

## **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 Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/02178/FU4 Full Application (Reg 4)

**Proposal:** Construction of 112no. dwelling houses with associated works including demolition of existing buildings, stopping up of existing highways, accesses, public open space and infrastructure.

**Location:** Land At Downs Lane Hetton-le-Hole Houghton-le-Spring

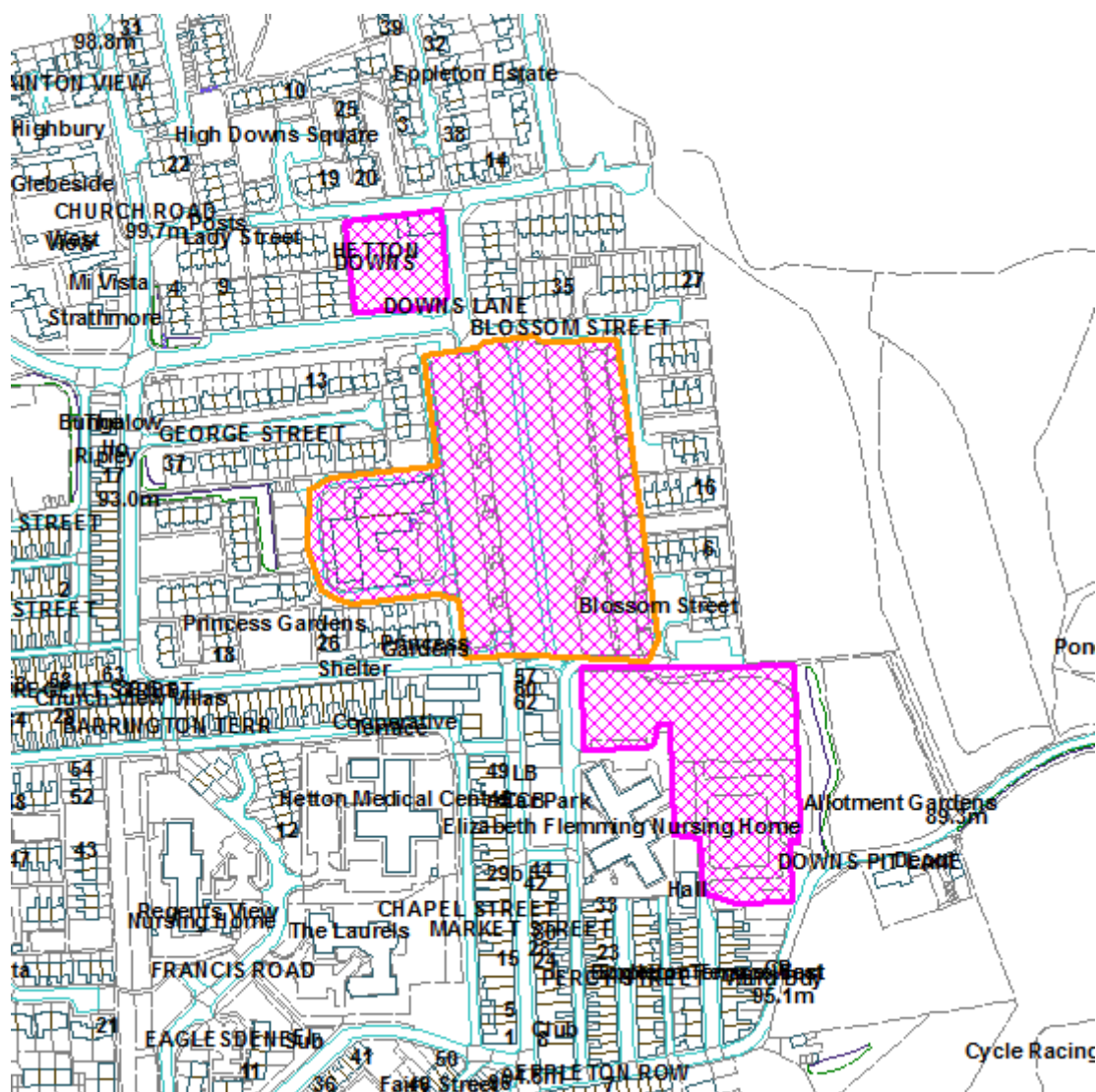
**Ward:** Copt Hill

**Applicant:** Gleeson Regeneration Ltd.

**Date Valid:** 13 February 2018

**Target Date:** 15 May 2018

## Location Plan



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## **PROPOSAL:**

The site comprises 3.33 hectares of land at Hetton Downs in the Hetton area of the City. The application site is owned by the Council and the Applicant, Gleeson Homes and Regeneration, have agreed to purchase the site to develop it for residential use.

The Council acquired the land from Homes England in order to bring forward the site for residential development in line with the Hetton Downs Housing Delivery Plan (HDHDP). The Council is implementing a programme of housing-led renewal in the Hetton Downs area, which is primarily being funded by Homes England with additional funding from allocated reserved and former Single Housing Investment Pot. As part of this regeneration programme, the Council acquired the freehold interest of what is now the application site over a number of years. The application proposal therefore represents the fruition of that process and an opportunity to regenerate a significant brownfield site within Hetton.

The site is located within an established residential area and adjacent to earlier phases of Gleeson development to the north. The application site comprises of 3 parcels of land. Parcel A is a greenfield site and is surrounded by existing housing; Parcel B is also surrounded by existing housing, the western area of which currently accommodates a collection of vacant buildings, whilst the eastern area was formerly occupied by residential development which is now cleared. Finally Parcel C previously operated in part as a Council depot which is now cleared, and bounds existing residential housing to the north/ north-west/ south, allotments to the east, and the Elizabeth Fleming Nursing Home to the south-west.

In summary the application proposal is seeking to develop 112 homes across these three parcels of land, comprising a mix of 2, 3 and 4 bedroomed semi-detached and detaching properties.

The application has been supported by:

- Design and Access Statement
- Affordable Housing Statement
- Sustainability Statement
- Land contamination studies
- Construction Management Plan
- Site Waste Management Plan
- Ecology Reports and Surveys

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Tyne And Wear Archaeology Officer  
NE Ambulance Service NHS Trust  
Nexus  
Natural England  
Environment Agency  
The Highways Agency

Hetton - Ward Councillor Consultation  
Network Management  
Copt Hill - Ward Councillor Consultation  
Hetton Town Council  
Environmental Health  
Northumbrian Water  
Southern Area Command - Police  
Flood And Coastal Group Engineer  
Northern Electric  
Director Of Childrens Services  
Hetton Town Council

Final Date for Receipt of Representations: **27.04.2018**

## **REPRESENTATIONS:**

### **Publicity**

In accordance with the Town and Country (Development Management Procedure)(England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by neighbour notification letters, press and site notices.

Twelve letters of representation were received following the public consultation exercise, two of which were from Cllrs Cunningham and Johnston.

Some of objections stated that in principle they had no objections to the land being built on for houses, however, many expressed strong concerns over the access roads leading to the new development, particularly the then proposed southern access into Parcel C from Eppleton Row through to Eppleton Terrace East, which is at present a dead end and the location of the former Council compound.

Objectors highlighted that when existing residents park their cars in Eppleton Terrace East/ West they effectively become single lane roads, thereby highlighting concerns over highway safety and amenity impacts and the ability for emergency services being able to access Parcel C from the south.

Objectors asserted that using Eppleton Terrace East would negatively impact on the quiet nature of Eppleton Terrace East, and damage properties and vehicles (particularly construction traffic) and negatively impact on house prices.

Some of the objectors highlighted parking problems associated with the Scout Hut to the north of Eppleton Terrace East, as well as visitors to the facilities within Market Street. Objections queried where those visiting the Scout Hut would park given that they use the former Council compound, which is now proposed to be developed for housing, Parcel C.

Two objectors considered that a better alternative would be to provide access to Parcel C via the junction with Regent Street and Market Street, which is presently closed courtesy of bollards.

Another objection expressed surprise at the fact that the transport assessment was based on only 4 hours of data and then raised concern over the additional volume of traffic within the area.

Objections were also received regarding the development of what has been identified as Parcel A; expressing concern over the loss of green space. One of the objectors highlighted the earlier phases of Gleeson's development in the area and that additional development on this land would impact on the character and amenity of the area. The objector also considers that the proposed two storey properties would not be in keeping with the adjacent bungalow properties, whilst highlighting privacy and loss of light and outlook from their property. Parking issues around Parcel A were also highlighted and the loss of on-street parking within this area being brought about by the development of the houses.

#### Cllr Jack Cunningham

Considered the application proposal to be overdevelopment and also objected to the building on the land surrounding the existing off-licence, what is known as Parcel A.

A second concern related to the provision of social housing and without it the Cllr could not support the application.

Another concern related to the flow of traffic in the area and whether it would be better to have a roundabout at the top of Regent Street at what would become the junction with the road coming from the development. A related concern related to construction traffic routes and concerns over parked cars throughout the area and the associated nuisance and dangers.

