

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 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

1.

North
Sunderland

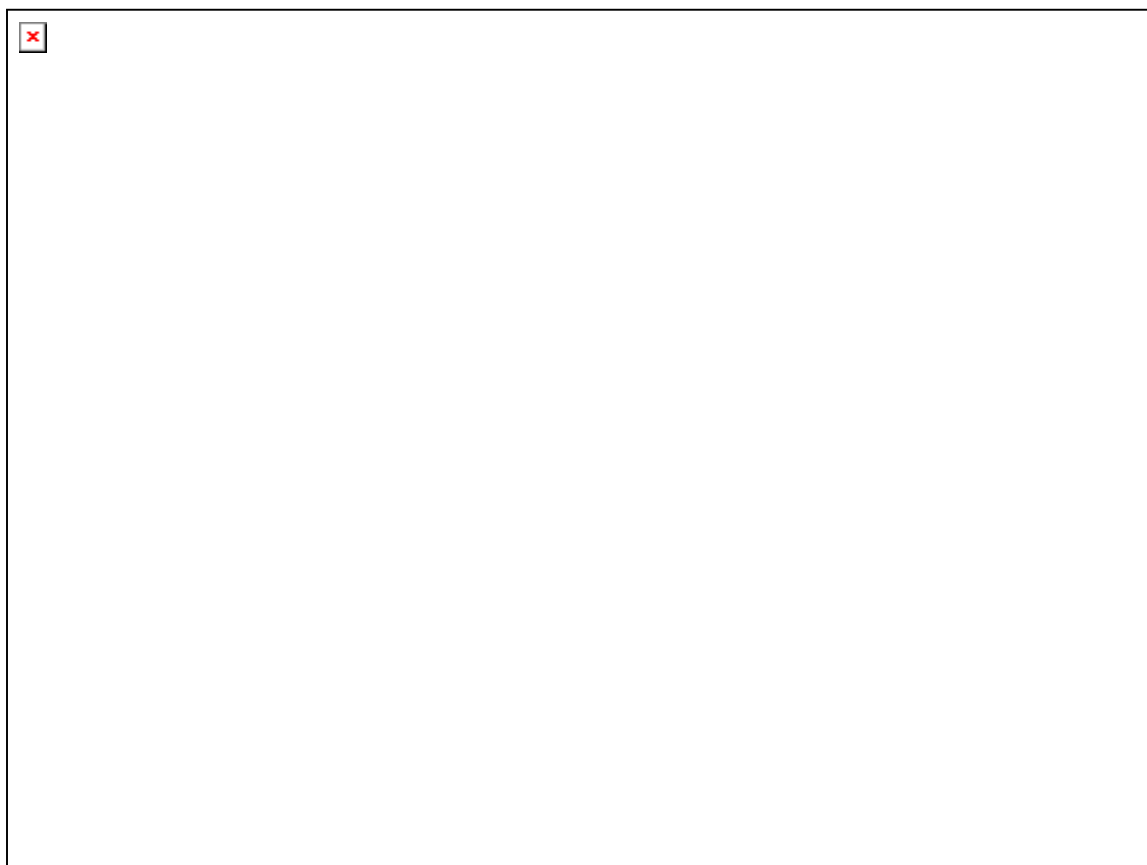
Reference No.: 11/00271/EXT1 Extension of Time

Proposal: **Application for a new planning permission to replace an extant planning permission 08/00785/FUL (Redevelopment of a disused haulage yard for use as 21 industrial starter units (Use Class B2 and B8))**

Location: Land Adjacent To Riverside Road Sunderland

Ward: Southwick
Applicant: Harrison Properties Ltd
Date Valid: 31 January 2011
Target Date: 2 May 2011

Location Plan



*This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

PROPOSAL:

The current proposal relates to an application for a new planning permission in order to replace an extant planning permission (08/00785/FUL) and extend the time limit for its implementation.

