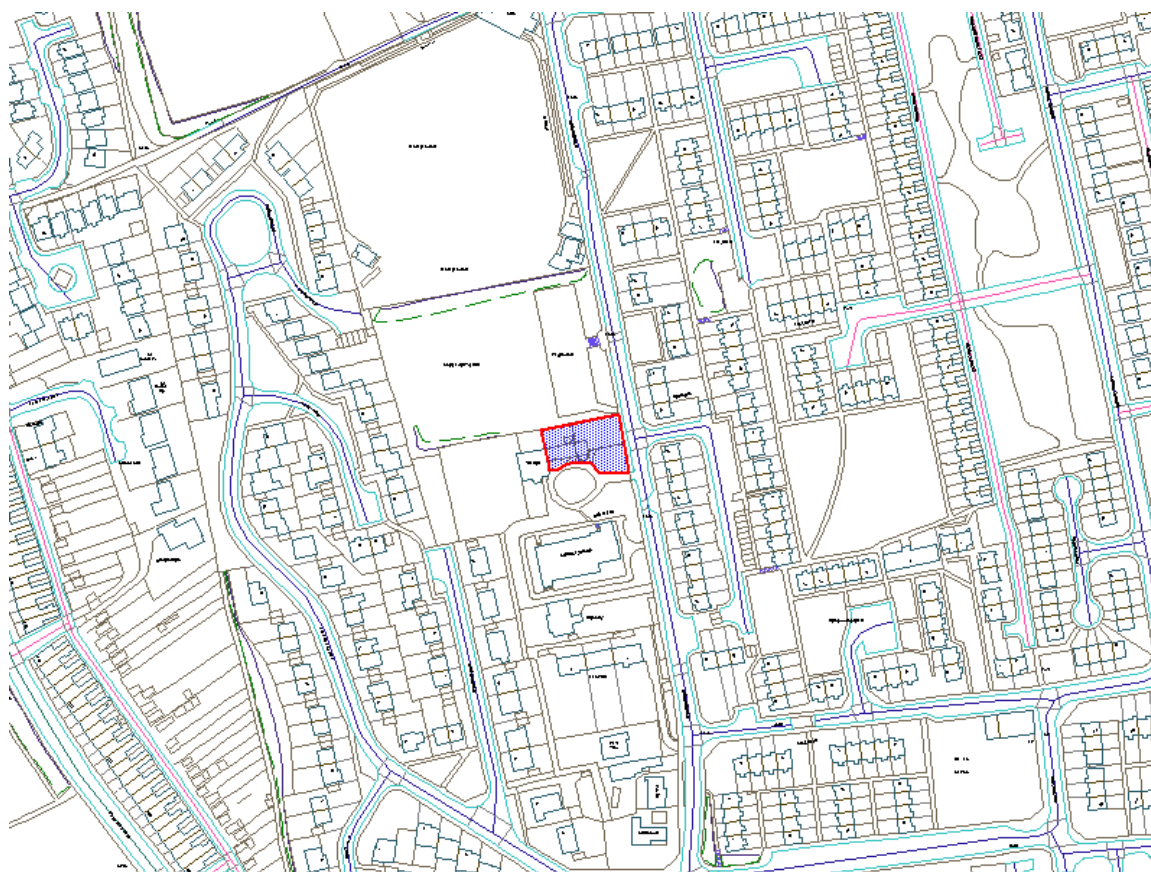
Reference No.: 10/00191/SUB Resubmission

Proposal: **Erection of 10 bed residential care unit with associated access and parking (RESUBMISSION).**

Location: Land To The North Of All Saints Church Church Road Hetton le Hole Houghton-Le-Spring DH5 9AJ

Ward: Copt Hill
Applicant: Glenpath Holdings Ltd
Date Valid: 19 January 2010
Target Date: 16 March 2010

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a 10 bed residential care unit with associated access and car parking on land to the north of All Saints Church, Church Road, Eppleton, Hetton-le-Hole, DH5 9AJ.

