

At a meeting of the DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 4TH MARCH, 2008 at 3.30 p.m.

Present:-

Councillor Foster in the Chair

Councillors Bell, D. Forbes, E. Gibson, G. Hall, Howe, Lawson and Miller

Declarations of Interest

08/00022/LAP – Erection of a single storey detached building with decking to form a new after school club room to southern end of site. Castletown Primary School.

Councillor Foster declared a personal and prejudicial interest in the item as a Governor of Castletown Primary School and withdrew from the meeting prior to consideration of the item.

Councillor Bell took the Chair for consideration of the item.

08/00314/LAP – Erection of 3 no. detached single storey modular buildings, (two of which are linked together) temporary for two years. Castle View School

Councillors Bell and Foster declared personal and prejudicial interests in the item as Governors of Castle View School and withdrew from the meeting prior to consideration of the item.

Councillor Miller took the Chair for consideration of the item

Items for Information

04/01567/OUT – Sunderland AFC

Councillors Bell, Foster and Miller declared personal and prejudicial interests in the item as season ticket holders of Sunderland AFC and agreed to withdraw from the meeting if any questions were raised in respect of the item.

08/00673/LAP – Hylton Red House Nursery School

Councillors Bell declared a personal and prejudicial interest in the item as a Governor of the Nursery School and agreed to withdraw from the meeting if any questions were raised in respect of the item.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillor Higgins.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Director of Development and Regeneration submitted a report together with a supplementary report (Copies circulated) relating to the North Sunderland area, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy report – see original minutes)

Variation in the Order of Business

At this juncture, the Chairman proposed, and it was agreed, that planning application reference no. 08/00273/VAR be considered first on the agenda.

08/00273/VAR – Variation of Condition, Removal of condition 3 of planning permission 07/04491/FUL relating to parking provision: 112 Sea Road, Fulwell, Sunderland

The Chairman welcomed and introduced Ward Councillor Bohill who spoke against the application highlighting the following issues:-

- The proposal would result in vehicles relating to the pizza outlet parking in surrounding side streets. This would exacerbate the existing problems associated with on street parking and affect businesses and residents alike.
- The previous application was discussed at Planning Committee and because of concerns about car parking a condition was added to ensure adequate car parking was provided. There was a significant problem associated with car parking in Sea Road and the proposal should be refused to accord with UDP policies.

Members were then given the opportunity of asking Councillor Bohill any questions.

The representative of the Director of Development and Regeneration responded to the issues raised by the objector and advised that the Department of the Environment Circular 11/95 must be considered in relation to the imposition of conditions on planning permissions. This makes it clear that when imposing conditions on any grant of planning permission authorities should ensure that these are reasonable and necessary, as well as enforceable, precise and relevant to both planning and to the development to be permitted.

In the case of 112 Sea Road a condition relating to the provision of on site parking had been imposed when planning permission (ref. 07/03305/SUB) was granted for the change of use of the premises to a hot food takeaway. The condition required the car parking to be laid out in accordance with the approved drawings and those drawings identified six parking spaces on site providing for two customer and four delivery vehicles to the side and rear of the site. This condition was clearly relevant to the proposal and was reasonable in every other respect and remains unaltered.

Subsequently, planning application no. 07/04491/FUL was submitted relating solely to various building operations in connection with premises (not the use of the premises as a hot food takeaway which is covered by the first permission ref: 07/03305/SUB). The application was considered by the Sub Committee on 27th November 2007, at the request of a Ward Member. A debate was entered into regarding parking issues and subsequently Members requested a further condition be added to ensure the provision of six parking spaces remained. Unfortunately, the condition set out on the subsequent decision notice transposed the mix of spaces in error to 4 for customers and 2 for delivery vehicles rather than 2 and 4 respectively as shown on the approved plans.

It is this condition on the second building works approval that does not satisfy the five tests mentioned in Circular 11/95, above. This is because there was no requirement to provide any parking as part of that application given that no additional floor space was proposed, and the proposal did not alter the previously agreed car park. The condition is thus unnecessary to the development which was permitted as the proposal related solely to building works and not the use of the premises.

It should be noted that in order to implement the change of use of the premises and operate the premises as a hot food take-away the applicant must still comply with the original parking condition outlined above on planning permission ref: 07/03305/SUB and to provide at least six parking spaces to the side and rear of the building including 2 spaces for customers. The position therefore remains unaltered as is adequately covered by the valid condition imposed on that permission.

In light of the above it was recommended that the application be approved and that condition 3 attached to planning permission 07/ 04491/FUL be removed as it was unnecessary and failed to comply with Circular 11/95.

1. RESOLVED that:-

- (i) **08/00022/LAP - Erection of a single storey detached building with decking to form a new after school club room to southern end of site.**

The application be approved for the reasons set out in the report and subject to the two conditions as outlined in the report.

- (ii) **08/00273/VAR - Removal of condition 3 of planning Permission 07/04491/FUL, relating to parking provision, 112 Sea Road, Fulwell, Sunderland**

The application be approved for the reasons set out in the report.

- (iii) **08/00314/LAP - Erection of 3 no. detached single storey modular buildings, (two of which are linked together) temporary for two years.**

Members were minded to grant consent for the reasons set out in the report in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to no objections being received by 10th March 2008 and subject to the 4 conditions set out in the supplementary report.

Town and Country Planning Act 1990 - Appeals

The Director of Development and Regeneration submitted a report (copy circulated) concerning the above for the period 1st January, 2008 to 31st January, 2008.

(For copy report – see original minutes)

2. RESOLVED that the contents of the report be received and noted.

(Signed) T. FOSTER,
Chairman.

R. BELL,
Chairman.

G. MILLER,
Chairman.