Lastly, Cllr Cunningham requested that Section 106 monies should be put back into the community to invest in play provision in the Hetton Downs Ward.

#### Cllr Johnston

What amount of social housing is being proposed by the development?

The Cllr also expressed concerns regarding the road network in the area and the existing congestion and parking problems and also highlighted existing parking problems on Regent Street and similar problems on Eppleton Row and the congested junction between Market Street and Caroline Street.

Finally, Cllr Johnston queried how the surrounding road network will be managed in terms of construction traffic in order to prevent disruption or nuisance in those streets.

#### Hetton Town Council

Hetton Town Council firstly commented in support of the much needed development, however, expressed great concern regarding access/ egress from the proposed site. In particular Hetton Town Council highlighted the area south of Eppleton Terrace West where there is tremendous congestion experienced daily from existing residential parking on narrow roads. The adjacent Caroline Street has a five way junction which would become congested. Consequently, Hetton Town Council considered the proposed access at this location to be totally unacceptable and inappropriate.

Members also made comment on the Regent Street/ Market Street junction and access point. Concerns were expressed regarding the current and future volume of traffic flow. However, the reopening of Downs Lane was then noted and this was recognised as being able to help the flow of traffic, as such this aspect of the application proposal was considered to be very necessary.

Lastly, comments were made in respect of children's play and/ or seated communal recreation areas, which were considered to be much needed and should be considered within the consideration of the application.

## Fire Authority

The Fire Authority has no objections to the proposal, subject to the provisions of their enclosed report which was sent in with the consultation response. However, the report is entitled Building Regulations - B5: Access and Facilities for the Fire Service and therefore cover matters more directly pertaining to Building Regulations.

## County Archaeologist

The Tyne and Wear County Archaeologist responded by confirming that she had no comments to make to the application proposal.

Members should note that comments were received from Highways England, the Council's Network Management Engineers (highways), the Council's Ecology Team (ecology), Public Protection & Regulatory Services (ground conditions and amenity) and Education Children's Services (planning obligations). These matters will be discussed in the following and their relevant consideration sections of this report.

## **COMMENTS:**

### **Legislation**

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 are considered relevant to the consideration of this application.

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

All planning applications in Sunderland are assessed against the saved Policies in the Unitary Development Plan (UDP) 1998.

The Core Strategy and Development Plan (CSDP) is emerging planning policy and as it progresses through the adoption process it will gain further weight in the assessment of applications.

### **National Planning Policy Framework**

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF), which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development toward sustainable locations, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development, or where there are no relevant

development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- (i) the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

## **Considerations**

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

- 1. Land use and policy considerations
- 2. Highway engineering considerations
- 3. Design and heritage considerations
- 5. Drainage considerations
- 6. Ground Conditions
- 7. Amenity considerations

### **1. Land use and policy considerations**

The application site is entirely located within white land by virtue of the Proposals Maps of the UDP and as such, is governed by policy EN10. This policy covers those areas of the City where the existing land use pattern is satisfactory and is not identified for any particular purpose. Development is required to accord with the strategic and City-wide policies and will need to be compatible with the principal land use of the surrounding area. Consequently, in terms of the application proposal's compatibility with the surrounding area it is clear that it is complementary given the site's location with the existing Hetton Downs residential area.

Furthermore, any application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment (SHLAA) and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. In accordance with the requirements of paragraph 67 and in order to assess the supply of housing land available in the City, the Council produced its most recent and applicable SHLAA in 2018. The SHLAA identifies sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

Officers would draw to attention, as a material consideration, to the fact that the site (328) has been identified as being deliverable within the next 1-5 years and as such, is a key component of the City's housing delivery.

In conclusion, as the planning application involves residential development in a residential area the proposed development is considered acceptable in principle.

Nevertheless, as policy EN10 requires application proposals to accord with strategic and City-wide policies the following sections discuss those policies considered most relevant to the application proposal.

## **2. Highway engineering considerations**

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

- give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- allow for the efficient delivery of goods and access by service and emergency vehicles;
- be designed to enable charging of plug-in and other ultra-low emissions vehicles.

Policy T14 of the Council's UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 seeks to ensure development is provided an appropriate level of off-street parking.

Meanwhile, policy ST2 of the Council's Publication Draft CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;



- they will not create a severe impact on the safe operation of the highway network.

Following the submission of the amended scheme the Council's Network Management engineers commented considered that their previous concerns regarding the site's access arrangements were now considered to have been addressed to their satisfaction. These are as follows:-

The reopening and widening of Downs Lane to width of 6.7metres to enable the passage of two way vehicular traffic. The road width of 6.7metres will also allow access for bus services. Locations for any new bus stops and infrastructure should be agreed through the Section 38 highway adoption technical approval.

A footway and visitor parking bays have been provided to the western side of Downs Lane. Each proposed property will benefit from in-curtilage parking spaces, the majority of which will be have space for two vehicles. The application proposal will also benefit from a significant amount of visitor parking spaces, which are distributed throughout the proposed layout, whilst significant areas of the existing in-lays are retained.

A 5.5metre wide access road to accommodate two-way traffic has been provided to the immediate north of 62 Market Street. This will provide appropriate access as an alternative to the original proposed access via Eppleton Terrace. Signing and road-markings should be agreed through the Section 38 highway adoption technical approval.

The vehicular access via Eppleton Terrace has been removed and replaced with a footpath link.

A site dilapidation survey will be required prior to any work commencing to assess the condition of the existing road network. Any damage caused by HGV or construction traffic associated with the development will need to be rectified at the developer's expense. Any remedial and resurfacing works will need to be agreed and carried out to the satisfaction of the Local Highway Authority.

### Highway Contributions

Highways England has recommended a condition requiring the completion of an improvement scheme at the A19/A690 Doxford Park junction prior to the first occupation of dwellings on the proposed development.

Sunderland City Council is required to deliver a scheme of junction improvements following a successful bid and the receipt of grant funding from Highways England. The proposed scheme is currently subject to detailed design and required to be delivered early 2019. There is a requirement for private match funding from developments impacting on traffic growth at this junction. A sum of ?38,500.00 is sought from the applicant to enable delivery of this scheme and the sum sought is based on trip generated by this development with an impact on this junction.

- Highways England

Having reviewed the trip distribution presented by the application's transport submission Highways England noted it indicated that approximately 25% of development trips would use the A690 towards the A19/A690 Doxford Park junction. However, after conducting an independent assessment using their own highway model this exercise indicated that it was more in the order of 32-33%. Given this level of estimated trips and the level of proposed residential development in the South Sunderland Growth Area, the proposed development is considered to have a cumulative impact at the A19/A690 Doxford Park junction.

Therefore, Highways England have requested, in the event that Members are minded to approve, a condition to be included which requires the completion of the improvement scheme prior to first occupation of the development. The condition is as follows:-

*"Prior to first use or occupation of any part of the development, the improvements to the A19/A690 Doxford Park junction, as illustrated in principle on SYSTRA drawings V3B0043-01-100, V3B0043-02-100 and V3B0043-03-100, shall be completed to the satisfaction of the Local Planning Authority."*

*Reason:*

*The above condition is in the interests of safety and the free flow of traffic on the A19 and the A19/A690 Doxford Park junction."*

- Nexus

Nexus responded by requesting the developer fund the installation of a bus boarder (and an additional raised pavement to make boarding the bus accessible for all) for the eastbound bus stop on Lady Street, at the southern end of the footpath to the west of the land proposed for the development. This would also require the existing bus stop pole and flag to be relocated. Nexus also requested the developer to fund two four-weekly All Zone Network One travel passes per dwelling and that a travel plan should also be developed.

In response, the Council's highway engineers have highlighted that bus stops and infrastructure will be agreed via the Section 38 highway adoption technical approval, whilst, in the event that Members are minded to approve, a condition can be included requiring the agreement of a travel plan. In terms of the All Zone Network travel passes, these comments are noted, however, as are the existing public transport options already on offer and as such, officers do not consider this request by Nexus is necessary to make the development acceptable in planning terms.

### **3. Design and residential amenity considerations**

The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF states at paragraph 127 that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy B2 of the UDP requires the scale, massing, layout or setting of new developments to 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.

Supporting policy B2 the Council has supplementary planning guidance in the form of the Residential Design Guide. This adopted document provides guidance at Section 10C in respect of spacing standards within residential development. The space between dwellings in terms of main facing windows is expected to be 21m for a two storey properties, whilst for main facing windows towards a side or end elevation is expected to be 14m. Where there are differences in ground levels this horizontal relationship is altered so that there is an additional 2m added on for every 1m level difference.

With this guidance in mind it is noted that the layout of the proposed development is centred on the existing road infrastructure and as such, presents an outward facing development. Each property is considered to benefit from reasonably sized outdoor amenity space and is spaced between 21m and 14m from their nearest neighbour. As a consequence the proposed residential amenity for the proposed properties is considered acceptable.