The proposed residential care unit is to be erected within the spacious grounds of All Saints Vicarage, an attractive two-storey red-brick building standing to the

north of the disused church with which it was once associated. The grounds in which the vicarage stands cover an area of approximately 4,000 sq. metres and take the form of a large, open lawn to the west of the building and a landscaped area to the east containing a number of mature trees protected by a Tree Preservation Order. An ivy-clad brick wall runs between the east elevation of the vicarage and two small outbuildings to its east; a hedge then continues from the east elevation of the outbuilding to the eastern boundary of the site, effectively enclosing the area to the north-east of the vicarage. Both outbuildings and the wall are proposed to be demolished to make way for the proposed building.

To the north of the vicarage's boundary are the King George's playing fields, to the west are the residential dwellings of Mark Rise and to the east of the site runs Church Road, on the opposite side of which are residential bungalows. The eastern boundary of the vicarage is defined by an attractive red-brick wall running adjacent to the footway of Church Road, in which are two vehicular accesses bordered by stone pillars and copings; only the southern access point is currently utilised. The vicarage access road circles a large grass mound topped with trees to the south-east of the building; vehicular parking is arranged in an informal manner around the exterior of the turning circle. The vicarage, the sturdy boundary wall and heavily canopied grounds contribute a particularly attractive element to the streetscene of Church Road.

The former vicarage is currently in use as a residential facility, with support and care, for adults aged 18-65 with autism and associated complex needs. Members may recall a previous application to add a two-storey extension and disabled access ramp to the vicarage building (application no. 05/01394/FUL), which was approved at the Hetton, Houghton and Washington Development Control Sub-Committee of 8th September 2005. The extension served to increase the number of bedrooms available within the building from five to seven and also provided additional lounge and dining space.

An application for the erection of a bungalow for people with special needs (app. ref. 03/01958/FUL) within the grounds of the former vicarage was withdrawn in May 2004 due to concerns regarding the design of the proposed bungalow and parking arrangements. The development was, however, considered to be generally acceptable in principle.

This proposal is a resubmission of a recent application for a broadly similar scheme to provide a 10-bed residential care unit in the grounds of the former vicarage (see application reference 08/04021/FUL). The application was withdrawn following the receipt of an objection from Natural England, who requested that further ecological assessment be carried out before the application was considered for approval, and due to concerns in relation to the scale and design of the proposed building, the parking and access arrangements and loss of protected trees on the site.

The proposed building will essentially provide an extension to the existing facilities found within the former vicarage. The building is to stand immediately to the east of the existing vicarage, on the site of the aforementioned outbuildings and ivy-clad wall, and is roughly 'L' shaped, with a narrower wing projecting eastwards from the main building. The building has a maximum width of 27.4 metres and a maximum depth of 13.5 metres (reducing to 8 metres at the eastern wing), giving a footprint of approximately 270 sq. metres, compared to the vicarage's footprint of just under 200 sq. metres, and is two-storey in scale, in

comparison to the three-storeys of the building proposed by the initial application. The proposed building features a hipped roof with a maximum height of 10 metres, with the ridge line of the roof of the eastern wing dropped by 1.7 metres to respect the difference in depth.

The front elevation of the proposed building is set back from that of the former vicarage so that its rear elevation is situated 1.2 metres from the northern boundary of the site, which is defined by a 1.8 metre-high palisade fence. At its closest point, the distance between the west elevation of the proposed building and the east elevation of the existing vicarage is just 2.2 metres.

The building provides a total of ten bedrooms (two at ground floor level, eight at first floor level), each of which features a bathroom and lounge area. The ground floor also features a lounge, kitchen, dining room, staff room, reception area and laundry, whilst a laundry area is also provided at first floor level.

Whilst the building proposed as part of the initial application was of a highly contemporary design, the building proposed here is more traditional in style to better reflect the appearance of the adjacent former vicarage. Walls are to be of facing brick with artstone banding and through colour render finishing, fascias, doors and windows are to be painted timber and the roof is to be slate. The front of the eastern wing of the proposed building features full-height glazing to provide light to corridors. The rear elevation, overlooking the playing fields, is of a more basic design, with regularly arranged fenestration.

