

Memo

My ref: JS
Your ref:
Email: joanne.stewart@sunderland.gov.uk

From	E. Waugh	Date	12.07.2012
Title	Head of Law & Governance	Ext	561 1059
Service	Commercial & Corporate Services		
Subject	SUPPLEMENTARY REPORT –DEVELOPMENT CONTROL (HETTON, HOUGHTON & WASHINGTON) SUB-COMMITTEE – 18TH JULY, 2012		
To	All Members and Officers of the Development Control (Hetton, Houghton and Washington) Sub-Committee		
Copied to			

I attach for your attention a supplementary report relating to the above meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee.

for Head of Law and Governance

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

18 July 2012

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

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.

Houghton, Hetton
& Washington

S2 Land East of Pattinson Road, Washington

Number:	S2
Application Number:	12/01014/VAR
Proposal:	Variation of Condition 5 of planning application 10/03726/HYB to read 'no more than 50 houses shall be occupied until the buildings for A1/A2/A5 uses have been built and made ready for occupation'.
Location:	Land at Pattinson Road, Pattinson Industrial Estate, Washington

Further to the report contained in the agenda in connection with this application, a consultation response has now been obtained from Economic Development/Business Investment Team. This is reported below together with a recommendation on the application.

However, there was an error in the main agenda item in which the condition as attached to the permission and the amended condition submitted by the applicant were transposed. The appropriate paragraphs of that report should have said:-

Condition 5 reads as follows:-

5. No more than 50 houses shall be occupied until the buildings for employment and A1/A2/A5 uses have been built and made ready for occupation. To ensure that a mixed use development is achieved on this site, in accordance with policy EC5.

The present application, therefore, seeks to vary that wording as follows:-

5. No more than 50 houses shall be occupied until the buildings for A1/A2/A5 uses have been built and made ready for occupation.

Economic Development/Business Investment Team

Economic Development/Business Investment Team have commented as follows. Their understanding is that the site in question suffers from significant ground condition issues that would make it difficult to develop commercially for employment uses. Consequently they can see no reasonable grounds to object to the application. Members may well recall that planning permission was granted for a concrete products manufacturing works in October 2006. This permission was never implemented due to the costs of stabilizing the ground to take the ground loadings involved in the proposed development.

Additional Condition

In addition to varying condition 5 it is necessary to introduce a new planning condition (condition 26), which requires that 1765 sq m. (19,000 sq ft) of employment buildings be constructed at Teal Farm Park before the 95th house at Teal Farm village can be occupied. This type of condition is referred to as a Grampian style condition and is appropriate as the same landowner/developer owns both the sites involved and the

condition is therefore reasonable. Permission for this development has already been granted.

It is proposed that the condition be worded as follows:-

No more than 94 houses shall be occupied until the buildings for employment uses approved under reserved matters permission 07/00537/REM (or any amendment to that permission) have been built and made ready for occupation.

CONCLUSION

It is considered that it would be better to focus employment uses at Teal Farm Park and not have any employment uses on the land east of Pattinson Rd (Teal Farm Village). This because not only are the ground conditions worse at this site, making the development of employment uses unlikely to succeed, as indicated by the consultation responses from Planning Policy and Business Investment, but there is evidence from the applicant that employment uses have been taken up relatively quickly at Teal Farm Park. Amendment of the condition as applied for would hopefully lead to a quick development and occupation of new houses at this site and of further employment uses constructed at Teal Farm Park and accordingly the recommendation is to approve the application, subject to the amended condition 5 and other conditions attached to the original approval. The majority of conditions attached to that permission have now been discharged and this will be noted against each condition where appropriate. Other conditions do remain to be discharged in relation to the development on part of the site approved in outline only, as well as conditions discharged by working in accordance with them.

