

Development Control (North Sunderland) Sub- Committee

2 October 2018

Late Sheets

ITEM 4 – Planning and Related Applications

PAGE NO(s).	APP'N. NO	SITE	DETAILS OF SPEAKERS AND ATTENDEES
3-15	18/01347/LP3	Roker Cliff Park, Cliff Park ,Sunderland	No speakers, but representation received from Keith and Dorothy Mitchell to be circulated to members.
16-30	18/01349/LP3	Roker Park, Roker Park Road, Sunderland	

18/01347/LP3 – Roker Cliff Park, Cliff Park, Sunderland

At the time of writing the main report, consideration was still being given to the implications of the development in respect of ecology and biodiversity, with particular regard to the potential impacts of the proposals on the European-protected coastal sites and species. This 'late sheet' provides Members with an update on the situation in respect of this matter. In addition, since the publication of the main report, an additional representation from a member of the public has been received; the content of this representation is considered in detail below.

Additional representation

An additional written objection has been received from Keith and Dorothy Mitchell, of 17 Cliffe Park. These comments will be circulated to Members.

The objectors raise the following concerns:

- The approach to the consultation process which, it is considered, explicitly and directly excludes immediate residents;
- The big wheel gives people using it direct and unimpeded sight into living rooms and bedrooms for over 4 weeks, which is intolerable;

- The big wheel is a monstrous thing which should not be in the same place every year, affecting the same residents in terms of inconvenience and privacy:
- The situation is dangerous as it is far to near the road and both its motor and pedestrian traffic, at a time of year subject to coastal gales, if it should topple over.

With regard to the consultation undertaken in respect of the application, the Council's statutory requirements are set out in section 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (the 'DMPO'). This states that:

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

- (a)(i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or*
- (ii) by serving the notice on any adjoining owner or occupier; and*
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated*

For information, paragraph (2) relates to EIA development and paragraph (7) sets out the information that must be provided on the LPAs website.

In relation to this application, 8 no. site notices were displayed along the length of Cliffe Park on the 10th August and a notice was also published in the Echo on the 8th August. It is considered that the consultation undertaken was appropriate in respect of an application of this nature and is fully in accordance with the Council's statutory obligations as required by section 15 of the DMPO.

With regard to the impact of the Observation Wheel on residential amenity, as stated within the main report the wheel would be situated on site for a limited period of 4 weeks, during which it would mainly operate for four days within each week. With regard to privacy, a further site plan was received on the 01.10.18 which confirms that the wheel is to be positioned so that it is opposite Seaburn Park and would not be facing directly onto the properties at Cliffe Park and would also stand approximately 45 metres from the nearest property of Princess House (19 Cliffe Park).

Given the above, it is considered that residential amenity of the residential properties nearest to the Observation Wheel would not be negatively impacted by its presence for the duration of the illuminations event.

With reference to safety in relation to the Observation Wheel, although not a material planning consideration, it should be noted that the relevant Council departments and statutory bodies will ensure all safety measures are met, as detailed below:

- Structural calculations are requested from the operator prior to the event. These are passed to Building Control, who assess the suitability on the Council's behalf.
- The operator has to provide a copy of an in date ADIPS (Amusement Device Inspection Procedure Scheme) certificate for the ride, that they have to obtain through an independent body. These provides the ride with a Declaration of Operational Compliance (DOC) confirming all relevant inspections have been satisfactorily completed and the ride has been certified as safe to operate until the expiry date on the DOC.
- The operator will provide risk assessments and a method statement that detail how the ride is to be constructed, deconstructed and operated. The Council's Health & Safety team review these documents on the Council's behalf for suitability. The operator will also be monitored during construction, deconstruction and operation to ensure they are adhering to requirements.
- The operators risk assessment provides details of wind monitoring and have an agreed limit at which the ride would cease to operate. The Council's Event staff and Event Health & Safety Coordinator can request the ride to cease at any time if they feel weather conditions are not suitable and do not have to wait for the operator to make that decision. The operator can also make a decision to dismantle the ride at any time, or be instructed to dismantle the ride at any time, should forecasted weather conditions not be suitable for its continued operation.
- Following an assessment of the event site, ground conditions in the area the ride is situated have been identified as the most suitable for the stability of the wheel. Other areas of the event site have varying gradients which would not be suitable.

Further to this with regard to the vicinity of the wheel to Whitburn Road it is noted that a 20 metre exclusion zone will be maintained as detailed via the site plan received on the 01.10.18.

Given that considerations relating to the siting of the observation wheel have been informed by the additional site plan received the 01.10.18 it is considered appropriate to include this plan in the list of approved plans set out by recommended condition 2. The amended condition would therefore read:

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

*The site location plan received 30.07.2018;
Observation wheel siting plan received 01.10.18*

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.

It is recommended that Members impose the amended condition in the event that they are minded to grant consent for the development.