Planning application 08/00785/FUL:Redevelopment of a disused haulage yard for use as 21 industrial starter units (Class B2 and B8). This proposal was approved subject to conditions by Members of the North Area DC Sub Committee on 29 April 2008 and the planning permission issue on 1 May 2008.

Communities and Local Government Guidance (CLG) on greater flexibility for planning permissions allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This measure has been introduced temporarily due to current economic conditions and has been in place since 1 October 2009 following the publication of Statutory Instrument 2009 No. 2261. The 08/00785/FUL permission was granted on the 1 May 2008 with a three year implementation condition and because the current application was submitted (31 January 2011) prior to the 08/00785/FUL permission lapsing, then the Local Planning Authority has the power to issue an extension of time if it sees fit to do so.

The CLG guidance advises Local Authorities to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly, whilst taking into account whether development plan policies and other material considerations have changed significantly since the original granting of planning permission. Paragraph 30 of the CLG guidance allows where necessary, Local Planning Authorities to impose such conditions as they see fit, including different conditions to those originally imposed, where necessary.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Business Investment
Environment Agency
Street Scene (Environmental Service)
City Services - Transportation

Final Date for Receipt of Representations: **02.03.2011**

REPRESENTATIONS:

Business Investment Team

The industrial starter units would be an appropriate use for the site.

Environment Agency

No objection subject to the imposition of a condition relating to ground contamination.

Northumbrian Water

No objection to the proposed development.

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

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

The main issue to consider in the assessment of this application is whether, since the original application was approved, there have been any changes in policy on the following matters:

1. The principle of the use.
2. The design and layout of the development.
3. Highway/access and car parking issues.
4. The impact of the development proposals on landscape and ecology.

The Principle of the Use

The relevant Unitary Development Plan (UDP) policies relating to the site remain as previously reported in the 08/00785/FUL application. These policies are EC2 'Business Support', EC4 'Land for Economic Development - Existing Areas), B1 'Environmental Improvements' and NA1.2 'Existing Employment Sites', whilst Planning Policy Statement 1 (PPS1) also remains relevant.

Site Specific Policy

Within policy NA1.2, North Hylton Road / Southwick Industrial Estate is identified as an 'Existing Employment Site' where Offices (B1), Light and General industry (B2) and Storage and Distribution (B8) type uses are considered to be acceptable.

General Policies

Planning Policy Statement 1: Delivering Sustainable Developments. PPS1 highlights design as one of the fundamental ways of delivering sustainable development. This policy states that Local Planning Authorities should not attempt to impose architectural styles or particular tastes and should not seek to stifle innovation, originality or initiative. Good design ensures attractive, usable, durable and adoptable places and is key in achieving sustainable development.

Policies EC2 and EC4 of the UDP is concerned with ensuring that there is an adequate supply of land and premises to meet the City's economic development needs, maximising the choice through a range of available sites (by size, type

and location), which includes land principally for business (B1), general industry (B2), sites for office development (B1), sites for industry and warehousing (B8) and premises for small firms and new business enterprises.

Having had regard to the abovementioned policies, it is considered that the policy implications remain unchanged from the time of the original grant of consent and as such there are no objections to this extension of time planning application from a policy perspective.

Siting and Design

Policy B2 of the UDP is still relevant as it seeks to ensure that the scale, massing, layout and/or setting of new development respects and enhances the best qualities of nearby properties and the locality. The proposed plans are the same as those previously approved in 2008 and as such it remains the view that the design of the proposed units are in keeping with the general character and appearance of the industrial estate.

As stated in the 2008 report, no information has been provided with regard to the proposed building materials or how the principles of sustainability have been incorporated into the scheme. Therefore, in order to ensure that high quality, durable and aesthetically pleasing materials are used throughout, whilst recognising the industrial nature of the units, it is recommended that a suitably worded condition, which requires the submission of sample materials, be imposed on any grant of consent.

Therefore, subject to the imposition of the above condition, it is considered that there are no objections to this extension of time planning application from an urban design perspective.

