

## **DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE**

### **AGENDA**

**Meeting to be held in Committee Room No. 2 on  
Tuesday, 26<sup>th</sup> April, 2016 at 4.45 p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>	1
	Report of the Executive Director of Commercial Development (copy herewith).	

**E. WAUGH,  
Head of Law and Governance.**

Civic Centre,  
SUNDERLAND.

18<sup>th</sup> April, 2016



## Development Control North Sub-Committee

26th April 2016

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

#### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Commercial Development for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

#### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 15/02571/FUL  
Unit 6 Sunrise Enterprise Park Sunderland SR5 3RX

#### COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (0191 561 8755 ) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) .

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Commercial Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Alison Fellows  
Executive Director of Commercial Development

1.

North  
Sunderland

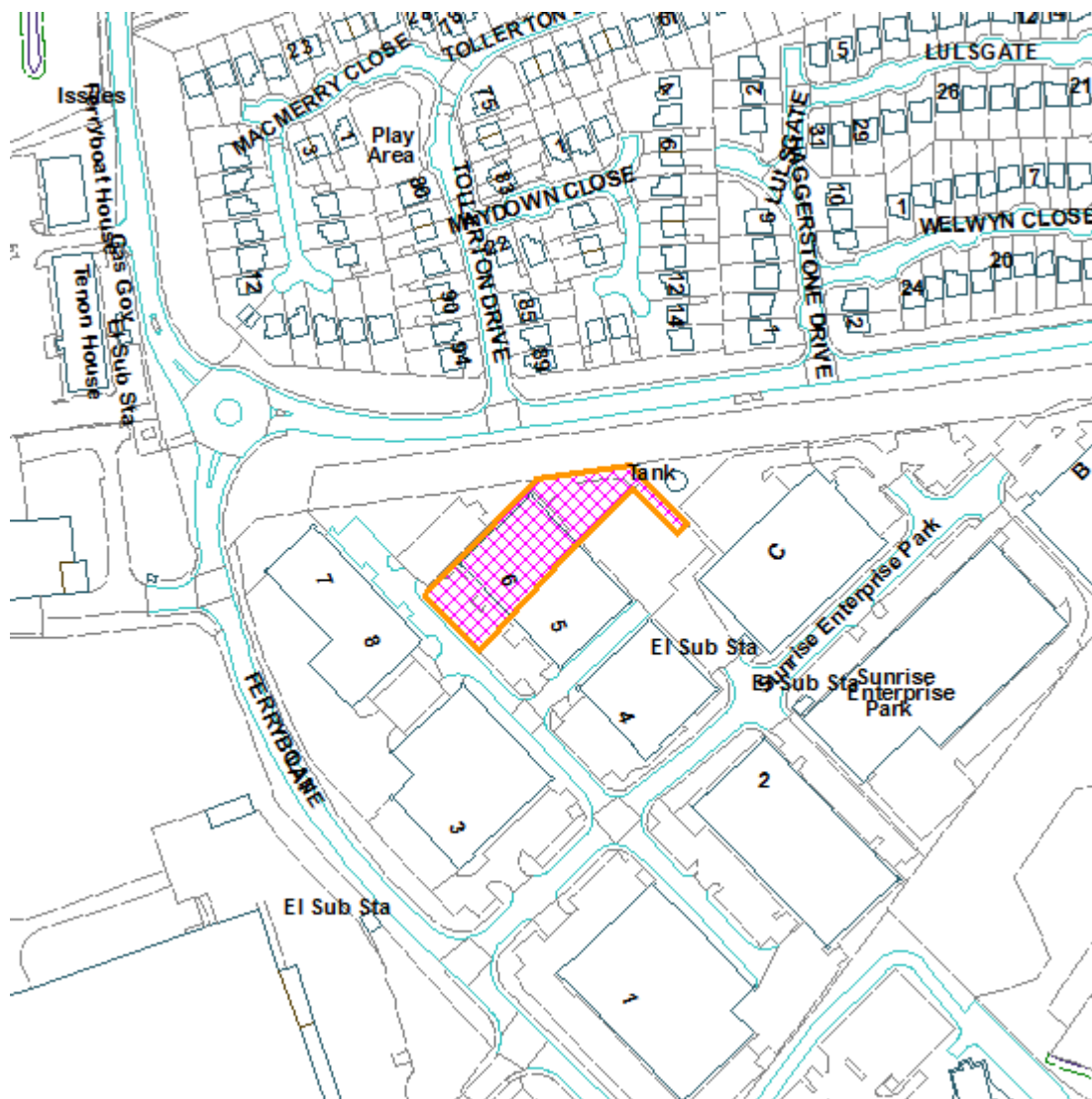
Reference No.: 15/02571/FUL Full Application

Proposal: **Change of use from use class B2 (General Industry) to use class D2 (Soft Play) to include associated parking and realignment of security fence at rear.**

Location: Unit 6 Sunrise Enterprise Park Sunderland SR5 3RX

Ward: Castle  
Applicant: Harper Corss Associated  
Date Valid: 7 January 2016  
Target Date: 7 April 2016

### Location Plan



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## PROPOSAL:

Planning permission is sought for the change of use from B2 (General Industry) to use class D2 (Assembly and Leisure) along with the realignment of parking bays and security fence to the rear at Unit 6, Sunrise Enterprise Park, Ferryboat Lane, Sunderland.