Ecology considerations

Further to the publication of the Committee Agenda, the Council's Natural Heritage team have completed an Appropriate Assessment of the site in relation to the proposals effect on a European Site. The assessment concludes that subject to appropriate mitigation measures the proposal will not have an adverse effect on the Northumbrian Coast SPA, Ramsar site or Durham Coast SAC. Natural England have been consulted with regard to the Appropriate Assessment and agreed that the development is acceptable subject to suitable mitigation measures.

Both Natural England and the Councils Natural Heritage team have confirmed that the mitigation measures within the the report provided by Durham Wildlife Services are appropriate and should be conditioned as part of a planning permission.

The mitigation measures include:

- Prevention of noise disturbance during construction by using soft starts and stopping construction if temperatures drop below 0°C on three consecutive nights. Machines in intermittent use should be shut down or throttled down to a minimum when not in use.
- Pollution prevention protocol and measures, and the presence of spill kits to prevent damage to habitats.
- Provision of bins and regular emptying, to be detailed in method statements
- Monitoring of the event through wardening and results be used to inform the event in future years.

Accordingly, it is recommended that the following additional draft condition is attached to any consent issued, should Members be minded to Grant Consent for the development:

6 *The development hereby approved shall be carried out in full accordance with the mitigation detailed within Section 6.3 'Proposed mitigation' set out within the Habitat Regulations Assessment compiled by Durham Wildlife Services received 19.09.18,*

Reason:

in order to provide appropriate ecological mitigation for the development and to comply with the requirements of policies CN19, CN20 and CN22 of the adopted Unitary Development Plan and the objectives of the NPPF.

Recommendation

Given the above, and for the reasons set out in the main report, the proposed development is considered to be acceptable and it is therefore recommended that Members GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions set out in the main report and the amended condition (no.2) and additional condition (no. 6) detailed above.

18/01349/LP3 – Roker Park, Roker Park Road, Sunderland

At the time of writing the main report, consideration was still being given to the implications of the development in respect of ecology and biodiversity, with particular regard to the potential impacts of the proposals on the European-protected coastal sites and species, and in relation to flood risk and drainage and the impact of the proposals on the registered historic Roker Park. This 'late sheet' provides Members with an update on the situation in respect of these matters.

Impact on registered historic park

As set out in the main report, the Northumbria Gardens Trust/The Gardens Trust had requested that the applicant provide further information in respect of the measures to be put in place to mitigate or repair any damage caused by the holding of the illuminations event. Subsequent to this request, an 'Implementation and Mitigation Strategy' was produced, which provides additional detail in respect of set-up and de-rig procedures, public access arrangements and post-event clear-up measures.

This document has been reviewed by the Northumbria Gardens Trust/The Gardens Trust, who confirmed (by correspondence dated 1st October 2018) that it satisfactorily addresses their concerns. Recommended condition 5 (on page 30 of the main report) would require the development to be undertaken in accordance with the Strategy and it is advised that Members impose this condition in the event they are minded to Grant Consent for the development.

Flood risk and drainage

As set out in the main report, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, requested the preparation of a Flood Evacuation Plan for Roker Park, to have effect during the holding of the illuminations event. Since the preparation of the main report, the applicant has produced such a Plan.

The Plan sets out that the event delivery team will be provided with regular updates on weather conditions from the Met Office and flooding updates from the Flood Forecasting Centre, which will inform the need for any potential site evacuations or restrictions of entry to the Park. In the event unforeseen heavy rainfall or surface water flooding occurs, the Park would be evacuated and visitors moved to safe locations outside of the Park. The Park would only then be re-occupied once deemed safe by emergency services and other relevant agencies.

The Council's Flood and Coastal team have assessed the Plan and have confirmed that it is satisfactory to address their concerns. It is consequently recommended that Members impose a further condition (no. 6) to require the Evacuation Plan to be in force for the duration of the illuminations event. The following wording is suggested:

6 *The 'Flood Evacuation Plan, Roker Illuminations, Roker Park, Sunderland' (September 2018) submitted with the application must be in force for the duration of the illuminations event and all event staff must also be provided with an up-to-date*

site layout plan ahead of the event commencing, in order to ensure that, where necessary, visitors to the event are safe during any heavy rainfall or flooding events and to comply with the objectives of the NPPF and policy EN12 of the Council's UDP.

Ecology considerations

Since the preparation of the main report, the Council's Natural Heritage team has undertaken an Appropriate Assessment of the likely effects of the proposals on the European-protected coastal sites and species. The Assessment concludes that both alone and in combination with other plans or projects, the development is not likely to have a significant effect on the Northumbria Coast SPA and Ramsar site or the Durham Coast SAC and the Council's Natural Heritage team therefore confirm that the proposals are acceptable in terms of their impact on ecology and biodiversity.

Consequently, and as Natural England had previously confirmed that they have no objections to the application, it is considered that the implications of the holding of the illuminations event in Roker Park in respect of ecology, biodiversity and the nearby European-protected sites and species is acceptable, in accordance with the objectives of the NPPF and policies CN20, CN22 and CN23 of the Council's UDP

Recommendation

Given the above, and for the reasons set out in the main report, the proposed development is considered to be acceptable and it is therefore recommended that Members GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions set out in the main report and the additional condition (no. 6) detailed above.