Highway Considerations

Concerns were initially expressed during the 08/00785/FUL application regarding highway safety matters. These concerns related to the provision of pedestrian access (the submitted plans failed to illustrate any means of pedestrian access), disabled parking provision (no provision was made for disabled parking) and in-curtilage manoeuvring (no information was provided with regards to how articulated lorries or other similar vehicles would turn around within the site).

Consequently a revised highway layout was submitted as part of the planning application which addressed the above highway concerns.

Therefore given that the highway layout and access arrangements remain the same as those previously approved, it is considered that there are no objections on the grounds of highway safety to refuse this extension of time application. As such, the proposal is still considered to accord with Policies T14 and T22 of the UDP.

Landscape and Ecology

Landscape - The southern boundary of the application site is well planted with trees and hedgerow which screen the site from the A1231 - Wessington Way. At the time of the 2008 application the amenity value of the trees and hedgerow along this boundary was considered to be low. In this regard, given that no

additional planting or enhancement works have been undertaken to the planting along the southern boundary, it is considered that the amenity value of this landscape strip remains low.

Ecology - The application submitted in 2008 was accompanied by a Phase 1 Protected Species Report, which assessed the likely presence of bats and breeding birds on the site, the possible impacts of the proposed development on the above named protected species and suggested mitigation measures. The recommendations of the report were considered to be acceptable subject to the imposition of a condition requiring the development to be carried out in complete accordance with the recommendations of the Phase 1 Protected Species Report.

With regard to the current extension of time application, the applicant, at the request of the Local Planning Authority, has undertaken a protected species risk assessment in order to ascertain whether or not the situation in respect of breeding birds and bats has changed following the preparation of the 2008 report. The findings of the assessment conclude that the risk to protected species remains low and therefore it is considered appropriate to impose conditions requiring the development to be carried out in complete accordance with the recommendations set out in the 2008 report and also indicating that should a period of 3 years or more lapse, between the date of approval and the commencement of development, then an additional revised survey will need to be undertaken, the findings of which to be reported to the LPA for approval.

Therefore, subject to the imposition of conditions relating to a scheme of landscaping, proposed tree / hedgerow protection measures and ecological measures, it is considered that there are no objections to this extension of time planning application.

Conclusion

In light of development plan policies and other material considerations having not changed since the time of the 08/00785/FUL approval, it is considered that this application to extend the time period for implementation of planning permission is acceptable and is in accordance with the Communities and Local Government guidance on extending the time period for implementing planning permissions.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site Location Plan (ref: 00 Rev A) received 18.03.08

Existing Site Layout (ref: 01) received 22.02.08 received 22.02.08

Proposed Site Layout (ref: 02 Rev D) received 22.04.08
Proposed Elevations and Floor Layout (ref: 03) received 22.02.08
Proposed Elevations and Floor Layout (ref: 04) received 22.02.08
Proposed Elevations and Floor Layout (ref: 05) received 22.02.08
Proposed Elevations and Floor Layout (ref: 06) received 22.02.08
Proposed Development Phase 1 and Protected Species Report received 18.03.08.
Site Location Plan (ref: 00 Rev A) received 31.01.11

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 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been 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; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2, CN18 and CN22 of the UDP.
- 5 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 trees or plants 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, CN18 and CN22 of the UDP.
- 6 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 days and hours of working, 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 amenity of adjacent occupiers and in order to comply with policy B2 and T14 of the UDP.
- 7 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 9 to number 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 12 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

9 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health

- property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

10 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, has been submitted to and

approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 11 The remediation scheme approved under Condition number 10 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 9 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 10 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 11 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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

- 13 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.
- 14 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 15 The development shall be carried out in complete accordance with the recommendations set out in the Riverside Road Proposed Development Phase 1 and Protected Species Report March 2008 submitted with the 08/00785/FUL planning application and prior to the commencement of development, copies of this strategy shall be issued to the developer and building contractors working on site, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the UDP.