

**Planning and Highways Committee**  
**3<sup>rd</sup> April 2023**

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**REPORTS FOR CIRCULATION**

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**REPORT BY EXECUTIVE DIRECTOR – CITY DEVELOPMENT**

**PURPOSE OF REPORT**

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

**LIST OF CIRCULATED ITEMS**

Item 4 – Application 2:

Land to the east of Infiniti Drive, Washington (22/01895/FU4)

Officers would initially draw to attention that a screening opinion has been issued which concludes that the proposal would not be EIA development, as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Officers would draw to attention that the Report on Applications says:

*Recommendation*

*Members are recommended to GRANT CONSENT for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992; subject to:*

- The receipt of a positive consultation response from the Council's Ecologist; including any additional / amended conditions.*
- The draft conditions below.*

The Council's Ecologist has recently advised that (officer emphasis **in bold**):

*A Construction Environmental Management Plan (CEMP) has been submitted with the application. While this does not acknowledge the potential for the proposals to impact great crested newts to the extent that the works will need to be regularised through a GCN mitigation licence issued by Natural*

England, the applicant has also submitted an Impact Assessment & Conservation Payment Certificate (IACPC) under the GCN District Level Licence scheme. This certificate is countersigned by Natural England and therefore can be accepted by the LPA as confirmation that, overall, **the proposals will not negatively affect the conservation status of GCN, nor result in significant harm to this species.**

The proposals do not directly affect the wildlife corridor shown on the parameters plan secured through the outline consent and retained within the reserved matters proposals. Except for impacts to GCN, which are addressed through submission of a countersigned IACPC as above, **the CEMP adequately addresses the remaining ecological effects in respect of these temporary proposals.**

On this basis I am content that the proposals are in accordance with policy NE2 and paragraph 180(a) of the NPPF, subject to implementation of the CEMP through condition (wording suggested below, based on BS42020). **Therefore, I have no objection.**

Officers would therefore advise that the recommendation should be amended, as below

#### *Recommendation*

*Members are recommended to GRANT CONSENT for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended); subject to:*

- *The draft conditions within the main report and the draft condition recommended by the Council's Ecologist.*

The commentary above also demonstrates that the Council, as a public body, has given consideration to the proposed development in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006; which states that:

*The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*

#### **Application 6 of Item 4**

#### **23/00091/MW3 - Temporary exploratory pilot boreholes and associated parking, storage and hoardings**

The main agenda report states that the site operations proposed by the application are not intended to take place when events (such as Sunderland AFC home matches and music concerts) are taking place at the Stadium of Light.

Following the publication of the main agenda report, the applicant's agent has asked that it be clarified that site operations may take place on the *same day* as events, but that drilling and related activities would cease ahead of crowds gathering to attend any match or large-scale event at the stadium. Dates and times for the stoppage of operations will be agreed with Sunderland AFC in advance of any scheduled fixtures or events.

The proposed arrangements are considered acceptable and do not give rise to any public or highway safety concerns.

All other days and hours of working set out in the main agenda report and recommended conditions are still applicable and it remains the recommendation that Members **GRANT CONSENT** for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions set out in the main agenda report.

#### **Application 7 of Item 4**

#### **23/00192/FU4 – Demolition of existing reservoir structure and erection of retail unit (Class E) along with external display area, parking, landscaping, servicing area, altered access and associated works.**

This report seeks to provide an update following the submission of an amended Flood Risk and Drainage Assessment (Project No. JAG/AD/JR/45770-RP001-REV B) dated March 2023 (received on 22/03/2023), and following further representations subsequently received from the Council's Lead Local Flood Authority (a statutory consultee) and Northumbrian Water in relation to this matter.

The Council's Lead Local Flood Authority has stated the following in relation to the amended drainage scheme:

1. *"A Surface Water drain is shown on the NWL plans and our own records to the south end of the site, but this is not mentioned within the FRA nor has there been any information provide. Why has this drain not been look at for the point of discharge from the site as it may provide a higher discharge rate than the 2.4 l/s. This needs to be investigated it would also remove the need for the surface water pumping station due to the level and being able to discharge at gravity.*
2. *The revised information does not address the half drain down time or any mitigation to resolve the issue.*
3. *The FRA also does not include any comments or information on additional storage for pump failure which I think has been asked before.*

*Until these issues are resolved the LLFA would not be in a position to approve the application and would ask for it to be refused as it does not meet policy WWE2 and WWE3."*

Northumbrian Water has raised no objections to the amended drainage scheme.

The concerns of the Council's Lead Local Flood Authority are noted. However, it is considered that the details of the surface water drainage scheme that are still to be agreed, would not result in the proposed Home Bargains store and associated works being undevelopable. Instead, it is considered that a satisfactory surface water drainage scheme could be submitted that could address the concerns / comments of the Council's Lead Local Flood Authority, whilst not having a material impact on the scheme (in terms of layout, site levels etc.). It is therefore considered that this matter could be addressed post decision by way of conditions being attached to any planning permission.

Given the above, it is recommended that conditions should be attached to any planning permission to require the submission of full details of a foul and surface water drainage scheme (notwithstanding details already submitted), and to require the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the surface water drainage scheme to be approved.

It is recommended that Condition 18 be omitted from the Committee Report and full details of foul drainage also be provided as part of an amended foul and surface water drainage scheme. This is because it is possible that amendments to the surface water drainage scheme could impact on the foul drainage scheme.

The suggested wording of additional draft conditions is as follows:

#### Condition 24

*Notwithstanding details submitted, the development hereby permitted shall not commence until full details of a foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority (in conjunction with Northumbrian Water and the Council's Lead Local Flood Authority), and the development hereby permitted shall not be occupied until the approved scheme has been implemented / installed in accordance with the approved details.*

*REASON: To ensure that an appropriate method of connection to the existing sewerage network is achieved, to prevent the increased risk of flooding from any sources, to ensure satisfactory surface water drainage for the site, and to comply with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted Core Strategy and Development Plan.*

#### Condition 25

*"Prior to the commencement of the development hereby permitted, specific details of the timing of the submission of a verification report(s), which is to be*

*carried out by a suitably qualified person, and the extent of the Sustainable Urban Drainage (SuDS) features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the surface water drainage scheme approved under Condition 24. This verification report shall include:*

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;*
- Construction details (component drawings, materials, vegetation);*
- Health and Safety file; and*
- Details of ownership organisation, adoption and maintenance to be read in conjunction with the surface water drainage scheme approved under Condition 24.*

*REASON: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS, to reduce the risk of flooding, and to comply with Policy WWE2 and Policy WWE3 of the adopted Core Strategy and Development Plan.”*

Given the above assessment, the recommendation in the Committee Report for this application should be amended to read as follows:

#### Recommendation

It is recommended that planning committee GRANT CONSENT for the development under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to:

- The draft conditions within the main Committee Report (as published on 24<sup>th</sup> March 2023) excepting Condition 18 which should be omitted; and
- Draft conditions 24 and 25 as stated above.

#### Application 10 of Item 4

At the time of writing the main agenda report, the public consultation period for the planning application had not expired. The consultation period has now ended (on 28<sup>th</sup> March 2023) and no representations have been received.

The recommendation therefore remains that Members **GRANT CONSENT** for the proposed variation of planning conditions under Regulation 3 of the Town and Country Planning (General Regulations) 1992, with condition 2 of the original planning permission amended to reflect the revised submitted details and conditions 4 and 5 replaced by a new, combined ecology condition in line with the advice of the Council's Ecology officer. All other conditions of the original permission which remain applicable will also be re-imposed.

| **END OF REPORT**