

Mr Mark Carman
Pod Newcastle
Toffee Factory
Lower Steenberg's Yard
Newcastle Upon Tyne
NE1 2DF

Date of Decision 17th May 2017

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Whereas a hybrid application for planning permission was granted in respect of the following development erection of (a) building(s) namely;

Outline planning application for up to 750no residential units, public open space and internal road network along with up to 1000sqm of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes (A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.

All Matters apart from access to be reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

Original Application Number : 16/00388/HY4

Date of Original Decision : 21st December 2016.

Now therefore in pursuance of its powers under the above mentioned Acts and Orders, Sunderland City Council, as local planning authority, has **APPROVED** the following reserved matter(s) namely:

Application ref: 16/02356/LR4

Proposal Reserved Matters for up to 160no residential units, public open space, landscaping and internal road networks along with up to 720sqm of Local Equipped Area for Play (LEAP) and 2.88ha of Suitable Alternative Natural Greenspace (SANG).

At Chapelgarth South West Of Weymouth Road, Sunderland

PLEASE QUOTE THE APPLICATION NUMBER IN ALL CORRESPONDENCE

Please note: This information will also be available via the Internet at www.sunderland.gov.uk

in accordance with the plans and detailed application received on 22nd December 2016 subject to compliance with the conditions specified here under:-

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates. (a) the expiration of three years from the outline approval of planning permission. (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved, to ensure that the development is carried out within a reasonable period of time.
2. 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:
 - Drawing No. 683-MIL-SD00.01, Site Location Plan received 22.12.2016.
 - Drawing No. 683-MIL-SD10.01, Site Plan as Existing Rev B received 22.12.2016.
 - Drawing No. 683-MIL-SD10.02, Site Plan as Proposed Rev F received 10.03.2017.
 - Drawing No. 683-MIL-SD10.03, Colour Layout Rev B received 27.03.2017.
 - Drawing No. 683-MIL-SD10.04, Surface Treatment Plan Rev D received 10.03.2017.
 - Drawing No. 683-MIL-SD10.05, Boundary Treatment Plan Rev D received 10.03.2017.
 - Drawing No. 683-MIL-SD10.06, Adoption Plan Rev C received 10.03.2017.
 - Drawing No. 683-MIL-SD10.07, Elevational Treatment Plan Rev B received 27.03.2017.
 - Drawing No. 683-MIL-SD10.08, Elevational Treatment Plan Rev B received 27.03.2017.
 - Drawing No. 683-MIL-SD20.01, Housetype Plans HT2 received 22.12.2016.
 - Drawing No. 683-MIL-SD20.02, Housetype Plans HT3 received 22.12.2016.
 - Drawing No. 683-MIL-SD20.03, Housetype Plans Darwin received 22.12.2016.
 - Drawing No. 683-MIL-SD20.04, Housetype Plans Darwin DA received 22.12.2016.
 - Drawing No. 683-MIL-SD20.05, Housetype Plans Malory received 22.12.2016.
 - Drawing No. 683-MIL-SD20.06, Housetype Plans Larkin received 22.12.2016.
 - Drawing No. 683-MIL-SD20.07, Housetype Plans Rolland received 22.12.2016.
 - Drawing No. 683-MIL-SD20.08, Housetype Plans Esk received 22.12.2016.
 - Drawing No. 683-MIL-SD20.09, Housetype Plans Seegar received 22.12.2016.
 - Drawing No. 683-MIL-SD20.10, Housetype Plans Auden received 22.12.2016.
 - Drawing No. 683-MIL-SD20.11, Housetype Plans Mitford received 22.12.2016.
 - Drawing No. 683-MIL-SD20.12, Housetype Plans Stevenson received 22.12.2016.
 - Drawing No. 683-MIL-SD20.13, Housetype Plans Chadwick received 22.12.2016.
 - Drawing No. 683-MIL-SD20.14, Housetype Plans Buttermere received 22.12.2016.
 - Drawing No. 683-MIL-SD20.15, Housetype Plans Jura received 22.12.2016.
 - Drawing No. 683-MIL-SD20.16, Housetype Plans Rosebury received 22.12.2016.
 - Drawing No. 683-MIL-SD30.01, Housetype Elevations HT2 received 22.12.2016.
 - Drawing No. 683-MIL-SD30.02, Housetype Elevations HT3 received 22.12.2016.
 - Drawing No. 683-MIL-SD30.03a, Housetype Elevations Darwin (Option 1) received 22.12.2016.
 - Drawing No. 683-MIL-SD30.03b, Housetype Elevations Darwin (Option 2) received 22.12.2016.
 - Drawing No. 683-MIL-SD30.04, Housetype Elevations Darwin DA received 22.12.2016.