In terms of the existing properties, particularly those in Blossom Street, Downs Lane, Lady Street, George Street, Regent Street, Eppleton Terrace East and the Elizabeth Flemming Nursing Home and at the request of the case officer, the Applicant has submitted finished floor levels, ground levels and surrounding eaves heights of existing properties via the engineering and drainage package of information.

Reviewing this part of the submission it is considered that a satisfactory degree of spacing, in compliance with the Council's spacing standards, is achieved between the existing and proposed properties.

In particular it is noted that the spacing relationships have satisfactorily accounted for the more graded area of the site where the old dairy buildings are located. It is noted that the existing properties to the north of the dairy buildings are elevated relative to their nearest proposed properties, however, the spacing afforded is 22.5m at their closest point, whilst 28.5m is achieved between the elevated proposed properties relative to the existing properties to the south of the Dairy buildings. Consequently, the existing and proposed relationships, orientation of properties to one another and the spacing achieved are considered to ensure a good standard of amenity is maintained and achieved for existing and proposed residents.

In terms of the proposed spacing relationships with those properties surrounding Parcel A, again it is considered that the combination of proposed spacing, orientation of the proposed properties relative to each other as well as to the existing residents will ensure an acceptable spacing relationship. This area of the site has also been softened by the setting in of the boundary enclosures and introduction of a landscaped strip to the side of Plots 1 and 11, thereby lessening direct impacts on the adjacent footway and opposing existing residential properties.

It is also noted that elements of open space are also proposed between the reopened Downs Lane and George Street and the southern end of Downs Lane, whilst the amended scheme has replaced the offending road connection between Eppleton Terrace East and the southern edge of

Parcel C with a green corridor link and footway. Each of the proposed properties will also benefit from open lawned front gardens, and in some instances these areas are significant in view of some of the proposed plots' turning corner locations. These assist in lending the development a landscaped appearance.

In view of these areas of open spaces it is considered appropriate to require a pre-occupation condition, should Members be minded to approve, which demonstrates how the public areas will be maintained for the lifetime of the development. It is also considered necessary to include a plan showing the defined curtilages of each plot so a clear understanding of what areas will be maintained is understood and agreed.

In terms of appearance and in light of the on-going and substantial re-development already undertaken by the Applicant to the north of the site, the proposed properties are considered to complement the existing regeneration within the wider area and therefore relate harmoniously to the surrounding area.

#### **4. Drainage considerations**

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding). Policy WWE2 of the Publication Draft CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The application has been supported by a Flood Risk and Drainage Strategy and updated Surface Water Drainage Strategy.

In terms of flood risk the site is located within Flood Zone 1 and as such, has a low probability of flooding from river and sea. The proposed development is therefore deemed appropriate based on Table 3 of the NPPF Technical Guidance. The nearest watercourse is an unnamed ordinary watercourse approximately 100m to the east of Site B but levels are such that it does not post a flood risk to any of the development sites.

The Drainage Strategy confirms that permeable crushed aggregate construction will be used on private drives, shared drives and parking areas to maximise infiltration and reduce the volume of storage required.

The drainage design solution will use flow attenuation structures to control the discharge from sites A and B to an existing surface water sewer in Blossom Street. An additional flow attenuation structure will be provided to control the discharge from site C to the same existing surface water sewer. This existing surface water sewer discharges to a culverted watercourse that outfalls to Hetton Burn within Hetton Country Park.

The surface water system and flow attenuation structures consisting of oversized pipes will be adopted and maintained by Northumbrian Water. The adoptable surface water sewers for the development have been designed to ensure no flooding of any part of the site during a rainfall event with a return period of 1 in 30 years.

The Drainage Strategy highlights that the exceedance storm crate structures on Site B and Site C for storm events above the 1 in 30 event will be maintained by a management company appointed by the developer, whilst a separate "SuDs Management Plan" will be submitted for these structures. Furthermore, the Applicant's drainage strategy considers that the analysis of all storm events up to and including the 100 year plus 40% climate change will be retained on site.

Northumbrian Water responded to their consultation request by highlighting that an enquiry was received from the Applicant to ascertain suitable connection points and discharge rates to the public sewer network for foul and surface water flows. Northumbrian Water has indicated that the adjacent sewer network does not, at present, have the capacity to accommodate the additional flows that would be brought about by the application proposal.

Consequently, on receiving certainty that this development will proceed, following the granting of planning permission, Northumbrian Water will then carry out further assessment work to inform subsequent investment to enable a foul drainage strategy to be agreed for the site. In order for Northumbrian Water to agree a suitable foul and surface water drainage strategy following further assessment works they have requested the following condition:-

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To prevent the increased of flooding from any sources in accordance with the NPPF.

In their initial consultation response the Lead Local Flood Authority (LLFA) considered the initial submission and requested that further detail and information be submitted. As consequence the Applicant has submitted an updated Surface Water Drainage Strategy. The detail of this report is being given further consideration, along with its analysis and drainage modelling work. It is envisaged that confirmation of LLFA comments in respect of this aspect of the application proposal will be reported to Members at the Committee Meeting.

Overall, in terms of flood risk the proposal is considered acceptable, being in flood zone 1 and subject to the imposition of the Northumbrian Water's required condition. Furthermore, in terms of those matters of detail in respect of surface water drainage, the comments from the LLFA will be reported to Members at the Committee where it is envisaged that conditions will be suggested.

## **5. Ground conditions**

The NPPF states that local planning authorities should seek to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or

land instability. Planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

UDP policy EN14 states that where development is proposed on land which there is reason to believe is either:

- I. Unstable or potentially unstable;
- II. Contaminated or potentially at risk from migrating contaminants;
- III. Potentially at risk from migrating landfill gas or mine gas.

The Council will require adequate investigations be carried out with remedial, or precautionary, measures detailed. Planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been supported by a Preliminary Appraisal Report (Desk Study), Coal Authority Report and a Geoenvironmental Appraisal and associated documents.

Public Protection & Regulatory Services' (PPRS) initial response reviewed the submitted reports and confirmed that it does not appear that land contamination is a significant constraint to development and it was initially recommended that conditions be included requiring an updated risk assessment, remediation strategy and verification plan, validation report and any unexpected contamination to any granted consent.

Following these initial comments the Applicant responded via email on the 19 October 2018 by expanding on the proposed methodology outlined in the Remediation Strategy document and that the soil conditions at the site will not present any significant risk to human health. Following these detailed comments colleagues in PPRS reassessed their previous response and confirmed that the density of testing met the standard for preliminary investigation and on this basis, and subject to the implementation of a suitable strategy for managing the problematic areas (identified by the testing results), no further pre-commencement investigation is now required.

Nevertheless, as the process of separating poorer soil from good soil is considered to be part of the remediation process, it will still be important to agree a verification plan to validate the work so there can be confidence that at the end of the process the Council is provided with a data set that shows that the remedial objectives have been achieved.

In conclusion, in terms of ground conditions it is considered that the proposed development is acceptable subject to conditions being included covering the required verification plan and subsequent Verification Report, as well as a condition for dealing with the eventuality should unexpected contamination be encountered at the site.

In the absence of any material considerations to the contrary, officers consider the proposed development accords with the above policy.

## **6. Amenity considerations**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life (in accordance with the Noise Policy for England).

Policy EN5 of the Council's adopted UDP is also concerned with noise and states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Colleagues in PPRS noted that the Applicant submitted a Construction Management Plan advises that the site will be operational between 08:00 - 18:00 Monday to Friday and 09:00 - 13:00 on Saturdays. These hours are considered reasonable and are accepted by PPRS.

The Construction Management Plan highlights that noise assessments have been undertaken, however, PPRS have noted that these do not appear to have been included in the assessment.

PPRS have also noted that dust is proposed to be controlled by dampening down using a bowser or road brush and if necessary a daily road sweep and a wheel wash facility will be provided. These measures are considered to represent a reasonable approach to managing construction effects in the event that Members are minded to approve the application.

In terms of construction routes the Construction Management Plan indicates that this will via Downs Lane, both existing and when it is re-opened. The construction compound and contractor's car park is earmarked for the existing grassed area to the east of Lady Street and George Street, with existing residential properties facing these locations. It is therefore considered that further details are necessary in terms of how their residential amenity will be reasonably safeguarded.

In conclusion, given the proximity of sensitive receptors to the proposed site, PPRS have recommended that the Construction Management Plan be updated to include details of the noise assessments, as well as the consideration of the control of lighting, dust and other airborne pollutants, vibration, smoke and any odour. Further detail is considered necessary as to how the residential properties surrounding the proposed construction compound and contractor's car park are to be reasonably safeguarded. In the event that Members are minded to approve this could be the subject of a planning condition.

## **7. Ecology and arboricultural considerations**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

UDP policy CN18 seeks the protection of the interests of nature conservation throughout the City, policy CN20 seeks to safeguard Sites of Special Scientific Interest, policy CN21 seeks to safeguard Local Nature Reserves and policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, whether directly or indirectly, will not be permitted unless mitigating action is achievable through 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.