The proposal also includes the creation of a formalised parking area and improved access to the site. Ten parking spaces and a pull-in lay-by for a minibus will be provided around the exterior of the aforementioned existing turning circle in the grounds of the vicarage. The existing southern access point is to be widened to 4.2 metres to allow two-way traffic to enter and leave the site. The northern access point is to be closed and the adjacent footway of Church Road reinstated.

The proposed development requires the removal of a total of seven trees from within the site. It is proposed to remove four poplar trees from adjacent to the northern boundary of the site, an elderberry adjacent to the access point, an elderberry on the outside of the turning circle and a sycamore situated between the two existing outbuildings. A total of fourteen trees and a privet hedge were proposed to be removed as part of the original application. Given the proposed removal of trees, shrubs and outbuildings, an Arboricultural Assessment and Protected Species Risk Assessment and Ecological Evaluation have both been submitted with the application.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton Town Council
Director Of Community And Cultural Services

Durham Bat Group
Director Of Health, Housing And Adult Services
Northumbrian Water

Final Date for Receipt of Representations: **16.02.2010**

REPRESENTATIONS:

NEIGHBOURS

No letters of representation have been received in response to the public consultation exercise carried out in respect of the proposal.

EXTERNAL CONSULTEES

No response has yet been received from Hetton Town Council, Northumbrian Water or the Durham Bat Group in response to consultation.

A response has been received from Natural England, who was consulted due to the ecological sensitivity of the site, particularly as a potential habitat for bats. Natural England has outstanding concerns regarding the proposal at this stage, and considers that further information should be submitted to adequately demonstrate whether or not the development would have an adverse effect on species especially protected by law; in this case, bats. The main issues raised by Natural England are as follows:

- Natural England were consulted with regard to the initial proposal in January 2009 and on that occasion highlighted that the ecological survey carried out in respect of the scheme was undertaken outside the optimum time for bat activity (May to August for known roosts);
- A thorough inspection of the site has been undertaken in respect of this application, but was carried out in November, outside the optimum summer period;
- Although the survey reports only a low risk that the outbuildings are used by bats, surveys of the adjacent All Saints Church in 2006 revealed multiple bat species feeding in the immediate area. As bats are a mobile species that can move into a structure at any time, to ensure that all material considerations are addressed, Natural England advises that emergence surveys are carried out within the optimum time. The results of these surveys will enable the planning authority to make a thorough assessment on the likelihood of harm to bats from the demolition of the outbuildings.

The comments conclude that the Council, as Local Planning Authority, should not consider an approval of the application until the applicant submits sufficient information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
H_22_Residential development within the curtilage of an existing house
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
H_17_Nursing and rest homes to respect amenity / established local character

COMMENTS:

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

- principle of the proposed development
 - impact of the proposed development on visual and residential amenity
 - impact of the proposed development on highway safety
 - impact of the proposed development on protected trees
 - impact of the proposed development on protected species and ecology
-
- **PRINCIPLE OF THE PROPOSED DEVELOPMENT**

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

In addition to the above, policy H17 of the UDP indicates that the provision of nursing homes and other residential accommodation for people in need of care by the construction of buildings and conversion of large units in their own grounds will normally be approved, provided they are not detrimental to general amenity and the established character of the locality.

Given that the vicinity is characterised by residential dwellings and as the site already includes a residential care unit, the proposal is considered to comply with the requirements of policies EN10 and H17 and, in principle, is broadly acceptable.

- **IMPACT OF DEVELOPMENT ON VISUAL AND RESIDENTIAL AMENITY**

Policy B2 of the UDP requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality. Policy H22 states that new residential development within the curtilage of an existing house will only be acceptable if it is not detrimental to

general amenity and to the established character of the locality. Proposals must demonstrate how parking and servicing requirements will be met; 'tandem' development (whereby one house is positioned immediately behind the other and sharing the same access) will normally be refused.