Drawing No. 683-MIL-SD30.05, Housetype Elevations Malory received 22.12.2016.
Drawing No. 683-MIL-SD30.06, Housetype Elevations Larkin received 22.12.2016.
Drawing No. 683-MIL-SD30.07a, Housetype Elevations Rolland (Option 1) received 22.12.2016.
Drawing No. 683-MIL-SD30.07b, Housetype Elevations Rolland (Option 2) received 22.12.2016.
Drawing No. 683-MIL-SD30.08, Housetype Elevations Esk received 22.12.2016.
Drawing No. 683-MIL-SD30.09, Housetype Elevations Seeger received 22.12.2016.
Drawing No. 683-MIL-SD30.10a, Housetype Elevations Auden (Option 1) received 22.12.2016.
Drawing No. 683-MIL-SD30.10b, Housetype Elevations Auden (Option 2) received 22.12.2016.
Drawing No. 683-MIL-SD30.11, Housetype Elevations Mitford received 22.12.2016.
Drawing No. 683-MIL-SD30.12a, Housetype Elevations Stevenson (Option 1) received 22.12.2016.
Drawing No. 683-MIL-SD30.12b, Housetype Elevations Stevenson (Option 2) received 22.12.2016.
Drawing No. 683-MIL-SD30.13, Housetype Elevations Chadwick received 22.12.2016.
Drawing No. 683-MIL-SD30.14a, Housetype Elevations Buttermere (Option 1) received 22.12.2016.
Drawing No. 683-MIL-SD30.14b, Housetype Elevations Buttermere (Option 2) received 22.12.2016.
Drawing No. 683-MIL-SD30.15a, Housetype Elevations Jura (Option 1) received 22.12.2016.
Drawing No. 683-MIL-SD30.15b, Housetype Elevations Jura (Option 2) received 22.12.2016.
Drawing No. 683-MIL-SD30.16, Housetype Elevations Rosebury received 22.12.2016.
Drawing No. 683-MIL-SD40.01, Street Scene Rev B received 27.03.2017.
Drawing No. 683-MIL-DAS Design and Access Statement received 22.12.2016.
Drawing No. QD1197-03-01 Rev A Engineering Layout received 11.04.2017.
Drawing No. QD1197-03-02 Source Control Locations received 11.04.2017.
Drawing No. QD1197-03-03 Flood Routing Plan received 11.04.2017.
Drawing No. QD1197-08-02 Rev A Source Control Details received 11.04.2017.
Drawing No. QD1197-17-01 Section 104 Layout received 11.04.2017.
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. No groundworks or development shall commence until a second phase of archaeological fieldwork (to include evaluation trenching and mitigation strip and record excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM 7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
4. The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (3) 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 is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM 7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

5. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.
Reason : The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
6. A Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority prior to the occupation of the 80th residential unit, that covers this phase of the development and be based upon the Interim Travel Plan submitted on behalf of Siglion for the overall development, and include public transport incentives with new homes welcome packs, in order to reduce the number of journeys by car and increase the number of journeys using public transport, walking and cycling as a means of travel, in the interest of traffic mitigation and environmental sustainability and to comply with policy T14 of the Unitary Development Plan.
7. The reserved matters hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Miller Homes dated 27th April 2017 Rev.E - Queensberry Design Limited, unless otherwise first agreed in writing by the Local Planning Authority. In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved Unitary Development Plan.
8. Notwithstanding the submitted Flood Risk Assessment dated 27th April 2017 Rev E, and prior to the commencement of works on site, a final surface water drainage design and layout should be submitted to and approved in writing by the Local Planning. For the avoidance of doubt, details required include an engineering layout, source control locations, flood routing plan and section 104 layout and should include pipe sizing and swale filter drain depths/pipe sizes for all adoptable swales. In order to prevent the increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved Unitary Development Plan.
9. The reserved matters hereby approved shall be carried out in complete accordance with Section 6 Conclusion, set out in the Arboricultural Impact Assessment for Trees at Chapelgarth, Sunderland issued 20.09.2016, in order to ensure that no damage is caused to trees during construction work and to comply with saved policy CN17 of the adopted Unitary Development Plan.
10. The development hereby approved shall be carried out in complete accordance with noise mitigation measures contained within the Noise Modelling Report Chapelgarth

Phase 1 for Miller Homes by Cundall dated 03.11.2016, in order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved Unitary Development Plan policies EN1, EN5 and EN6.

NOTE 1 : DEVELOPMENT LOW RISK AREA STANDING ADVICE The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

NOTE 2 : The Local Planning Authority can only provide you with a formal written response to your request to discharge your condition(s) once a fee of £97.00 (commercial applications) or £28.00 (householder applications) (current rate subject to increase) per request has been paid to the Council as Local Planning Authority, together with any supporting information. A single request may cover the discharge of one or more conditions but each subsequent request attracts its own fee. Subject to the required details or actions being satisfactory, a written confirmation of the discharge of conditions(s) will be issued. The Council endeavours to discharge simple conditions within 21 days of the receipt of the request and complex ones within 8 weeks.

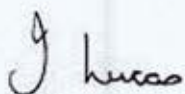
NOTE 3 : COMPLIANCE WITH CONDITIONS PRECEDENT This planning permission is subject to conditions which, in order to discharge them, require the submission of additional details and written approval of those details before the commencement of the development. This type of condition is called a condition precedent and failure to discharge such a condition prior to commencement of the development on site will make the development unlawful and liable to enforcement action.

NOTE 4 : In dealing with the application the Council has worked with the applicant in a positive and proactive manner and has implemented the requirement detailed in paragraph 187 of the National Planning Policy Framework.