The planning submission has been supported by the following:

- Bat Survey Report, October 2016;
- Preliminary Ecological Appraisal, 6 March 2018;
- Ecology Report, dated 16 May 2018;
- Bat Risk Assessment Survey Report, dated 28 January 2019;
- Tree Survey, dated 13 April January 2019;
- Proposal to eradicate Japanese Knotweed, dated 2 November 2016.

The Ecology Report, dated 16 May 2018, considered the habitats on site to be common in the wider area. The majority of Sites A & B are amenity grassland, species poor and kept closely mown and are of low ecological value. Trees on Site B are recognised as having the highest ecological value being mature specimens and are considered to be of local value.

The Report identified that the development would have short term impacts in terms of loss and disturbance of habitats for breeding birds, hedgehog, bats and potential harm via entrapment through the creation of trenches and holes in the ground. Long term impacts were identified as being the loss of bird nesting habitat, such as scrub and trees, disturbance through increased lighting for nocturnal species, the permanent loss of foraging habitat and the spread of Japanese Knotweed. Consequently, the 16 May 2018 Ecology Report, at Section 7, has proposed a series of mitigation measures that seek to mitigate the identified impacts.

In respect to impacts on bats the survey data highlight the potential for the presence of one small common pipistrelle roost located on the southern elevation of one of the eastern buildings within the complex of the old dairy buildings. A licence to demolish the building and destroy any roost will be required from Natural England. In terms of impact the survey work undertaken to date considers the loss of this roost would not significantly change the value of the building to the local bat population due to the assessment that it is highly unlikely the building supports maternity or hibernation roosts.

As part of a mitigation strategy the most recent bat report highlights that if any bats are found during the demolition, they will be kept in a secure container with water until dusk on the same day, when they will be released on the site during suitable weather conditions. Then, as mitigation for the loss of the building roost, 2no. bat bricks will be installed within dwellings on a south, east or west elevation (2:1 ratio). Details of bat brick locations and plot numbers are provided in Appendix 2 of that report.

There are a total of 12 trees on site that will be lost to the development, which, although they do not currently support bat roosts or suitable features, could in the future become potential bat roosts. Therefore, mitigation should also include a further 24 bat bricks within the dwellings to mitigate for the loss of the future tree resources lost to the development. In summary, a total of 26 bat bricks would be installed within the development, should Members be minded to approve, their locations noted on the figure in Appendix 2 of the January 2019 bat report.



Colleagues in the Council's Ecology Team have reviewed the ecological submission of the application and note the requirement of the Applicant to obtain a Natural England licence. In terms of the proposed mitigation Ecology colleagues consider the number and location of bat roosts/ bricks appear appropriate and have highlighted that the project ecologist should ensure the bricks are at suitable heights and locations of minimal disturbance from external lighting.

In the event that Members are minded to approve the application the Council's Ecology Team have requested that the approval should be subject to the adoption and implementation of the mitigation and compensation measures outlined in the Preliminary Ecological Appraisal (dated 6 March 2018 by Elliott Environmental Surveyors), the Ecology Report (dated 16 May 2018 Elliott Environmental Surveyors) and the Bat Survey Report (dated October 2016 by Durham Wildlife Services), as well as the Bat Risk Assessment Survey Report (dated the 28 January 2019 by Elliott Environmental Surveyors (chapter 6 Mitigation Strategy)).

It has also been requested that as part of agreeing the scheme of ecology works in respect of the old dairy buildings the Applicant should submit to the Local Planning Authority the results of any updating surveys and associated measures for bats that inform the development and Natural England licence. It has also been requested that measures to improve and sustain the site and connectivity for species of conservation concern, such as bats and birds, should be included in that scheme.

The Ecology Team have also requested that a developer contribution should be provided for off-site ecological mitigation to offset the decrease in greenspace on the site and an increase in recreational pressure on local sites of nature conservation importance such as Hetton Bogs, Hetton Lyons and Copt Hill.

The submitted tree report has identified that all trees within the site will be removed to facilitate the development. In terms of the loss of these trees weight is being given to the regeneration benefits from the application proposal and the delivery of a site that forms part of the Council's five year housing land supply. Furthermore, a landscaping scheme forms part of the application submission, which details a number of trees to be planted by way of replacement. The tree report has provided an arboricultural method statement as a contingency only so that any retained trees during the course of the development are protected from grounds works and construction. Colleagues in the Council's Ecology Team have requested that these tree protection measures are implemented during site, surveys, preparation and construction.

The proposal to eradicate Japanese knotweed is welcome and appears to address the issues concerned; and as such should be adopted and delivered in full.

In conclusion, it is noted that the application proposal could realise the loss of a bat roost within one of the old dairy buildings. The bat reports have highlighted that prior to commencement of development within that part of the site a licence from Natural England will be required. By way of mitigation a significant number of bat bricks are to be provided. It is considered that on balance, the application submission has demonstrated an appropriate understanding of its impacts and that subject to obtaining the necessary licence and subject to the mitigation measures detailed in the reports, the application proposal is acceptable and in accordance with policy.

## **8. Planning obligations**

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section

106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions.

Paragraph 56 goes on to advise that planning obligations should only be sought where the following legal tests can be met (as set by Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In this instance, Section 106 contributions were requested by and for the following:

#### Affordable housing:

Policy H16 of the UDP states that the Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. Officer would advise that the Council usually seeks 10% of the dwelling houses on site to be affordable, with an 80% social rented/ 20% intermediate split. In summary, this would equate to 12 affordable units, with 10 being social rented and 2 being intermediate.

#### Education:

Following a formal consultation exercise with Children's Services, officers requested a minimum of £175,767 be allocated towards the funding Primary and Secondary School places within 3 miles of the development and/ or for the provision of citywide special educational needs provision for those pupils for whom accessing a local mainstream school place is deemed inappropriate on account of their additional requirements relating to a disability and/ or learning difficulties.

This obligation would be co-ordinated and allocated by colleagues in Children's Services.

The requested sum is considered necessary to make the development acceptable in planning terms as it will mitigate the impact of new school children being brought to the area by the development proposal. It is directly related to the development as it relates to the funding of education provision in the local area that serves the development site. It is considered fair and reasonable as it based on the Council's estimate of demand for school places based on the size of the development and published Department for Education formula.

#### Highways:

The Council is required to deliver a scheme of junction improvements to the A19/ A690 following a successful bid and the receipt of grant funding from Highways England. The proposed scheme is currently subject to detailed design and required to be delivered early 2019. There is a requirement for private match funding from developments impacting on traffic growth at this junction and as discussed in the highway considerations section of this report 25% (Applicant's modelling) or 33% (Highways England) of trips will use this junction. Consequently, a sum of £38,500.00 is sought from the Applicant to enable the delivery of this scheme.

#### Children's play:

As the application proposal involves over 10 dwellings with 2 bedrooms UDP policy H21 requires the Council to seek for the provision of formal equipped children's play space.

In-lieu of on-site provision a financial contribution for off-site children's play would need to be considered, at a current rate of £701 for each two bed unit i.e. an optimum of £78,512.

#### Ecology:

Following a formal consultation request and given the need to demolish existing buildings on-site the Council's Ecology Team requested a developer contribution for off-site ecological mitigation by virtue of the decrease in greenspace on the site and the potential for an increase in recreational pressure on local sites of nature conservation importance e.g. Hetton Bogs, Hetton Lyons and Copt Hill. A figure of £64,176 has been quoted.

#### Clinical Commissioning Group (CCG):

A request for a Section 106 contribution of ?75,300 to fund the expansion of local healthcare infrastructure was received from an Agent acting on behalf the National Health Service Clinical Commissioning Group (CCG).

However, in terms of the request from the Agent acting on behalf of the CCG, Officers would advise that at present there does not exist sufficient evidence to meet test (c) above i.e. fairly and reasonably related in scale and kind to the development. On this basis the request for S106 contributions from the CCG does not meet the tests of Regulation 122(2) of the CIL Regulations, 2010 (as set out above) and it is advised that it is not sought by this planning application.

#### **Viability Assessment**

In response to the above requests the Applicant submitted a Viability Assessment that confirmed that the application proposal would not be viable if these contributions were made of the development.

Following the submission of the Applicant's Assessment the Council subsequently commissioned the District Valuer (DV) to independently assess the report. The DV is the specialist property arm of the Valuation Office Agency and they provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved.

The DV in concluding their assessment of the Applicant's viability report and following their own testing of viability at the site confirmed that in their independent opinion a scheme for market housing with the affordable housing requirement and section 106 contributions would not be viable. The DV also confirmed that the scheme could not viably support any of the requested planning obligations.

Consequently, given the viability issues associated in developing this long term vacant regeneration site it is necessary to consider whether the absence of the requested planning obligations would outweigh the significant regeneration benefits on offer by the application proposal. In this regard and as with the earlier phases of Gleeson's development to the north of the site, the fact that the application is seeking to realise a key phase of the HDHDP is given significant weight. As is the fact that the site forms a key component of the Council's housing five year land supply. It is also noteworthy that the application proposal will re-open Downs Lane, which is considered to benefit the wider area through the delivery of new road infrastructure.