RECOMMENDATION: Approve subject to conditions:

- 1 The development to which full planning permission relates must be begun not later than 3 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 Application for approval of reserved matters; in relation to those parts of the development granted outline permission (A3/A4 public house/restaurant up to 580.6 sq m. and D2 multiple use games area), shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby granted outline permission shall be begun either within five years of the date of this permission or within two years of the date of approval of the last of the above matters to be approved, whichever is the later.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. Approval of the following reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- Appearance
- Landscaping
- Layout
- Scale

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because part of the application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

4. 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:

- WYG Drawing A064433/C002
- WYG Figure A064433/A
- Barratt Homes NE-09-03B
- Barratt Homes NE-09-08 Location Plan
- PDP Associates 691-01b
- PDP Associates 691-06
- PDP Associates 691-07a
- PDP Associates 691-08a
- PDP Associates 691-09a
- PDP Associates 691-010a
- Chipchase Associates C602-101 (Proposed Roof Plans)
- Chipchase Associates C602-102 (Proposed Floor Plans - Retail Unit)
- Chipchase Associates C602-103 (Proposed Elevations - Retail Unit)
- Chipchase Associates C602-104 (Proposed Floor Plans - Industrial Units)
- Chipchase Associates C602-105 (Proposed Elevations - Industrial Unit)
- David Wilson Homes H406---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H406---5 PLANNING 2 OF 2 Rev A
- David Wilson Homes H408---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H408---5 PLANNING 2 OF 2 Rev B
- David Wilson Homes H433---5 PLANNING 1 OF 2 Rev C
- David Wilson Homes H433---5 PLANNING 2 OF 2 Rev D
- David Wilson Homes H436---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H436---5 PLANNING 2 OF 2 Rev B
- David Wilson Homes H469---5 PLANNING 1 OF 2 Rev A
- David Wilson Homes H469---5 PLANNING 2 OF 2 Rev A
- David Wilson Homes H500---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H500---5 PLANNING 2 OF 2 Rev D
- David Wilson Homes H500---B5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H500---B5 PLANNING 2 OF 2 Rev D
- David Wilson Homes H536---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes H536---5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P206---E-5 PLANNING Rev B

- David Wilson Homes P206---I-5 PLANNING Rev B
- David Wilson Homes P230---5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P230---5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P230---D5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P230---D5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P341---D5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P341---D5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P341---E-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P341---E-5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P341---WD5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P341---WD5 PLANNING 2 OF 2 Rev C
- David Wilson Homes P383---E-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes P383---E-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes P383---I-5 Rev B
- David Wilson Homes T321---E-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T321---E-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes T321---EH5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T321---EH5 PLANNING 2 OF 2 Rev B
- David Wilson Homes T321---I-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T321---I-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes T334---E-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T334---E-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes T334---I-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T334---I-5 PLANNING 2 OF 2 Rev A
- David Wilson Homes T338---E-5 PLANNING 1 OF 2 Rev B
- David Wilson Homes T338---E-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes T338---I-5 PLANNING 1 OF 2 Rev C
- David Wilson Homes T338---I-5 PLANNING 2 OF 2 Rev B
- David Wilson Homes Garage Type G1A PLANNING
- David Wilson Homes Garage Type G1B Rev D
- David Wilson Homes Garage Type G2A PLANNING
- David Wilson Homes Garage Type G2C PLANNING
- David Wilson Homes Garage Type G3F Rev A

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.

5. No more than 50 houses shall be occupied until the buildings for A1/A2/A5 uses have been built and made ready for occupation. To ensure that a mixed use development is achieved on this site, in accordance with policy EC5.
6. No more than 50 houses shall be occupied until the construction of the multi-use games area and other play area has been completed. To ensure that the development complies with policy H21(B).
7. No development other than the site remediation works shall take place until details of the following matters have been submitted to and approved by the Local Planning Authority:-

- Off-site highway improvements comprising a Road Safety Scheme for Pattinson Road. Improvements shall consist of reconfiguration of the existing roundabout at the access point, provision of improved pedestrian crossing facilities, extension to footways/cycleways, facilities for public transport including bus lay-bys and shelters, unless otherwise agreed in writing. The scheme shall include reduction of speed limit on part of Pattinson Road, as indicated in WYG drawing A064433/C002 and WYG Figure A064433/A received 7 April 2011.
- Improvements to pedestrian routes providing access to Barmston Road / Station Road subway.
- Notwithstanding the presently submitted Framework Travel Plan a full travel plan with agreed baselines and targets.