Members may recall that a similar proposal for change of use from B2 (General Industry) to use class D2 (Assembly and Leisure) was refused by Development Control (North Sunderland) Sub-Committee dated 26.11.2015. (See reference 15/00185/FUL) Two reasons for refusal were attached to the decision notice:

1. The nature and intensity of the use introduces increased pedestrian and vehicular movements onto the adjacent highway network creating significant conflict between customers of the soft play centre and the commercial traffic serving the Primary Employment Area, to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF and policies T14 and T22 of the adopted Unitary Development Plan.
2. The use generates a significant level of car borne custom which cannot be adequately accommodated by the parking allocated to the unit; consequently the associated on-street parking and pedestrian movements are having a demonstrable adverse impact on the day-to-day functions and operation of the Primary Employment Area. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF, policies EC4, T14 and T22 of the adopted Unitary Development Plan and policy DM3.1 of the emerging Core Strategy.

The current proposal seeks to realign the position of the existing fence line to the rear of the unit, marking out 27 parking bays, whilst to the front of the unit modifications to the existing parking layout have been proposed that increase the parking availability from 17 to 19 spaces therefore providing a total of 46 parking bays for the use of staff and patrons.

The current application has been supported by a Management Plan for the operations of the shared rear service yard.

The application site comprises a floor area of 1002 square metres and forms one of a pair of industrial units (No's 5 and 6) which are positioned towards the north of Sunrise Enterprise Park. The host unit directly opposes units 7 and 8 to the west whilst the northern perimeter is bound by a tree belt beyond which lies Ringway and the residential properties located within the Fulford Grange Estate. Further commercial units are located to the south and east.

Vehicular access into the Sunrise Enterprise Park is achieved from Ferryboat Lane which feeds off the (A1231) Wessington Way to the south.

The unit is currently operated as a children's soft play which had, until relatively recently, operated from Unit 2 within the Enterprise park following the granting of planning permission in October 2007 (Planning ref: 07/03912/FUL). This approval related to a soft play centre with associated creche facilities.

The current operation employs 2 full time staff and 6 part time staff and offers the following facilities:

- A dedicated passive play area for toddlers up to four years old.
- A soft play centre for children between the ages of four and twelve years old (including allocated spaces for sports activities and others);

- A specialised sensory room which includes a quiet "chill out" area designed for children with visual and hearing disabilities and other special needs;
- A small cafe, ancillary to the main use serving hot and cold drinks, light meals and snacks;
- 46 off road car parking spaces including 1 disabled bay;
- New access path from rear parking to the front entrance;
- Realigned security fence.

The operating hours identified are 09.30 and 19.00 Monday to Sundays including Bank Holidays.

The proposal is a departure from the approved development plan and has been advertised as such.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Environmental Health  
Business Investment  
Castle - Ward Councillor Consultation

Final Date for Receipt of Representations: **03.02.2016**

**REPRESENTATIONS:**

One letter of representation has been received as a result of the consultation process , from the adjoining premises at Unit 5 Park Electrical. Two issues have been identified within the representation.

Rear Goods Yard

The unit is located on an industrial estate which is commonly used by commercial / industrial traffic including large delivery wagons.

1. After considering the application it is noted 27 public parking spaces have been included to the rear loading yard sharing the access Park Electrical. Park Electrical operate 3 x large vans, 1 x 6.5 ton commercial wagon along with a fork lift truck out of the yard every day. In addition Park Electrical accept daily delivery's from numerous suppliers operating vans, trucks and articulated lorry's, Park Electrical also deliver, thereby mixing with the public raising the level of risk within the loading yard. Park Electrical consider the goods yard to be a hazard and currently insist on high viability PPE to be worn while in the yard.
2. Cheeky Charlie's has added a cafe area resulting in the premises disposing of food waste via the rear doors. In the past Park Electrical have had issue with the bins overflowing attracting Vermin. The current proposal does not make any provision of waste bins or safe access for the delivery or collection vehicles.

## Front Parking

3. The proposal seeks to incorporate some building work to increase the number of parking bays, this itself should not result in a problem however it will increase the number of children present in the area. Furthermore Park Electrical have noted that they operate a busy trade counter generally used by drivers of larger vans which park in the car park, which has a shared access point with Cheeky Charlie's, again increasing the potential for accidents within the parking area.

In summary, Park Electrical have identified a number of options that could be explored in order to find a solution to the above concerns, these include building a dividing fence/ barrier and creating a separate access to the rear yard from the Ringway. Park Electrical will need to have the ability to use the goods yard as a turning circle for HGV's whilst also having the front car park divided and the creation of a separate entrance to remove the mix of traffic types.