Nevertheless, as will be discussed in the following section, and in the event that Members are minded to approve this application proposal, a significant amount of money has been identified

from the capital receipt of the land deal between the Council, as landowner and the Applicant that will be dedicated towards the funding the absence of the section 106 request.

## **Capital Receipt**

As already stated, the Council, in conjunction with Homes England, has been implementing a programme of housing-led renewal in the Hetton Downs area.

As part of this regeneration programme, the Council has acquired the freehold land of the application site over a number of years. In 2007, a preferred options report for the Hetton Downs Area Action Plan set out the preferred option for development in the Hetton Downs area over a fifteen year period.

In July 2013, Cabinet approved the Hetton Downs Housing Delivery Plan 2013 - 2020. This set out the key actions the Council intended to deliver over a seven year period to build on the work already achieved and to meet the housing outcomes identified in that Plan. This includes the delivery of circa 477 housing units across the Hetton Downs renewal area broken down into three distinct phases:

- Phase One (2013 - 2016) - approximately 95 units of housing to be developed - this has been completed and is located to the north of the application site;
- Phase Two (2016 - 2019) - approximately 130 units of housing; and
- Phase Three (2017 - 2020) - this includes the adjacent Gentoo and Hellens sites where works have already commenced on the former Broomhill Estate site.

The land comprising Phase Two makes up the application site.

In view of the viability issues associated with the application proposal colleagues in Property Services have recently tabled a Cabinet Report seeking their authorisation to allocate ?575,000 towards the funding of affordable housing and infrastructure improvements. The Cabinet Meeting is due to take place on the 27 March 2019, which is in advance of the Committee meeting. As such, the confirmation of this allocation will be confirmed at the Committee meeting of the 2 April 2019.

However, it is critical to reiterate the fact that the application proposal has been independently assessed by the DV as not being viable and as such, cannot on its own meet any of the requested planning obligations. Moreover, it is also noted that Property Services, via their Cabinet Report, have confirmed that the disposal of the Council's freehold interest is at a price that is considered to be the best reasonably obtainable. Consequently, it is considered that notwithstanding the proposed allocation of the above Capital Receipts and by virtue of the fact that the proposal would deliver a key phase of the housing led renewal of the Hetton Downs area, Officers would wish to state for the record that the application proposal is on balance acceptable without any planning obligation.

## **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 amended proposal is considered acceptable in respect to design, layout and visual impact; residential amenity; traffic impact, including access and parking; land contamination and landscaping.

Subject to the clarification from the LLFA in respect to the application submission's Flood Risk and Drainage Strategy and its associated modelling work, the outcome of which will be reported to Members at the Committee meeting along with suggested conditions, it is considered that as the proposal is in accordance with the main land use policy associated with the site and in

recognition of the significant regeneration benefits on offer, planning permission should be granted consent in accordance with conditions covered by those headings listed below and subject to the detailed conditions stated in the report above.

**RECOMMENDATION:**

Executive Director of Economy and Place to Report

- Development to commence within three years;
- In accordance with the approved plans, including materials, boundary enclosures and finished floor levels;
- Highways England condition;
- Northumbrian Water condition;
- Remediation Strategy;
- Verification;
- Unidentified contamination;
- Construction Environmental Management Plan;
- Landscaping;
- Landscaping 2;
- Travel Plan;
- Surface water drainage scheme;
- Arboricultural Method Statement;
- In accordance with the Ecological Mitigation Measures as detailed in the submitted reports;
- Agreement of Scheme of Ecological works as detailed in the submitted reports;
- Management of open space, including plan showing defined residential curtilages.

**Proposal: Erection of two extensions to the existing press and assembly shop buildings to house additional production capacity and creation of external hardstanding area with associated landscaping and fencing.**

**Location:** Unipres Uk Ltd Cherry Blossom Way Washington SR5 3NT

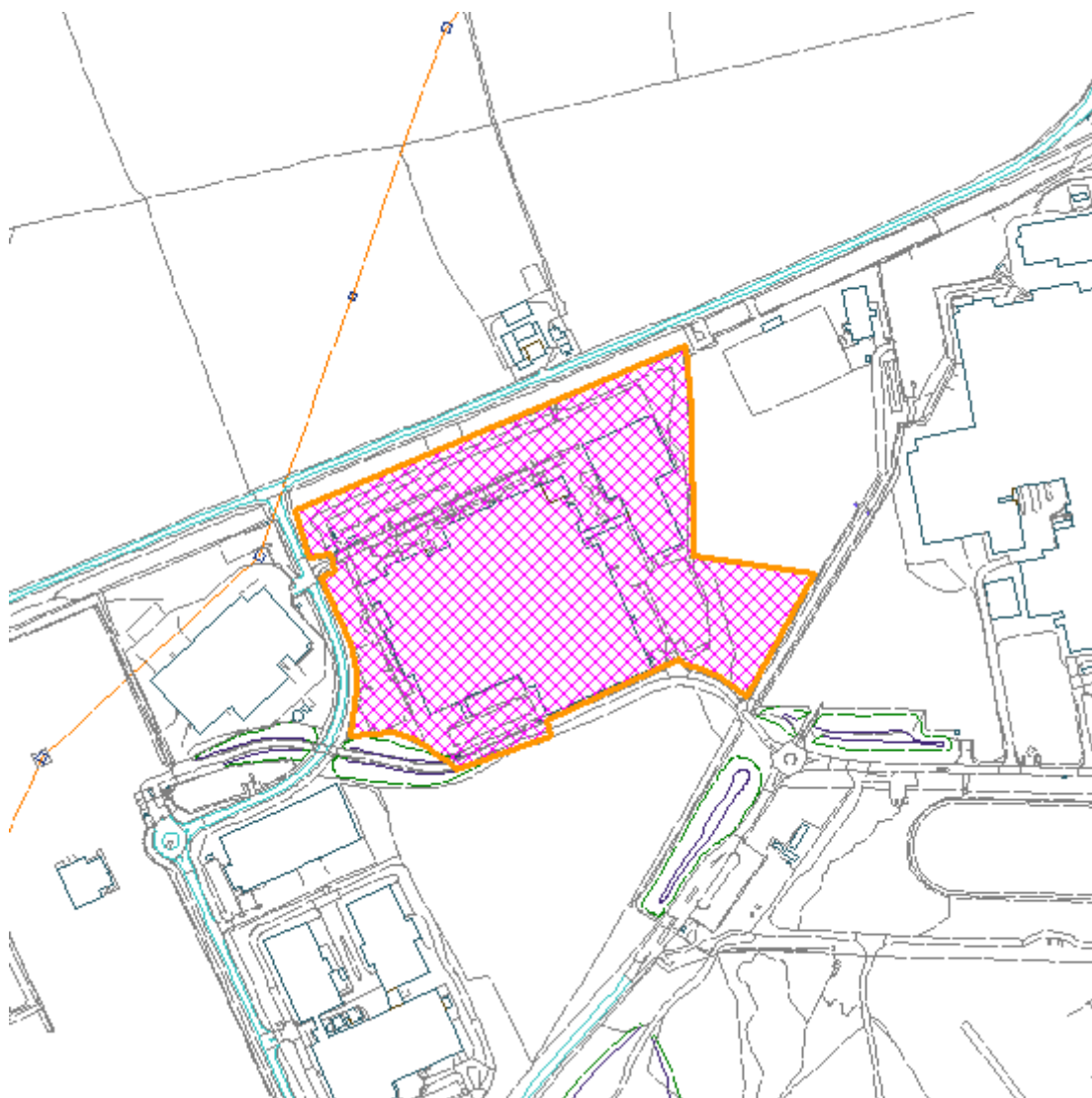
**Ward:** Washington North

**Applicant:** Unipres (UK) Ltd

**Date Valid:** 29 March 2018

**Target Date:** 28 June 2018

## Location Plan



## **PROPOSAL:**

The proposal is for the the erection of two extensions to the existing press and assembly shop buildings to house additional production capacity and creation of external hardstanding area with associated landscaping and fencing.

The factory deals with the manufacture of press formed components for the motor industry and is situated to the south of the A1290, opposite West Moor Farm. The application site measures approximately 11.2 hectares and is situated on the edge of Nissan Industrial Estate. The original building has been extended a number of times in order to keep abreast with the continued expansion of Nissan To the south of the site is the open land, known as Peepy Plantation, whilst to the east and west are other Nissan related industrial buildings. To the north is open agricultural land.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

The Highways Agency  
Network Management  
Network Management  
The Highways Agency  
Washington North - Ward Councillor Consultation  
Network Management  
Environmental Health  
Environment Agency  
The Highways Agency  
Tyne And Wear Archaeology Officer  
Northumbrian Water  
Flood And Coastal Group Engineer  
Business Investment  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **08.05.2018**

## **REPRESENTATIONS:**

Statutory and Non Statutory Responses

The Highways England - Higways England have formally removed the holding direction on the 21st March 2019 and proposed two conditions which are set out in the main section of the report.

