

Development Control (South) Area Sub- Committee

28th October 2019

Late Sheet

ITEM 2 – Planning and Related Applications

APP. NO.	SITE	DETAILS OF SPEAKERS AND ATTENDEES
18/01877/REM	Land at Silksworth Lane/Silksworth Road	Susan Watson (resident) Mr Radley Ainley (resident) Cllr Peter Gibson Representative from Persimmon Homes (applicant)
19/00121/FUL	Rowlandson House, Rowlandson Terrace	Mr Karl Hindmarsh Cllrs McClennan and Scanlan Dr Anton Lang (planning agent for applicant)
19/01334/FU4	Land adjacent to Young's Quay, Port of Sunderland	Mr John Fuller (applicant)
19/01579/FU4	Former Crowtree Leisure Centre, Crowtree Road	Cllr Potts Rose Thompson (resident) Gemma Dishman and Neil Winch (applicants)

19/01334/FUL – Land adjacent to Young's Quay, Port of Sunderland

At the time of writing the main report, consultation responses were awaited from the Health and Safety Executive (HSE) and the Council's Environmental Health team. Responses from these consultees have now been received.

The HSE's Land Use Planning Support Team's response confirms that there are no objections to the proposals in respect of the additional traffic movements to be generated by the development and their proximity to the Tradebe facility at the Port. Consequently, it is confirmed that the 'Do Not Advise Against' advice received via the HSE's web app is correct.

The HSE's Land Use Planning Support Team has recommended, however, that contact be made with the HSE's Explosives Directorate to determine whether the development gives rise to any issues relative to the HSE's Explosive Safeguarding Zone at the Port. Following discussions with the Council's Port Director, it is understood that the Explosives Handling Licence for the Port has recently been amended so that it now only relates to berths along the River Wear (i.e. Corporation Quay) and not Hudson Dock and Hendon Dock. As such, the associated Explosives Safeguarding Zone has been

reduced in size and that the application site falls outside of the Zone. It is therefore anticipated that there will be no objections to the development from the HSE. However, a formal consultation response from the HSE's Explosives Directorate is still awaited.

The Council's Environmental Health team, meanwhile, have confirmed that there are no objections to the development in respect of noise generated by the proposed development, both in terms of the pumping of the liquid fertiliser from ships into tanks and then into HGVs and also in respect of noise from vehicular traffic. In addition, the Environmental Health team has advised that there are no objections to the proposals in respect of ground conditions and land contamination, subject to the imposition of the conditions recommended by the Environment Agency.

Additionally, it is noted that the Unexploded Ordinance Report submitted with the application does not identify any significant limitations or constraints to the development of the site, provided that the safety measures set out therein are adhered to. It is recommended, however, that a condition be imposed requiring the submission of a method statement for managing risks associated with UXO during the construction works.

The Environmental Health team's comments also recommend that a condition be imposed to require the submission of a Construction Environmental Management Plan, which should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

Conclusion

For the reasons set out in the main report and above, it is considered that the implications of the proposed development in respect of land use considerations, visual amenity, the setting of built heritage assets, residential amenity, ecology and biodiversity, highway and pedestrian safety, flood risk and sustainable drainage, land and water contamination and ground conditions and public safety are acceptable and that the development is compliant with all relevant local and national planning policies as referenced in the main report.

As noted above, however, a final consultation response is awaited from the HSE's Explosives Directorate, although given the recent amendments to the Explosives Safeguarding Zone at the Port, it is anticipated that there will be no objections to the proposals from the HSE in respect of this matter given that the application site now falls outside of this Zone.

Nevertheless, in order to ensure the application can be determined in good time, it is recommended that Members Delegate the application to the Executive Director of City Development, who is Minded to Grant Consent for the development, subject to confirmation of no objection from the HSE's Explosives Directorate. In the event the HSE's Explosives Directorate do object, the application will be returned to Members for their consideration and determination.

RECOMMENDATION: DELEGATE TO EXECUTIVE DIRECTOR OF CITY DEVELOPMENT, who is Minded to Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to confirmation of no objections to the development from the Health and Safety Executive's

Explosives Directorate and subject to the conditions set out on pages 50 to 53 of the main report and the additional condition below:

Additional conditions

13 The development hereby approved shall not commence until a detailed method statement for managing risks associated with Unexploded Ordnance has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the statement shall be informed by 6 Alpha's 'Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment' for the Port of Sunderland (November 2018) and shall include an Emergency Response Plan and proposals for the detailed survey work required before the commencement of groundworks. The development shall then be carried out in complete accordance with the approved method statement.

Reason: to ensure risks associated with UXO are properly managed during and after construction works and to comply with the requirements of policy EN14 of the UDP, policy HS3 of the CSDP and paragraphs 170 and 178 of the NPPF.

14 No development shall take place until a Construction Environmental Management Plan has been submitted to and approved by the Council as Local Planning Authority; such a Plan to include details of: how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated. The development shall then be undertaken in accordance with the approved Plan.

Reason: 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 B2 of the UDP.

19/01579/FU4 – Former Crowtree Leisure Centre, Crowtree Road

At the time of writing the main report, the period for receipt of public representations had not yet expired. Since the preparation report, two additional representations have been received, one from a resident of Solar House and the second submitted without an address.

The representation from the resident of Solar House suggests that the tipi development should close earlier than is proposed as Solar House and Astral House are home to high numbers of elderly residents. It is suggested that a closing time of between 11.30pm and midnight would be more appropriate. It is also suggested that it is unnecessary for the tipis to operate from 4th November 2019 until 9th January 2020.

In response to the representation, as is set out in the main report, the implications of the development relative to noise and amenity have been given careful consideration in consultation with the Council's Environmental Health officers. The proposals have been found to be acceptable in respect of these matters, subject to the imposition of the restrictive conditions set out in the main report. As such, there are not considered to be grounds on which to require a reduction in the proposed period of operation of the tipis or the proposed opening hours.

The second representation simply expresses concern that the development appears to have already begun and suggests that a decision to allow the Tipis attraction to go ahead has already been made by the Council.

It is understood that the Council, as landowner, has arranged for some early infrastructure works to take place at the application site, to include the installation of hardstanding, a storage area and provision of electricity, water and drainage connections. These works are designed to facilitate the planning permission already granted for a new retail store at the site and to enable temporary events such as the tipis attraction to be held on the land. Members should note that the undertaking of these works is not material to the assessment of the current planning permission and should not be taken into consideration in its determination.

It is also brought to Members attention that the wording of condition no. 6 at page 81 of the main report is incorrect. A reworded version of the condition is provided below, and it is recommended that Members substitute this for the version of condition 6 in the event they are minded to Grant Consent for the development.

RECOMMENDATION: GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to conditions on pages 80 and 81 of the main report and reworded condition 6 as set out below.

Reworded condition no. 6

6 The premises shall not be operated for the purposes hereby approved outside of the following hours:

Daily - 08:00 to 01:00

In order to protect the amenities of the area, in accordance with policies EN5, EN1, S12 and B2 of the UDP.