Although the proposed building will occupy the curtilage of an existing residential facility, this is not necessarily considered to be problematic. The proposed development effectively acts as an extension to the existing facilities found within the vicarage, rather than introducing an additional use, and will share the untouched amenity space of the large lawn found to the west. Providing the access and parking arrangements are satisfactory, it is considered that the curtilage can comfortably accommodate additional development and as such satisfy the requirements of policy H22.

The use of the area of land to the east of the vicarage for the proposed building is considered to be generally appropriate, although it will result in the building being relatively prominent from Church Road. The lawn to the west of the vicarage would provide a more secluded site for the building, but this is used as amenity space by residents and as such is not desirable for development. The proposed two-storey scale of the building is considered to be acceptable within the locality, for the building will relate to the massing of the adjacent church and existing vicarage on the western side of Church Road rather than conflict with the scale of the bungalows on the eastern side. Furthermore, the proposed building is set back 6.4 metres from the eastern boundary of the site and will be well-screened by a number of retained protected trees. As such, it is considered that a building at this site and of this scale will not appear as overly dominant within the existing streetscene or be harmful to the established character of the area.

The layout of the proposed development raises a number of concerns, particularly with regard to the relationship between the proposed building and the existing former vicarage. The spacing of 2.2 metres between the proposed building and former vicarage is not considered to be enough to provide an adequate visual break to allow for the attractive and interesting architectural features of the vicarage to be viewed without obstruction. As such, it is considered that the proposal will be harmful to the setting of the former vicarage.

The treatment of the southern (front) elevation of the proposed building is generally acceptable, with the arrangement of fenestration replicating the composition of the southern elevation of the existing vicarage building. However, the appropriateness of the use of render and smaller glazed panels within the front elevation of the building is questionable, and further justification of this is sought. The east elevation of the proposed building facing Church Street is relatively blank; although well screened when trees are in leaf, it may be necessary to improve the detailing of this facade to add interest when the trees are bare.

Similarly, the north (rear) elevation of the building is rather monotonous in appearance, with unbroken, regular arranged fenestration throughout. Again, it may be necessary to integrate additional design features, possibly with a cue taken from the appearance of the adjacent vicarage, to provide variety and interest to this elevation.

The proposed development raises no concerns with regard to the residential amenity of neighbouring dwellings. The front elevations of the nearest residential

properties, 34 and 35 Church Road to the east of the development site, are a minimum of 22.5 metres from the east elevation of the proposed building. Supplementary Planning Guidance (SPG) to the UDP recommends a distance of 21 metres between elevations containing main facing windows. The separation distance of 22.5 metres between the two is considered to be sufficient to ensure these dwellings will not suffer a loss of outlook, privacy or suffer overshadowing.

In general, the scale, massing and siting of the proposed building is acceptable and neither does the proposal raise any significant concerns with regard to the residential amenity of neighbouring residents, in compliance with the requirements of policies B2 and H22 of the UDP. However, the relationship between the proposed building and the attractive existing vicarage requires additional assessment, whilst the elevational treatment and use of materials requires further consideration to provide the architectural detailing necessary to create a building of higher quality design.

- IMPACT OF PROPOSED DEVELOPMENT ON HIGHWAY SAFETY

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated. Policy T22 states that in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to: development type (e.g. scale, use, catchment, user characteristics) and locational characteristics (e.g. accessibility by modes other than private car, population density, historic character).

The highway safety, access and parking implications of the proposed scheme are still being assessed with due regard to policies T14 and T22 of the Unitary Development Plan.

- IMPACT OF PROPOSED DEVELOPMENT ON PROTECTED TREES

Policy CN17 of the UDP states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible.

The application proposes the removal of a total of seven trees from the site, four of which are protected by Tree Preservation Order 113. The removal of four poplar trees (referenced 1R (not protected), 2C, 3C and 4R on the plan submitted with the Arboricultural Survey; T3, T4 and T5 on the Order) adjacent to the northern boundary of the site was considered to be acceptable to facilitate the development proposed by the withdrawn application no. 03/01958/FUL. These trees are of low retention value and deadwood is present in all specimens. Similarly, the removal of a sycamore (ref. 5C/T13) standing adjacent to the existing outbuildings is also considered acceptable.