Washington North - Ward Councillor Consultation - No response received.

Network Management - No adverse comments received to the propsoed development.



Environmental Health \_ No adverse comments received to the proposed development, conditions required if members are minded to grant planning permission

Environment Agency - No comment

Tyne And Wear Archaeology Officer - No adverse comments, no further work required

Northumbrian Water - No adverse comments received to the proposed development, conditions required if members are minded to grant planning permission

Flood And Coastal Group Engineer No adverse comments received to the proposed development, conditions required if members are minded to grant planning permission

Business Investment- No comment Received

Neighbour Representation

No representation have been received from neighbouring properties.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

WA\_1\_Retention and improvement of established industrial / business area

## **COMMENTS:**

### **ISSUES**

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

1. The principle of the use.
2. The siting, design and scale of the proposed development.
3. The impact of the development upon the visual amenities of the area.
4. The impact of the development upon residential amenity.
5. Highway implications of the development.
6. The impact of the proposal upon the landscape and ecological value of the site.
7. Drainage and Flooding
8. Ground Contamination, Coal, UXO and Stability

1. The principle of the use.

Policies EC2 and EC4 relate to the provision, retention and improvement of land for business and industrial uses, whilst policy WA1 identifies the Nissan Industrial Estate as an established industrial/business area that will be retained and improved for uses including industry.

The proposed use of the grassed land to the side of the main building is considered an natural extension to the factory unit and is not considered to have an adverse impact on the surrounding commercial properties.

Having regard to the above land use policies it is considered that given the proposal relates to a series of extensions to an existing industrial building, located in an established industrial area, then the principle of the proposed development is deemed to be acceptable subject to the consideration of all other material considerations.

The proposed extension and change of use of the grassed area are considered acceptable in principle and as such are considered to comply with policy B2 of the adopted Unitary Development Plan and paragraph 127 of the Revised National Planning Policy Framework 2019.

## 2. The siting, design and scale of the proposed development.

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

### Sub assembly shop extension

The gross internal floor area of the existing building is 25,810 square meters

The gross internal floor area of the existing building following extension is 31,490 square meters

### Press shop extension

The gross internal floor area of the existing building is 18,310m square meters

The gross internal floor area of the existing building following extension is 23,730m square meters

Proposed hardstanding Area 5,110 square meters

Existing site boundary 12.9ha

Proposed site boundary 14ha

The two extensions are complimentary to the existing layout and function as a continuation of the existing manufacturing processes. The press shop extension has been designed to match requirements of the press pits that will be positioned inside and the sub assembly shop extension provides dock levellers along the east elevation to match the existing arrangement. Both proposed extensions are also situated on areas of existing hardstanding.

The press and sub assembly shop extensions are in areas of existing hardstanding and as such, will have no impact on existing ecology or landscaped features.

To mitigate the impact of the proposed hardstanding for the external storage area, the landscape strategy comprises:

A 2m wide belt of raised landscaping will be provided to the northern edge of the proposed hardstanding. This will help to mitigate the visual impact of the storage area from the Nissan playing fields.

A pond situated south of the proposed hardstanding to tie in with the proposed SuDs strategy and to stimulate any potential wildlife.

## Appearance

Main architectural features such as the contrasting trim, flashings and roof parapet of the existing building will be retained and replicated to compliment the functional aesthetics of the main building. The proposed external cladding profiles and colours will be matched (as closely matched as possible) to the existing buildings.

## Conclusion on the scale, massing and layout

It is considered that the proposed extension is proportionate to the scale of the building to which it relates and is not deemed to be significant in the context of the overall site. The building has been sensitively located between two existing structures so as to make best use of the limited space available on the site. Furthermore, the proposal has been designed in a manner that respects the design and external appearance of the existing buildings.

### 3. The impact of the development upon the visual amenities of the area.

#### Impact upon Visual Amenity

In respect of this matter it is considered that the proposed extensions are proportionate to the buildings to which it relates and respects the existing form and design. Furthermore, the resulting visual impact of the proposed extension will be lessened due to the existing landscape features that exist around the periphery of the site.

Given the above, the proposal is not considered likely to have an adverse impact upon the visual amenities of the area and as such complies with policy B2 of the UDP.

### 4. The impact of the development upon residential amenity.

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

The proposed development site is located remotely from residential areas. The nearest residential properties to the application site are The Cottage, West Moor Farm and West Moor Farm which are situated on the opposite side of the A1290, approximately 100 metres away. The proposed development at Uni-Pres is not considered to have any adverse impact on the residential amenity. The land surround West Moor Farm is not subject to commercial development under planning reference 18/00092/HE4, known as IAMP One.

The proposed scheme is therefore considered to accord with policy B2 of the adopted UDP in this respect.

### 5. Highway implications of the development.

The application has been accompanied by a Transport Statement and Travel Plan. Additional information was requested by Highways England and as such revision B of the document was submitted for formal consideration.

Policy T14 relates to the accessibility of developments and their impact upon highway safety whilst policy T22 relates to the level of parking required depending upon the type and location of the proposed development.

The Unipres site is used for the production and distribution of pressed parts for motor vehicles. Unipres is a major supplier to NMUK. The workforce on site during a typical day comprise of office and production staff. The current Unipres workforce totals 1200 staff, comprising of: 150 office staff; and 1050 production staff

The volume of staff at Unipres varies over the year in order to meet the fluctuating demand of their clients. They currently have 810 permanent employees with the remainder being made up of fixed term contract staff and temporary staff (approximately 390) giving an approximate total of 1200 staff. A previous TS for this development stated that the current number of staff on site is 1350. Unipres have now confirmed that 1350 is the maximum number of staff that will be on site once the development is operational.

The on-site car parking provision is located to the west and north of the main building and currently has capacity for approximately 500 vehicles. In order to demonstrate the current utilisation of the car park on a typical day a parking accumulation exercise has been undertaken using the Unipres survey data.

### Deliveries

In addition to staff trips, there are approximately 24 HGV deliveries per day of steel coil to the facility, and 10 HGV shipments of product to customers (other than NMUK) accessing the plant through the main entrance on Cherry Blossom Way.

Unipres utilises the south eastern access (Nissan South Gateway), for the shipment of product directly to Nissan via the private road to the south of the development.

The revised information is currently under review by Highways England and as such it anticipated that we will have Highways England's

### Sustainable Travel

The nearest bus stop to the site is located approximately 390 metres north-west from the site entrance, this stop serves Newcastle, Gateshead and Durham. The opposing bus stop situated approximately 120 metres further west (510m total) serving Sunderland, Chester-le-Street, Boldon and South Shields. Travel to the site by public transport is a viable mode for both staff and visitors.

From the site, footways are available on both sides of Cherry Blossom Way, the north side of the A1290 to the west of Cherry Blossom Way and the southern side of the A1290. Pedestrian crossings facilities are available at the A1290 / Cherry Blossom Way junction. The A1290 provides pedestrian access to areas such as Barmston and Hertburn to the west and Hylton Castle and Town End Farm to the east.

The traffic free paths from Washington and Sunderland offer routes for cyclists, including connections to the National Cycle Network route NCN 7.

The on-site cycle storage was recently expanded from 32 to 64 cycle stands in 2017. This is considered to be appropriate for the proposed number of additional staff, however, this will be continually reviewed and will be increased if demand starts to approach capacity.

## Road Safety

To gain an understanding of the existing road safety history in the vicinity of the site, road collision data has been sourced from the online tool 'Crashmap' for the most recent 5-year period.

The results presented in the Transport Assessment, a total of 6 collisions in the vicinity of the site. Of these recorded collisions, five occurred at the Cherry Blossom Way / A1290 junction. These all occurred between 2013 and 2014 - prior to the installation of the traffic signals. Since the signalisation of the junction no accidents have been reported at this location.

The results also demonstrate that one collision occurred in 2015 at the Cherry Blossom Way roundabout. The incident involved a single vehicle and resulted in slight personal injury to one casualty.

It is therefore considered that there are no road safety issues on the surrounding highway network which would be exacerbated by the increase in traffic associated with the proposed development.

In respect of cumulative impacts from committed developments the transport statement

There is a major committed development in the area. The IAMP ONE site has recently been granted planning permission 18/00092/HE4. The development comprises:

- Ten industrial units;
- Around 130,000sqm of floorspace; and
- Around 2,000 jobs.

The IAMP ONE development flows have been extracted from the associated Transport Assessment. However, only the 05:30 - 06:30 and 07:30 - 08:30 hour flows have been considered plus a 15 minute assessment 06:30 - 06:45.

The 05:30 - 06:30 flows have been considered in our assessment. However, for the other period, between 06:30 and 07:30 which we are required to assess, no data exists. However the following figure was extracted from the IAMP TA which shows the approximate reduction in trips generated by IAMP ONE after 06:30.