No development shall be occupied until the approved details relating to the above matters have been implemented to the satisfaction of the Local Planning Authority, in the interests of highway safety and in order to protect the amenities of the area and to comply with policies B2 and T14 of the UDP.

Condition discharged in part through approval of details submitted in relation to permission 10/03726/HYB.

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.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

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.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

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, and is subject to the approval in writing of 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.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

11. The remediation scheme approved under Condition number 7 (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 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.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

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 6 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 7 (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 8 (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. No development shall take place until a geotechnical investigation report and design foundations to address ground conditions for stability and in accordance with the fundamental requirements of BS EN 1997-1:2004 and BS EN 1997-2:2007 "Eurocode 7" and the associated National Annex documents and attachments to parts 1 and 2 comprising subsidiary supporting standards, has been submitted to and approved in writing by the Local Planning Authority.

The assumptions, data including the Ground Investigation Report, methods of calculation and results of the verification of safety and serviceability shall be recorded in a Geotechnical Design Report in accordance with Eurocode 7 Part 1.

Any piling or ground treatment work should be carried out from a suitably designed working platform. In the case of piling the platform should be design

in accordance with BRE Report 470 and a Working Platform Certificate signed off before commencing any piling operations in accordance with the recommendation of the Federation of Piling Specialists (www.fps.org.uk).

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

14. No development other than the site remediation works shall be commenced until such a time as a scheme for surface water management has been submitted to, and approved in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site, in order to comply with policy EN12 of the adopted Unitary Development Plan.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

15. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with PPS5 and saved Unitary Development Plan Policy B13.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

16. The building(s) shall not be occupied/brought into use until a report of the results of observations of the groundworks pursuant to condition 15 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation required to ensure that any archaeological remains on the site can be recorded, to accord with PPS5 and saved Unitary Development Plan Policy B13.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

17. Notwithstanding any ecological survey work submitted to support the outline application a Phase 1 habitat survey/ National Vegetation Classification shall be carried out to assess the nature conservation interest of the site and this survey, together with a scheme of mitigation and enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority either before or as part of the submission of the Reserve Matters. The scheme shall then be implemented in full in an agreed timescale in order to comply with Policy CN18 of the Unitary Development Plan.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

18. No development other than the site remediation works shall take place until details of the following matters shall be submitted and approved by the Local Planning Authority:-

- Vehicular and pedestrian access to and within the site
- Parking and servicing

The development shall only be undertaken in accordance with those approved details unless agreement of the Local Planning Authority to changes has been obtained. In the interest of the amenity of the area and highway safety and to comply with policies B2 and T14 of the Unitary Development Plan.

19. Notwithstanding any specifications on the submitted plans, no works other than the site remediation works shall be commenced until details of all walls, fences or other means of boundary enclosure have been submitted to and approved by the Local Planning Authority. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

20. No development other than the site remediation works 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 of the UDP.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

21. 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 of the UDP.

22. 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 siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures during the soil stabilisation operations and construction phases to ameliorate noise, dust and other airborne contamination, vibration, mud on the road 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 T14 of the UDP.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

23. 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 policies EN1 and B2 of the UDP.

Condition discharged through approval of details submitted in relation to permission 10/03726/HYB.

24. The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 of the UDP.
25. Once any part of the development is brought into use no Heavy Goods Vehicle (HGV) deliveries shall be taken at or despatched from site, nor shall there be any HGV movements within the site, outside the hours of 07:00 - 20:00 Monday to Saturday or at anytime on a Sunday or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority, in order to protect residential amenity and to accord with policies B2 and EN1 of the UDP.
26. No more than 94 houses shall be occupied until the buildings for employment uses approved under reserved matters permission 07/00537/REM (or any form of approved amendment to that permission) have been built and made ready for occupation.