

**Development Control
(Hetton, Houghton & Washington)
Sub-Committee**

15th July 2008

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

S2	Staddon Way, Houghton le Spring.
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Development Control

(Hetton, Houghton & Washington)

Sub-Committee

SUPPLEMENT

Number: S2

Application Number: 08/01617/VAR

Proposal: Variation of condition 27 of permission 04/02864/FUL, Development of 20no junior sports pitches and associated changing facilities, carparking and landscaping.

Location: Staddon Way, Houghton le Spring, Sunderland.

As members will recall a decision on this application was deferred at the last meeting of the sub-committee on 1st July, as an objection had been received on the afternoon of the meeting from a Mr D W Green. Since that time no further objections which address the issue of the application, that is the changing of the wording of condition 27, have been received.

Councillor Rolph has e-mailed Development control asking that a decision on this application should be deferred until after the Forestry Commission reaches its decision on the Environmental Assessment regarding the licence to fell the trees on site. The reason given for deferring the decision is that the applicant could start the development prior to the Forestry Commission decision and if that decision was to be a refusal then there would have been abortive work by the developer involving unnecessary disturbance to the residents.

However, for the following reasons it is recommended that a decision be reached on this application. A full permission capable of implementation already exists. This application seeks only to amend the condition concerning when the development commences in relation to the completion of the mitigation works.

Secondly although the developer needs a felling licence specifically to implement phases 2 to 4 inclusive, the legal decision regarding the need for the Forestry Commission to undertake an Environmental Assessment before reaching a decision on the licence requires that the assessment considers all aspects of the development. In effect the judgement means that the Forestry Commission are taking a decision on the whole of the development separate from the planning permission. The developer is well aware of this and would not commence the development without the agreement of the Forestry Commission.

This application could be the subject of an appeal on the grounds of not reaching a decision within the required 8 week time period and that period has already passed. There is the separate issue of Development Control performance figures which would give 13 weeks to decide this application and that period elapses on 18th July i.e. 3 days after the sub-committee meeting. In the absence of any sound planning reason to refuse the current application it is recommended that the sub-committee proceed to determine the application.

This report addresses the points raised by Mr Green. Mr Green's first point is that what he refers to as a stopping order cannot be overruled by the Town and Country Planning Act 1990. The whole point is that the developer already has a planning permission and the current application seeks to amend the wording of condition 27 so that remediation and development works can be undertaken in phases rather than all the remediation works being undertaken before any development works. The felling licence relates to woods occupying phases 2, 3 and 4. There are no trees on phase 1.

The felling licence and the planning permission are 2 completely separate consents needed to implement the development. If the felling licence is not granted the whole development will not go ahead because the developer could not even implement phase 1 the grass pitches for the reason outline earlier in this report and not the changing rooms and car parks. In that respect any planning permission even one with the amended condition 27 would not override the lack of a felling licence. If the Council does not proceed to determine this application the applicant could appeal and probably go for costs on the grounds that the Council acted unreasonably in not determining the application within the 8 week period, even if the lack of a felling licence ultimately meant that the development could not proceed.

Mr Green's second point is incorrect the trees are approximately 10 years old. If they were less than 10 years old when felled the applicant would be required to repay the grant paid to fund the planting. It is understood that if the trees have been up for at least 10 years the repayment is not required.

Mr Green's third point relates to the original permission, which is specifically not to be considered when dealing with a Section 73 application. However, both the Forestry Commission and the Forestry Authority were consulted before the original permission was granted.

Mr Green's final point is a little unclear. It says 'If phase 1 is allowed to proceed. Then we have no facilities, no vehicular access (inc car parking). The main agenda report makes it clear that the proposed compound is permitted development and that the access will be via an existing farm access. Car parking could be either on the compound or beside the mostly vacant housing at Beechwood Terrace, where there are no parking restrictions and a significant number of visitor parking spaces. The latter option would have the advantage of bringing no mud onto Coaley Lane in periods of wet weather. The number of operatives required for the work would generally be 5 rising to up to 10 on occasions.

The new objection raises no new issues in relation to the decision members are being asked to reach today. The recommendation therefore remains as on the main sub-committee agenda.

RECOMMENDATION: Approve the change of the wording of condition 27 to:-

'Unless otherwise agreed by the Local Planning Authority, the remediation works specified in the approved Remediation Statement shall be undertaken sequentially in four phases as detailed in drawing 03/0031/02C and the submitted Design and Access Statement. The approved development works shall thereafter be undertaken in the same four phases as shown on the said drawing and these phased development works shall not be commenced until a report has been submitted to and approved in writing by the Local Planning Authority that the relevant remediation works for that particular phase have been completed and validated, in the interests of residential amenity and to comply with policy EN14 of the UDP.'