## Site Access

On completion of the proposed extension, HGV deliveries will arrive at the proposed access to the south of the existing building and exit the site via the main entrance on Cherry Blossom Way. This will reduce the HGV traffic arriving via the main site entrance by approximately 24 HGVs per day.

The additional outbound HGV traffic will only serve NMUK. The additional HGV trips will utilise the existing private road between Unipres and NMUK. All other traffic will access the site via the main entrance on Cherry Blossom Way, which will remain in its current arrangement.

## Car Parking

The proposed development would see the existing 3,000sqm hardstanding area at the north east corner of the site used to provide additional car parking and create approximately 90 spaces. This is broadly in line with the current ratio of car parking provision on site. Dedicated 'car 6'. The impact of the proposal upon the landscape and ecological value of the site.

The proposed development is considered acceptable in principle and is considered to comply with both National and Local Planning Policy, it is recommended that the following two conditions be imposed following the removal of the holding direction from Highways England.

Condition wording:-

*1) No development shall be brought into use until the scheme of highway improvements to widen a section of the A1290 has been completed to the satisfaction of the Local Highway Authority and Highways England.*

*2) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with Highways England. Thereafter development shall take place in accordance with the approved details.*

*The above condition is in the interests of safety and the free flow of traffic on the A19 and the A19/A1290 Downhill Lane junction.*

6. The impact of the proposal upon the landscape and ecological value of the site.

Chapter 15 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Paragraphs 170 and 171 of the NPPF state that local planning authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state 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'.

Policy CS7.7 of the emerging Core Strategy and Development Management Policies DPD sets out that the Council will:

- a) Protect, conserve, enhance and review designated ecological and geological sites of international, national and local importance;
- b) Ensure that development does not adversely impact upon existing locally distinctive priority habitats and species and makes the fullest contributions to enhancing their biodiversity, both through on-site measures and by contribution to local biodiversity improvements; and
- c) Ensure that development does not adversely impact upon local geodiversity assets

Hedgerow Regulations 1997: In England the Hedgerow Regulations 1997 are intended to protect important countryside hedges from destruction or damage. It appears that some hedgerow will be removed, however, additional work would be required to establish how mitigation measures could be put in place.

There are two statutory designated sites within 2km of the proposed works and 10 non-statutory designated sites. All are deemed to be far enough away from the works except Peepy Plantation Local Wildlife Site (LWS) which is adjacent to the southern boundary of the works. It is designated for woodland habitats with associated fauna and flora. As no trees and associated understorey are to be affected by the works there is therefore no impact likely on Peepy Plantation.

Seven habitats were recorded within the ZOI which were running water, mixed woodland, scattered broadleaved trees, tall ruderal, amenity grassland, buildings and hardstanding.

No notable or protected plant species were recorded during the survey. It is however known that orchids are present within amenity grassland around the Nissan Ltd Site and these would not be visible during the survey in February 2018.

No invasive non-native plant species were recorded within the Site.

A disused old birds nest was recorded in one of the scattered trees. The trees and bramble scrub have the potential for nesting birds. Should any vegetation require removal such as the areas of bramble scrub within the tall ruderal or the scattered trees these will need to be removed outside of the nesting bird season (March to August inclusive). Should any vegetation removal be required between March and August, a nesting bird check will need to be undertaken within 48 hours prior to the removal by a suitably qualified Ecologist. As the temperatures at the end of February and the very start of March were recorded as -5°C it is deemed that any vegetation clearance prior to the 5th March does not require a nesting bird check.

No buildings or trees within the Site were recorded with bat roosting potential. Historical bat surveys at the Nissan Site have recorded a low number of foraging common pipistrelle bats using the Site. While the woodland edge has commuting and foraging potential it will not be directly affected by the Scheme. Lighting should be kept to a minimum overnight and if required it should be kept directionally away from the woodland edge to the South of the Scheme.

Evidence of moles and rabbits were found within the Site. Should the rabbits or moles require removal prior to the works these will need to be removed humanely to comply with the Wild Mammals (Protection) Act 1996.

No other protected or notable species were considered likely to be affected by the Scheme; the reasons for why they are discounted are detailed in the report. Optional enhancements are also included.

The following mitigation measures must be implemented in order to comply with planning and legislative requirements.

- Should any vegetation require removal such as the areas of bramble scrub within the tall ruderal or the scattered trees these will need to be removed outside of the nesting bird season (March to August inclusive). Should any vegetation removal be required between March and August a nesting bird check will need to be undertaken within 48 hours prior to the removal by a suitably qualified Ecologist. As the temperatures at the end of February and the very start of March were recorded as -5°C it is deemed that any vegetation clearance prior to the 5th March does not require a nesting bird check.
- Should the rabbits or moles require removal prior to the works these will need to be removed humanely to comply with the Wild Mammals (Protection) Act 1996.

- Lighting should be kept to a minimum overnight and if required it should be kept directionally away from the woodland edge to the South of the Scheme to avoid impacts on any potential foraging bats.

The amenity grassland adjacent to the road should only be removed where required for the works and its removal should be minimised.

The following optional enhancement measures could be implemented as part of the Scheme. The implementation of some or all of these measures will contribute to providing net gains to biodiversity as required under the NPPF 2019.

Planting of trees for any of the semi-mature scattered trees to be lost as part of the Scheme or planting of wildflower mix on the borders of the road and/or hardstanding areas.

### Summary Conclusion of Ecology

On balance the scheme proposed is not considered to have any significant adverse impact on the surrounding area. The proposed mitigation is considered acceptable and as such is considered to comply with both National and Local planning policies. If Members are minded to grant consent, it is recommended that a condition be imposed ensure the mitigation is carried out as set out in the Extended Phase One Report.

## 7 Drainage and Flooding

Paragraph 148 of the National Planning Policy Framework 2019 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 165 of the National Planning Policy Framework 2019. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

The overall development is approximately 1.6 hectares. There are new buildings constructed on existing hardstanding covering an area of approximately 1.1 hectares and run-off generated from these roof will require attenuation before discharge to the main sewer system, to comply with the requirements of a 1:100 year storm event and a 40% climate change factor. The hardstanding area is constructed on a Greenfield site, which is currently grassland. The surface water from this source will require attenuation to comply with the run-off restrictions of green field development. The surface water drainage from the development is split into two different catchments. The first catchment is the surface water runoff from the new building extensions. The second area is the new hardstanding to the East of the existing site.



The site is located in an area of very low risk flooding from river and is shown to be located in an area of low risk to surface water flooding.

The long term flood risk information indicates areas of potential flooding in Peepy woodland and into the existing infiltration drain, which flows into the pond area alongside Hylton Plantation. This pond allows infiltration into the ground.

The existing surface water drainage infrastructure discharges by connection to the Northumbrian Water surface water sewer, via a 900mm diameter pipe at the South West corner of the site. The current drainage system allows for surface water attenuation with surface water run-off being store in oversize pipes at the East end of the site and allowing controlled flooding of the loading dock to occur.

The proposed surface water management will be split into 2 separate schemes. The new building extensions are considered separately to the hardstanding area.

The new building extensions are constructed on existing hard standings to the South and East of the existing building. There is no expansion of these hard standings. The building development area is approximately 1.1 hectare, draining into the existing on site surface water system. The existing surface water network was modelled using Micro drainage. The results are attached in appendix A. The drainage was modelled for two scenarios, a 1:100 event with 40% climate change and also a 1:30 year event including a 40% climate change.

The Micro drainage model for a 1:100 year event with a 40% climate change shows that 680m<sup>3</sup> of attenuation is required on site. The model shows a flood occurring at Manhole 1.002 and S3.000 which are in the loading dock area. This will be allowed to accumulate in the 1,000m<sup>2</sup> loading dock which is typically 1.2m below the finished external levels, to a depth of 120mm, creating 120m<sup>3</sup> of attenuation storage. The micro drainage output is shown in appendix a, b, c.

In addition surface water attenuation will created below the existing car park area to the west of the existing building, over an area of 36m x25m. Attenuation storage will be into an 800mm deep geocellular system creating 690m<sup>3</sup> of storage. The geocellular system will accommodate run off from the car park and the new press shop roof (an area of 5,600m<sup>2</sup> +3,600m<sup>2</sup>=9,200m<sup>2</sup>) and discharge into the existing system with flow restriction to green field rates The Micro drainage model for a 1:30 year event with a 40% climate change shows that 120m<sup>3</sup> of flooding occurs on site, which will mean that manholes at the east end of the site will flood, causing a flood volume of approximately 120m<sup>3</sup>. The model shows a flood occurring at Manhole 1.002 and S3.000 which are in the loading dock area. This will be allowed to accumulate in the 1,000m<sup>2</sup> loadingdock which is typically 1.2m below the finished external levels. A flood depth of 120mm will not cause any operational problems to the facility.

The new buildings will have source control provided by adopting a permeable membrane to the geocell surface water system and allowing the surface water to infiltrate into the ground, (subject to infiltration tests).

