

**Development Control (South Sunderland and City Centre)
Sub-Committee**

1 October 2013

REPORTS FOR CIRCULATION

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

South Area

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| 1 | Land at Mill Hill Road, Doxford Park, Sunderland |
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Number:	S1
Application Number:	13/01337/FUL
Proposal:	Erection of 155 No. residential units with associated access roads, landscaping and infrastructure works, including stopping up of highways.
Location:	Land at Mill Hill Road, Doxford Park, Sunderland

Further to the Agenda and Supplement reports this report for circulation is to highlight to Members that consultation is currently ongoing with the Environment Agency. The National Planning Policy Framework requires an appropriate assessment to be made of any flood risks. In this regard the submitted Flood Risk Assessment has stated that the site lies within **Flood Zone 1: Low Probability** i.e. land assessed as having less than 1 in 1000 annual probability of river flooding in any year.

The housing estate that formerly existed on site was served by separate sewers and as such the proposed redevelopment will also drain to the original foul and surface water outlets. However, and as reported on the Agenda, Northumbrian Water have stipulated a maximum discharge rate of 550 litres/sec to the existing 750mm diameter sewer. This is firmly embodied with the submitted Flood Risk Assessment and is the reason why Northumbrian Water have requested that the proposed development be built in accordance with that Assessment. By restricting the surface water discharge the Flood Risk Assessment considers that there will be no increased flood risk to downstream properties.

Consequently, given that the site is within Flood Zone 1 and in conjunction with the condition requiring the development to be built in accordance with the Flood Risk Assessment, it is considered unlikely that the Environment Agency will offer any objection to the proposal. Furthermore, and as reported on the Agenda and Supplement reports, given the time needed to agree the Section 106 Agreement for off site children's play space, it is envisaged that by the time of completing the Section 106 Agreement a consultation response from the Environment Agency confirming their non-objection will have been received.

In conclusion, and in the interests of timeliness, it is therefore requested that this application be delegated to the Deputy Chief Executive for approval subject to the successful completion of the Section 106 and in the event that no statutory objection is received from the Environment Agency. Nevertheless, should the Agency offer any formal objection, which can not be reasonably overcome, then the application will be reported back to Members at a relevant Development Control Committee Meeting.

RECOMMENDATION: Delegate to the Deputy Chief Executive to:-

- 1) Grant Permission subject to the draft conditions listed below and subject to no objection from the Environment Agency being received and the completion of a Section 106 agreement by a date to be agreed by the Deputy Chief Executive.
- 2) Refuse permission should the legal agreement not be completed by a date to be agreed by the Deputy Chief Executive.

Conditions:

1 Three Years

The development to which this permission relates must be begun not later than three 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 Accordance with Plans

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:

Existing Site Plan, Drawing No. 10 02 received 20 May 2013;
Phase 5 Existing Location Plan, Drawing No. 10 01 received 20 May 2013;
Proposed Site Plan, Drawing No. 10 04 Revision B received 27 August 2013;
House Type XX1, Drawing No. 20 11 Revision A received 20 May 2013;
Mulberry House Type (G01), Drawing No. 20 01 received 20 May 2013;
Sycamore House Type (B3), Drawing No. 20 04 received 20 May 2013;
Elm House Type (SO2), Drawing No. 20 06 received 20 May 2013;
Elder House Type (E), Drawing No. 20 02 received 20 May 2013;
Chestnut House Type (F), Drawing No. 20 09 received 20 May 2013;
Ash House Type (A), Drawing No. 20 08 received 20 May 2013;
Yew House Type (B), Drawing No. 20 10 received 20 May 2013;
Willow House Type (B1), Drawing No. 20 03 received 20 May 2013;
Spruce House Type (SO3), Drawing No. 20 07 received 20 May 2013;
Oak House Type (SO1), Drawing No. 20 05 Revision A, received 20 May 2013;

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.

3 Accordance with Flood Risk Assessment

Unless otherwise agreed in writing by the Local Planning Authority the

development hereby approved shall be built in accordance with Section 4.0 Conclusions, as set in the Doxford Park Phase 5 Flood Risk Assessment (Datum) Issue No. 1 (24 April 2013), in order to avoid the risks of flooding and to comply with policy EN12 of the Unitary Development Plan.

4 Travel Plan

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the Travel Plan (Ref. PB/ 11139.300) May 2013 Version 3 (RWO Associates), in order that the site is accessible by alternative modes of travel in accordance with policies T1, T2 and T14 of the Unitary Development Plan.

5 Submission of materials

Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

6 Ecology Mitigation & Recommendation Measures

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with Section F Mitigation and Recommendations of the Extended Phase 1 Survey, Report No. 2 (May 2013) E3 Ecology Ltd, in the interests of nature conservation and to accord with policies CN18 and CN22 of the Unitary Development Plan.

7 Arboricultural Method Statement

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the Updated Arboricultural Method Statement For Trees At Doxford Park, Phase 5, Sunderland (Revision A), All About Trees, in the interests of nature conservation and visual amenity and to comply with policies B2 and CN17 of the Unitary Development Plan.

8 Tree replanting scheme

Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

9 Agreement of Hard & Soft Landscaping

Notwithstanding the approved plans, within each phase of development no development shall be carried out until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details, in the interests of visual amenity and nature conservation and to comply with policies B2 and CN17 of the Unitary Development Plan.

10 Landscaping – 5 years

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 planting 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 nature conservation and to comply with policies B2 and CN17 of the Unitary Development Plan.

11 Boundary enclosures

Notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. 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 Unitary Development Plan.

12 Construction Methodology

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities

- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the area and highway safety, in accordance with Unitary Development Plan policies B2 and T14.

13 Hours of construction

The construction works required for the development hereby approved shall only be carried out between the hours of 07:00 and 19:00 Monday to Friday and between the hours of 07:30 and 14:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

14 Land contamination 1

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 within each phase of development must not commence until conditions number 15 to number 17 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 17 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.

15 Land contamination 2 (Site Characterisation)

Unless otherwise agreed in writing by the Local Planning Authority development within each phase of development must not commence until an investigation and risk assessment for that phase, 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, including shallow mine workings;
- (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.

16 Land contamination (Submission of remediation scheme)

Unless otherwise agreed by the Local Planning Authority, development must not commence within each phase of development until a detailed remediation scheme to bring the relevant part of 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.

17 Land contamination (Implementation)

The remediation scheme approved under Condition number 16 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development within each phase 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 for that phase 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 minimise, 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.

18 Land contamination (Unexpected contamination)

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 15 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 16 (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 17 (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.

19 Off Street parking

No dwelling shall be occupied on site until the access roads within the development have been completed to at least base level and off street parking has been made available for the parking of vehicles within the development, in the interests of highway safety and the free passage of traffic and to comply with Unitary Development Plan policy T14.