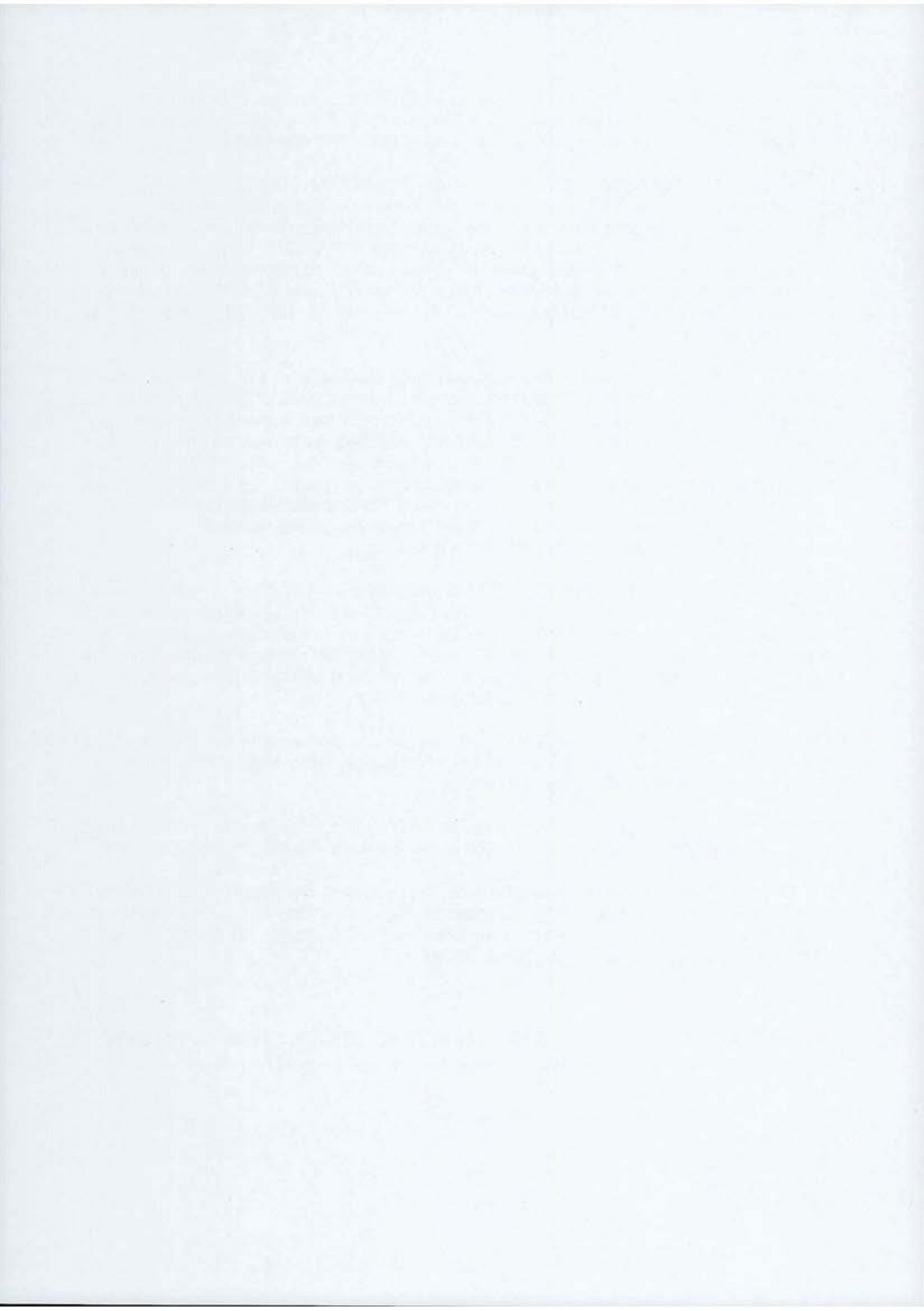
NOTE 5 : It should be noted that this permission follows the completion of a related legal agreement by Siglion LLP under Section 106 of the Town and Country Planning Act 1990.

NOTE 6 : In view of the close proximity of the proposed development to residential properties the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to the Council's Public Protection and Regulatory Services Section.

PLEASE NOTE THAT THIS IS NOT BUILDING REGULATION APPROVAL
BUILDING CONTROL CAN BE CONTACTED ON 0191 561 1550 FOR FURTHER ADVICE



Ms. Irene Lucas CBE
Chief Executive



TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice REF: [], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 0000) or online at www.planningportal.gov.uk/planning/appeals/online/makeanappeal.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely based on their decision on direction given by the Secretary of State.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, National Park authority for that Park, or in other cases the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated) This Notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Discharge of conditions

Town and Country Planning (Fee for Applications and Deemed Applications, Requests and Site visits) (England) (Amendment) No. 2 Regulations 2014 and in accordance with article 27 of the General Development Procedure Order 2015, a formal written response to a request to discharge the condition(s) can only be provided by the Local Planning Authority on receipt of the following:

1. A written request or alternatively a completed Standard Application form clearly identifying the planning permission by reference number and the conditions you presently wish to discharge by condition number. The form is available at:
<http://www.planningportal.gov.uk/uploads/appPDF/J4525Form027.pdf>
2. Information submitted to discharge the condition(s), with a clear indication of the information which has been submitted in relation to each specific condition.
3. A fee of £28.00 (conditions on householder applications); or £97.00 in all other cases. Please note this cannot be paid retrospectively.

Important

This decision refers only to that required under the Town and Country Planning Acts and **does not include approval under the Building Regulations** (including their application by Section 24(1) of the Tyne and Wear Act 1980 in respect of Fire Brigade Access) or any other appropriate regulation, enactment, byelaw or order.