The two elderberry, adjacent to the access point and on the outside of the turning circle, require removal to improve access and parking arrangements. It is also proposed to remove the northern section of a group of cypress stems to the west of the turning circle, which provides screening of the rear garden of the vicarage but will conflict with the proposed parking provision. These trees are not protected and not particularly good specimens or of significant amenity value, and so their loss is considered to be acceptable.

The Arboricultural Report also proposes that protective barriers should be erected around all trees to be retained within the site prior to the commencement of development. In addition, some trees adjacent to the new infrastructure (namely nos. 6, 12, 14, 17, 19, 27, 28, 29, 31 and 32 on the submitted tree plan) have root protection areas extending significantly into areas identified for development. It is important that no damage is caused to the rooting area; therefore special 'no-dig' tree friendly methodology should be laid in areas indicated on the plan submitted with the survey. Pile foundations will also be required in the construction of the new building to prevent damage to roots of adjacent protected trees. Such measures are considered appropriate and necessary at the site and their implementation will be required by conditions attached to any approval.

The most mature and attractive trees within the development site are to be retained, with those along the eastern boundary providing valuable screening of the proposed building and a significant degree of amenity value to the existing streetscene. The trees to be felled are mostly poor specimens within the interior of the site. As such, it is considered that the tree works proposed to facilitate the proposed development are acceptable, and, provided that the tree protection measures suggested by the Arboricultural Report are implemented, there should be no significant harm to retained trees or the character and appearance of the existing streetscene. The proposal is therefore considered to comply with the requirements of policy CN17 of the UDP.

- IMPACT OF PROPOSED DEVELOPMENT ON PROTECTED SPECIES

Policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the City.

Given the proposed removal of two outbuildings and a number of mature trees, the application has been accompanied by a Wildlife Survey. The survey concludes that no definitive evidence indicating the presence of roosting bats has been recorded within the site, and that potential roost sites are limited to crevices between supporting timbers and the wall tops. There is considered to be a low risk that small numbers of bats, most likely common pipistrelles, use the buildings during the year, excluding the hibernation period. Potential roost sites that are available are not suitable for hibernating bats due to variability of temperatures in such crevices.

Due to the relatively small size of the lofts, limited suitable foraging/cover and the absence of field signs present during survey, there is considered to be a

negligible risk that the buildings are used by void roosting species such as Natterer's and brown long-eared bats. Similarly, it is considered that there is no more than a negligible risk that a maternity roost is present at the site.

However, as outlined within the 'Representations' section of this report, Natural England do not consider the submitted survey to be sufficient to allow for an accurate assessment of the implications of the proposed development in relation to bats. Natural England's objection has been forwarded to the agent of the applicant, who wishes to discuss the comments further with an officer at Natural England and the ecologist employed to undertake the survey to ascertain whether the concerns of Natural England can be overcome without waiting until May to carry out an emergence survey.

The outcome of the discussions between the agent of the applicant and Natural England are awaited, as is the receipt of a consultation response from Durham Bat Group. Until these discussions are resolved and a response from Durham Bat Group is received, it is not possible to fully assess the implications of the proposed development in relation to the requirements of policy CN22.

CONCLUSION

Whilst the use of the land in question for the proposed development is considered to be, in principle, acceptable, the design of the proposed building and its relationship with the existing vicarage is of concern and is considered to require alteration and modification. Additionally, the implications of the proposed development in relation to highway safety, access and parking and protected species is still being assessed. Consultation responses from Durham Bat Group, Northumbrian Water and Hetton Town Council are also awaited.

It is anticipated that a full assessment of the outstanding matters will be complete prior to the meeting of the Development Control Sub-Committee. It is also anticipated that the outstanding responses of statutory and non-statutory consultees will be received prior to the meeting. The responses of these consultees and further assessment of the outstanding issues will be reported in the Supplementary Report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report