

## **Development Control (South) Area Sub- Committee**

**30<sup>th</sup> September 2019**

### **Late Sheet**

#### **ITEM 2 – Planning and Related Applications**

<b>APPLN. NO</b>	<b>SITE</b>	<b>DETAILS OF SPEAKERS AND ATTENDEES</b>
18/01844/FUL	Former Dewhirst Factory Pennywell Ind Est	None.
19/01386/VA4	Ford Quarry Recreation Area, Keelman's Lane, Sunderland	None.
19/01407/LP3	Land off Cowan Terrace Sunderland	None.

#### **18/01844/FUL – Former Dewhirst Factory, Pennywell Ind Est**

A note should be added to the decision notice to advise that the operator of the site should be aware of the restrictions on Sunday opening hours set by the Sunday Trading Act 1994.

#### **19/01386/VA4 – Ford Quarry**

Since the preparation of the main report, two letters of representation have been received in respect of this application. One letter has been submitted by the family resident at 392 and 394 St. Luke's Road and one has been submitted anonymously.

The letter from 392 and 394 St. Luke's Road contends that Esh Group (a contractor employed by the Council to undertake the Hub development at Ford Quarry) are planning to leave a 'mountain of contaminated earth' dumped on Ford Quarry SSSI. It is alleged that the waste has harmed plants present at the SSSI and that the waste is contaminated and has been brought to the site from elsewhere. It is suggested that the waste is harmful to biodiversity, the security of the Hub and its patrons.

The following additional points are made:

- The development will lead to antisocial behaviour, e.g. 'off roaders', who will use the quarry as their playground;
- The height of the 'mountain' of earth will allow people to hop over fences and vandalise property;

- Its on a naturally boggy area in which marshy plants thrive;
- It will block the view of the Hub from the roadside when leaves fall in the autumn;
- The earth bunds further along have attracted off-road vehicles;
- In winter it will attract people sledging, which would constitute an injury risk and raise the threat of possible compensation claims against the Council;
- Have Natural England been consulted about the proposals?

The representation concludes by suggesting that the Council should refuse permission for the changes to the approved scheme because of harm to flora and fauna.

The second, anonymous, representation suggests that 'toxic' waste is being dumped at Ford Quarry and that this raises concerns for the health of residents in the area.

With regard to the matters raised by the objectors, it is reiterated that the Ford Quarry Football Hub development is being delivered by the Council in conjunction with funding and delivery partners and the works are being managed and monitored by Council officers. As set out in the 'Representations' section of the main report, consultation has also taken place with the Council's Ecology and Environmental Health officers, Natural England and the Environment Agency, who have no objections to the proposals, whilst the concerns raised by the objectors have also been discussed with Council officers involved in the delivery of the scheme.

The following comments are offered in response to the objectors' concerns:

- Waste is not being brought onto the site; material is being moved around the site to facilitate the development and create new playing pitch platforms;
- Risks relating to land contamination and ground conditions were assessed as part of the initial planning application for the development at the site. The Environment Agency and the Council's Environmental Health officers consider that all risks can be satisfactorily managed to minimise risks to those involved delivering the development, end users and members of the public;
- Members should note that, relative to recommended conditions 8 and 9, an agreement has already been reached with the Council's Environmental Health officers in respect of the approach to the remediation of the site and a verification plan for the site, pending the outcome of the determination of this application;
- The proposals have been considered by Natural England and the Council's Ecologist, who have raised no objections in respect of the impact of the revised development proposals on the SSSI and its flora and fauna. Members should also note that, relative to recommended conditions 3 and 5, a broad agreement has already been reached with the Council's Ecologist in respect of final landscaping and ecological mitigation measures, pending the outcome of the determination of this application;
- For the reasons set out in the main report, the revised development proposals are not considered to give rise to any fresh concerns relative to visual amenity or residential amenity;
- With reference to the concerns raised regarding possible anti-social behaviour and trespass, there is not considered to be anything inherent to the proposals to indicate such behaviour will inevitably occur. In the event anti-social behaviour and/or trespassing issues did arise, this would be a matter for relevant authorities, landowners and managers of the facility (e.g. the police, the Council and the Football Trust) to address.

To summarise the position, the revised proposals are not considered to give rise to any fresh concerns in respect of ecology, ground conditions/land contamination and amenity. Consequently, as per the main report, it remains that Members are recommended to Grant Consent for the development, subject to the recommended conditions therein.

**RECOMMENDATION:** GRANT CONSENT, under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the conditions set out in the main report.

**19/01407/LP3 – Land off Cowan Terrace**

There have not been any representations received since the preparation of the main report. The recommendation to Members is therefore:

**RECOMMENDATION:** Delegate to the Executive Director of City Development, who is minded to GRANT CONSENT for the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons and conditions set out in the main report and subject to the receipt of no representations that raise fresh material planning considerations in the remainder of the consultation period (expiry, 1 October 2019).

