
REPORTS FOR CIRCULATION

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of the main agenda report. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

North
Sunderland

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| S1 | Land At Newcastle Road, Sunderland, SR5 1JS |
| S3 | Land West Of Aquatic Centre, Vaux Brewery Way,
Sunderland |

Number:	S1
Application Number:	13/02855/VAR
Proposal:	Variation of condition 2 (plans) attached to planning application 12/00118/SUB, (Development of site to provide two car showrooms with associated facilities and car parking, including stopping up of public highway), to relocate valet bay and car wash enclosure and install external escape staircase to car showroom. (Part Retrospective).
Location:	Land at Newcastle Road, Sunderland

Further to the Agenda report this supplement considers additional information submitted by the Agent in respect of noise levels arising from the valet bay and car wash enclosure, given that they are being relocated to the rear boundary of the site.

The additional information consisted of a test report for internal noise levels in respect of the car wash machinery and the resultant clarification that the external noise levels emanating from the valet bay and car wash enclosure will approximately be 85dB, which equates to a noise level that is comparable to a loud radio. In view of this, and as these buildings are at least 40m away from the nearest residential properties, a relationship that is also intervened by the Metro/ National Railway line, it is not considered that the relocation of the valet bay and car wash enclosure will be of material detriment to warrant a refusal of planning permission.

In light of the above and the considerations detailed in the Agenda report, the variation of permission 12/00118/SUB is considered to be on balance acceptable and it is therefore recommended that Members approve the application subject to the conditions detailed below.

Recommendation: Approve subject to the following conditions:-

1. Implementation 3 years

The development to which this permission relates must be begun not later than three years beginning with the date on which the 12/00118/SUB permission was granted (05.04.2012) to ensure that the development is carried out within a reasonable period of time.

2. Plans

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried

out in full accordance with the following approved plans:

Valet Bay & Car Wash Roof Plans, Drawing Number 1127-1-19 received 29 October 2013;
Blue Box Showroom, Wet & Dry Valet Bay Proposals, Drawing Number 1127-1-14 Rev F received 29 October 2013;
Blue Box Showroom, Car Wash Enclosure Proposals, Drawing Number 1127-1-15 Rev A received 1 November 2013;
Blue Box Showroom, Existing Location Plan, Drawing Number 1127-1-01 received 29 October 2013;
Blue Box Showroom Existing Site Plan, Drawing 1127-P-01 received 29 October 2013;
Blue & Silver Box Showroom Proposed Joint Site Plan, Drawing Number 1127-1-02 Rev E received 29 October 2013;
Blue & Silver Box Showroom Proposed Joint Site Plan, Drawing Number 1127-P-02 received 29 October 2013;
Blue Box Showroom Proposed Ground Floor Layout, Drawing Number 1127-P-03 Rev D received 29 October 2013;
Blue Box Showroom Proposed Sections, Drawing Number 1127-P-07 received 29 October 2013;
Blue Box Showroom Proposed Elevations, Drawing Number 1127-2-01 Rev B received 29 October 2013;
Blue Box Showroom Proposed Roof Layout, Drawing Number 1127-P-05 received 29 October 2013;
Blue Box Showroom Proposed First Floor Layout, Drawing Number 1127-P-04 Rev A received 29 October 2013;
Silver Box Showroom Proposed Ground Floor Layout, Drawing Number 1127-P-08 received 29 October 2013;
Silver Box Showroom Proposed First Floor Layout, Drawing Number 1127-P-09 received 29 October 2013;
Silver Box Showroom Proposed Roof Layout, Drawing Number 1127-P-10 received 29 October 2013;
Silver Box Showroom Proposed Sections, Drawing Number 1127-P-12 received 29 October 2013;
Silver Box Proposed Proposed Elevations, Drawing Number 1127-P-11 received 29 October 2013.

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. Surface Water

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be implemented in accordance with C-D-21 Rev T1 Blue Box – Proposed Drainage Details Sheet 1, C-D-22 Rev T1 Blue Box – Proposed Drainage Details Sheet 2, C-D-23 Rev T1 Blue Box – Proposed Drainage Details Sheet 3, C-GA-23 Rev T1 Blue Box Proposed Drainage Layout and C-GA-25 Rev T1 S116 Public sewer Closure (as approved via discharge of condition reference

13/00536/DIS for planning application 12/00118/SUB). In order to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system and to accord with policy EN12 of the UDP.

4. Land contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. car servicing and repair. The environmental setting of the site is sensitive as it lies on the Magnesian limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment and that it accords with policy EN14 of the UDP.