A new hardstanding is constructed in the South East corner of the site. This area is approximately 5130m<sup>2</sup>. The area will drain into a drainage ditch, which currently accommodates the run-off from this area. The hardstand storage area is designed to accommodate 480m<sup>3</sup> of flood water generate by a 1 in 100 year flood, with 40% climate change modelled with micro drainage, Refer to Appendix D.

This flooding will be controlled on site and has not adverse effect on any production or will cause flooding to any neighbours.

The new hardstanding will have source control provided, by allowing the surface water to run through an infiltration trench around the North and East sides of the hardstanding, before passing through an interceptor and having controlled discharge at greenfield rates to the infiltration ditch on the East side of the hardstanding. (Length of trench subject to infiltration tests).

Existing gullies will be protected by a box sealed to the base to prevent ingress of extraneous materials. In times of precipitation these may need to be removed to allow drainage to occur. Other drainage assets will be considered in a similar manner. Manhole covers will remain uncovered.

Unipres will be responsible for regularly inspecting the surface water drainage scheme on a 12 monthly basis.

The linear slot drains, hydro brake and road gullies will be cleaned out on a 12 monthly basis, to ensure that accumulations of silt do not affect the drainage system.

The Petrol Interceptor will be alarmed and linked to the Unipres Building management System, ensuring that the interceptors are cleaned out when necessary, in addition to an annual 12 monthly inspection.

The geocellular cells will require regular inspection of silt traps, manholes, pipework and pretreatment devices, with removal of sediment and debris as required.

#### Inspection and maintenance

CCTV inspection at every inspection point is recommended:

- after every major storm
- at regular intervals according to the specific maintenance plan for the site

Silt traps prior to inlet pipework should be routinely inspected and cleaned out to minimise debris reaching the tank. It is important to prevent construction silt from entering the geocellular structure

#### Summary Conclusion of Drainage and Flooding

The information has been considered by the Local Lead Flood Authority and Northumbria Water, the proposed conclusion contained in the revised Flood Risk Assessment Revision B as set a below are considered acceptable and as such are considered to comply with policy EN12 and paragraph 148 and 156 of the Revised 2019 National Planning Policy Framework

The provision of storm water retention from the roof and car park area provides 690m<sup>3</sup> of attenuation and there is provision for 120m<sup>3</sup> of surface flooding within the loading dock. The flow from the geocell retention structure beneath the car park will be restricted to green field rates to meet the Sunderland City requirements for brown field development.

The 480m<sup>3</sup> surface water runoff from the hardstanding, which will be retained on the surface, will be allowed to infiltrate the existing ditch and meet the Sunderland City requirements for green field development.

The interception of the runoff will be by infiltration trench to the North and east of the new hardstanding and from infiltration from the geocell storage below the new car park.

## 8. Ground Contamination, Coal, UXO and Stability

Policy EN14 of the adopted UDP states that:

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

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

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

Paragraph 178 of the revised 2019 National Planning Policy Framework States

"Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Explosive Ordnance Risk Assessment: BACTEC concludes that there is a Low risk from unexploded ordnance at the site of the proposed development. This is based on the following factors:

- During WWII the study site was situated immediately adjacent to RAF Usworth, which was identified for attack by the Luftwaffe in August 1940, but never reportedly bombed. It lies approximately 7.5km to the west of the primary targets in the region including the Port of Sunderland, industrial facilities and collieries. Subsequently,
- by comparison, the region of the site sustained only a low density of bombing.
- Note however, as an area of undeveloped agricultural fields and woodland situated outside the boundary of the former airfield (separated by the mainline railway), the site would not have been accessed on a regular basis, or subject to post-raid checks for evidence of UXO due to its relative lack of importance. Consequently, the possibility cannot be discounted that items of UXO could have fallen unnoticed and unrecorded across the study site. Note that the entry hole of a 50kg HE UXB may have been as small as 20cm in diameter and easily obscured by any combination of soil, crops and vegetation.
- As a sector fighter station and OTU, the airfield would have stored and handled large quantities of ammunition including items of LSA and SAA. The 'house-keeping' of historic RAF stations and other military sites during and immediately following WWII is known to have been poor with unwanted or unused ordnance often buried, burnt, lost or otherwise discarded within or close to their perimeter.

- It is known that a number of defensive positions (including anti-aircraft installations) and areas of test butts were located on and around the airfield in proximity to the study site; such features pose a risk of contamination on the site from items of anti-aircraft artillery and SAA.
- Some post-war redevelopment has occurred on the site with the construction of the current warehouse-type structures occupying the central section and associated car park to the north, although the exact nature of the groundwork is unknown.

### Summary Conclusion on Ground Contamination

The development is a relatively low risk with regard to contamination based on the proposed industrial land use, site history and ground investigation data.

The gas risk assessment does not include gas monitoring. Based on the description and thickness of the made ground this is unlikely to be an issue unless the structure is particularly sensitive to ground gas. It is recommended that the gas assessment be updated with reference to the ground conditions, building type and construction in order to determine whether ground gas monitoring is required.

Assuming satisfactory completion of the gas risk assessment, no need has been identified for Conditions for a Phase II Report or a Remedial Strategy/verification plan, however it would be advisable to apply a Condition for dealing with unexpected contamination.

No testing has been provided for topsoil. A Condition for a Verification Report could be used to ensure landscaping is completed with clean topsoil (re-used or imported) and duty of care documentation provided for disposal of waste. Topsoil should be verified in accordance with YALPAG 3.3 guidance for cover layers

The proposed development is therefore considered to be acceptable in principle in respect of land contamination, coal and UXO report and as such is considered to comply with both National and Local Planning Policies.

### **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.

**RECOMMEDATION:** Approve subject to the conditions listed below:-

**Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- UNIPRES-RYDER-00-ZZ-DR-A-2002-S2-P1-Site Development Information received 14.03.2018
- UNIPRES-RYDER-00-ZZ-DR-A-2001-S2-P1-Site Location Plan received 14.03.2018
- UNIPRES-RYD-00-ZZ-DR-A-3601-S2-P1-Existing Elevations received 14.03.2018
- RYD 3002 P1 Press Shop Existing and Proposed Roof Plans received 14.03.2018
- RYD 3003 P1 Assembly Shop Existing Proposed Plans received 14.03.2018
- RYD 3001 P1 Press Shop Existing Proposed Plans received 14.03.2018
- RYD 3601P1 Existing Elevations received 14.03.2018
- RYD 3004 P1 Assembly Shop Existing Proposed Roof Plan received 14.03.2018
  
- UNP-MDG-05-XX-DR-C-2011\_P2 Received 16.10.2018

- UNP-MDG-05-XX-DR-C-2012\_P3 Received 16.10.2018
- UNP-MDG-05-XX-DR-C-2013\_P3 Received 16.10.2018
- UNP-MDG-05-XX-DR-C-2014\_P1 Received 16.10.2018
- UNP-MDG-05-XX-DR-C-2101\_P4 Received 16.10.2018

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 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "26/07/2018" REV B. The drainage scheme shall ensure that surface water discharges to the surface water sewer at manhole 9001. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4 Prior to the commencement of development a plan/note shall be submitted for approval detailing the construction management of surface water flows and quality to ensure that that plans can be built as proposed without impacting on flood risk or water quality, the plan/note shall then be implementation in full accordance with the approved details

REASON:

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

5 In the event that ground contamination or sub-surface mining features are discovered at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be carried out and where remediation is necessary a remediation scheme must be prepared which is submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved mediation scheme a verification report must be prepared, which should be submitted to and approve in writing by the Local Planning Authority. Thereafter the approved measures shall be implemented in accordance with the approved details.

Reason:

To ensure that risks from unexpected land contamination to human health, controlled waters and ecology are minimised and to ensure that the development can be carried out safely without unacceptable risks to these receptors, in accordance with the NPPF, Policy EN14 of the Adopted Unitary Development Plan Statement.

6 No occupation of any part of the permitted development shall take place until a verification report demonstrating that the topsoil for the development has been carried out in accordance with YALPAG 3.3 guidance for cover soil, the information shall be submitted and agreed in writing with the Local Planning Authority and then implemented in accordance with the agreed document prior to the occupation of the building.

Reason:

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

7 Prior to occupation of the building the Ecology Mitigation and Enhancement measures within the Mott Mc Donald Extended Phase 1 report shall be implemented in completed in accordance with the report to ensure a satisfactory form of development is achieved.

Reason:

In the interests of nature conservation and to comply with the National Planning Policy Framework and policies CN18 and CN22 of the Unitary Development Plan.

8 No development shall be brought into use until the scheme of highway improvements to widen a section of the A1290 has been completed to the satisfaction of the Local Highway Authority and Highways England.

Reason:

The above condition is in the interests of safety and the free flow of traffic on the A19 and the A19/A1290 Downhill Lane junction.

9 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with Highways England. Thereafter development shall take place in accordance with the approved details.

Reason:

The above condition is in the interests of safety and the free flow of traffic on the A19 and the A19/A1290 Downhill Lane junction.