5. Land contamination 2

Prior to commencement of development, a verification report demonstrating completion of the works set in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. car servicing and repair. The environmental setting of the site is sensitive as it lies on the Magnesian limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment and to accord with policy EN14 of the UDP.

6. Land contamination 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Unsuspected contamination may exist at the site which may pose a risk to controlled waters and in order to accord with policy EN14 of the UDP.

7. Oil interceptor

Unless otherwise agreed with the Local Planning Authority, the development hereby approved shall be implemented in accordance with NSFA080 – NASFA200 Installation Operation Guidelines 210113 & Full Retention Separator Drawing DS0896P, 068 GL0083P-06 MSAP5AAK Oil Interceptor Instructions 170113 and W1247 – Addison Motors Limited (as approved via discharge of condition reference 13/00536/DIS for planning application 12/00118/SUB). In order to prevent pollution of the water environment and to accord with policy EN12 of the UDP.

8. Hours of construction

The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

9. Scheme of working

No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include details of the safe working practice methodology, which shall also consider the adjacent Network Rail infrastructure, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the railway infrastructure and amenity of adjacent occupiers and to comply with policies T16 and B2 of the UDP.

10. Travel Plan

Prior to first occupation of the development, a site-wide Green Travel Plan based on the outline travel plan, (paragraph 18.8 page 54 of the Supporting Statement), shall be submitted to and agreed in writing by the Local Planning Authority. Prior to first occupation of any unit the applicant and/or Management Company shall implement the site-wide Green Travel Plan and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after completion of the development. The implementation, monitoring and review of the Site-wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with Policies T1 and T2 of the UDP.

11. Soft Landscaping & Tree Replacement

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be implemented in accordance with Proposed Landscaping Plan, Drawing Number EP-01 Rev B and General Information/ Requirements (NBS Q31 External Planting) (as approved via discharge of condition reference 13/00817/DIS for planning application 12/00118/SUB). In the interests of visual amenity and highway safety and to comply with policies B2, T14 and CN17 of the UDP.

12. Tree – replace 5 years

If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.

13. Hard Landscaping

Notwithstanding the approved details, no development shall be carried out to the external public realm areas hereby approved until precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development (including details and location/layout of all proposed hard surfacing, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. In order to achieve a satisfactory form of development and to comply with policies T14 and B2 of the Unitary Development Plan.

14. Soft Landscaping – 5 years

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

15. BREEAM Good

Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the results of the report should conclude that the development has been constructed to at least the BREEAM 'Good' standard, or equivalent accreditation, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP.

16. Renewable Energy

Unless otherwise agreed in writing with the Local Planning Authority, and prior to the completion of development hereby approved, details of the renewable energy measures shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include a justification for the type of measures chosen and demonstrate that they provide for (minimum) 10% of the development's energy needs. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of the building, in the interests of sustainable development and in order to comply with policy R1 of the UDP.

17. PV/ solar panel

Before the installation of any Photo Voltaic/ Solar Panel equipment on any of the buildings hereby approved, a precise written specification of the Panels proposed for use, and precise written details of the size and positioning of each Panel, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved specification/details unless first otherwise agreed in writing with the Local Planning Authority. In the interests of visual amenity and sustainable development and in order to achieve a satisfactory form of development on site and to comply with the requirements of policies B2 and R1 of the adopted UDP.

18. Ventilation

The development hereby approved shall not be brought into use until the details of the ventilation/extraction/filtration systems, including all external ducting and stacks have been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority, in order to protect residential amenity and to comply with policies EN1 and B2 of the UDP.

19. CCTV

The development hereby approved shall not be brought into use until details of any CCTV systems to be installed at the site have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details to be submitted shall include:

- specifications of the make, model and performance of the cameras to be installed;
- a statement explaining how the CCTV system will respect the privacy of neighbouring residents.

Installation shall then be carried out in complete accordance with the approved details and the agreed CCTV systems maintained as such for the lifetime of the cameras unless first otherwise agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and comply with policy B2 of the UDP.

20. Lighting

The development hereby approved shall not be brought into use until the exact specifications/ details and luminescence of the lighting columns to be installed have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. Such

detail shall include the direction and intensity of light emanating from the lighting columns. In the interests of protecting the railway infrastructure and residential amenity and to accord with policies T16 and B2 of the UDP.

21. Boundary walls

Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure, including appropriate safety barriers in view of the adjacent railway infrastructure, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any boundary enclosure on site. The agreed boundary treatments shall be completed before occupation or in accordance with an agreed timetable, in the interests of protecting the railway infrastructure and visual amenity and to comply with policies T16 and B2 of the UDP.

22. Excavations/ earthworks

Prior to commencement of development, full details of any excavations and earthworks to be carried out near the railway undertaker's boundary fence shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. In the interests of protecting the railway infrastructure and to accord with policy T16 of the UDP.

23. HGV deliveries

No Heavy Goods Vehicle (HGV) deliveries shall be taken at or despatched from the site, nor shall there be any HGV movements within the site, outside the hours of 06:00 - 20:00 Monday to Friday (excluding Bank Holidays) and 07:00 - 20:00 Saturday, Sunday and Bank Holiday Mondays, unless otherwise agreed in writing with the Local Planning Authority, in order to protect residential amenity and to accord with policies B2 and EN1 of the UDP.

24. Hours of opening

The premises shall not be operated for the purposes hereby approved other than between the hours of:-

07:00 – 20:00, Monday - Friday
07:00 – 20:00, Saturday
07:00 – 20:00, Sunday and Bank Holiday

In order to protect residential amenity and to accord with policies B2 and EN1 of the UDP.

Number:	S3
Application Number:	13/03097/OUT
Proposal:	Outline planning permission for new sport and leisure facilities including ancillary retail, food and drink facilities and associated works
Location:	Land west of the Aquatic Centre, Vaux Brewery Way, Sunderland

Further to the main Agenda report this supplement considers the outstanding issues of flooding and ecology which are detailed as follows.

Flooding

As stated in the main report comments were awaited from the Environment Agency (EA) with regard to flooding. In this regard, I can now confirm that the EA have assessed this application as being of low environmental risk and as a consequence no comments are offered.

Ecology

Policy CN17 encourages the retention of trees in all new development where possible whilst Policy CN18 seeks to ensure the protection of wildlife habitats or creation of new and/ or alternative wildlife habitats through development schemes.

In this regard, the information submitted in support of the application has been considered by the Heritage Protection Officer and the following comments are offered.

It is considered that the applicant/agent should provide an appropriate level ecological assessment to fully inform a decision on the development proposal. Notwithstanding the Habitats Regulations Assessment for European sites by Argus Ecology Ltd September 2013, which requires no further action, it is not considered that the applicant/agent has fully addressed issues around other ecological factors prevalent in the Stadium Village area.

The proposed development site sits within a Strategic Wildlife Corridor and is adjacent to Wearmouth Riverside Local Wildlife Site. Consideration of these and other factors of nature conservation importance such as protected and local biodiversity action plan species and habitats, green infrastructure and the cumulative impact of development across the area must form part of the documentation in support of the planning application. Recommendations to enhance and sustain existing and new ecological features, on and off site, are also required, and should be a condition of development.

The results of consultations with various wildlife organisations and professionals should be made available and form part of the ecological impact assessment and inform the mitigation and enhancement measures.

However, notwithstanding the above it is noted that this application is for outline approval only with all matters other than access reserved for subsequent approval, therefore should Members be minded to approve the application then it is advised that all of the above outstanding matters are fully resolved prior to (1) the submission of any application(s) for reserved matters and (2) any works commencing on site.

Therefore, in this regard it is considered that given the outline nature of the application when coupled with the need to make timely decisions on planning applications that suitably worded restrictive conditions would ensure that a satisfactory form of development prevails in accordance with National and local policies and guidance such as Natural Environment and Rural Communities Act 2006, National Planning Policy Framework (Section 11) and UDP policies CN18, CN21, CN22, CN23, EC3, L1 and R3.

Sequential Assessment

Para 24 of the NPPF states that:-

'Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date plan'.

In this regard and in addition to the policy section as detailed in the main report, the agent has undertaken a sequential assessment in line with the requirements of para 24 of the National Planning Policy Framework (NPPF). The findings of the assessment conclude that of the four sites surveyed as part of this assessment (Stadium Village, Vaux, Holmeside and Crowtree) only the site at the Stadium of Light was available and suitable to meet the business needs of this development. As such, the Council accepts that there are no sequentially preferable sites currently available that would allow development to proceed within the required timescales and without incurring prohibitive costs and/or delays.

Conclusion

In conclusion and having regard to all matters as detailed in the two reports it is considered that, on balance, the proposal represents an acceptable form of development and as such it is recommended that Members approve the application subject to the conditions listed below.

RECOMMENDATION: Approve

Conditions:

- Reserved Matters/Time Limit

- Plans
- Scheme of working
- Boundary details
- Materials
- Landscape detail
- Coal Authority requirements
- Contaminated land assessments
- Floodlighting and external lighting details
- Retail restrictions (goods and floor area)
- Noise assessment
- Refuse details
- Flue/Extraction details
- Highway works (Grampian condition)
- Disabled access
- Travel Plan
- Ecology