Parking on the roadside can be at a premium during busy periods (school holiday) as a result people are blocking turning areas and narrowing the road, this is resulting in it being difficult for drivers to manoeuvre. Whilst it is acknowledged additional parking spaces have been proposed in the new application, comments have been made relating to the public using public transport and foot and any increase in traffic will put pedestrians at risk. The site is clearly intended for commercial / industrial use and not geared up for large numbers of pedestrians including young children.

Following receipt of the above representation, the applicant, agent and Park Electrical have been in discussions seeking to implement a safer working environment between both units, which has resulted in receipt of the following emails dated 10.03.2016.

"Following several weeks of negotiations and working with unit 6 over the recent half term holidays, I am pleased to say we have arrived at a workable solution. We now feel confident if we both implement our systems and work together we can reduce the risk of a traffic incident to the public. Our Health and Safety team will keep the situation under review for the rest of the year.

This has now put Park Electrical in the happy position to say we feel confident in withdrawing our objection.

### **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

EC4 Retention and improvement of existing business and industrial land

NA1 Retention and improvement of existing industrial area

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

T22 Parking standards in new developments

EN11 Restrictions upon new development or intensified use of land liable to flooding

EN12 Conflicts between new development and flood risk / water resources

### **COMMENTS:**

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.



Particularly relevant in this case is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into policies EC4, NA1.1, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and has not yet been formally adopted by the Council. As such, the policies referred to can only be given limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next 2-3 years.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

## **1. Land use allocation of the site**

The host unit is located within an area allocated for industrial uses by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such are subject to the provisions of policies EC4 and NA1.1. These policies stipulate that Sunrise Enterprise Park will be retained and improved for primary industrial uses including B1 (offices and businesses), B2 (industry) and B8 (storage and distribution).

Policy EC4 states that uses falling into class D2 (assembly and leisure) are only normally appropriate where they are considered ancillary and required to meet the needs of each site.

The Council's UDP was now adopted some time ago, but the area in which the subject property stands is continued to be identified as an established 'Primary Employment Area' by the aforementioned emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This designation is based upon the most up-to-date employment land assessments available to the Council. City-wide policy CS3.3 of the draft Core Strategy states that primary employment areas will be maintained through the improvement, development and intensification of land and premises for economic development (i.e. B1, B2 and B8 use classes) purposes.

## **2. Principle of the change of use**

The use of the premises as a soft play centre (use class D2) does not accord with the list of land and property uses considered to be most appropriate within this employment area as set out by policies EC4 and NA1.1 of the UDP and policy CS3.3 of the draft Core Strategy. In addition the size, scale and nature of use are not such that it could be considered to be an ancillary facility which supports the services provided by the employment area.

Further, as the proposal involves the change of use of industrial units to a main town centre use, as identified by Annex 2 (the Glossary) to the NPPF and Section 2 of the NPPF, it is important to

ensure that the long-term vitality of town centres (a term which also encompasses city centres, town centres, district centres and local centres) is protected; to this end, paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre to determine if any more suitable sites are available. Of greatest preference are 'in centre' sites, followed by 'edge of centre' sites and only where no suitable sites are identified should consideration be given to an 'out of centre' location.

As required by paragraph 24 of the NPPF, the applicant previously prepared a sequential assessment for the premises (PG Legal Limited) which considered the availability and suitability of other sites in more appropriate locations. Among the numerous sites considered were the former Comet Store on Hylton Riverside, Peel Retail units in Washington, the former Dallas Carpets unit on Wessington Way and the former Bingo Hall in Southwick.

In all identified areas, there were no available premises which were considered suitable for the applicant's business based on factors ranging from size, rent and the condition of the building. City centre locations were also considered but nothing was considered to be suitable primarily due to the size of the buildings. The assessment ultimately concludes that there were no more sequentially preferable sites for the soft play centre given the applicant's specific requirements.

On the basis of the information provided it is considered that the applicant has considered and satisfactorily assessed the availability and suitability of other premises and sites within more sequentially preferable locations in line with the requirements of paragraph 24 of the NPPF. As such, on balance it is considered appropriate to conclude that there are no more sequentially preferable sites which are, within reason, available and suitable for the purposes of a soft play centre.

In respect of the above and whilst the use falls contrary to list of acceptable uses for estate, consideration must be given to the specific merits of an individual proposal and in this instance it is clear that the principle of establishing the soft play centre within the Sunrise Enterprise Park has already been established in the planning sense through an approval of planning permission at Unit 2 in 2007. In this respect the applicant has effectively vacated a larger unit within the park (which has since received planning permission by members in March 2015, Ref: 15/00160/FUL, to revert back to an industrial use) and taken on a smaller premises. On this basis there are considered to be no reasonable grounds to argue that the principle of locating the soft play use within Sunrise Enterprise Park is inappropriate given the above circumstances.

### **3. Impact of the existing use on the remaining employment area**

Policy EC4 states that non complainant uses will be considered on their own individual merit whilst draft policy DM3.1 of the emerging Core Strategy requires consideration to be given to the effect the introduction of a land use which is not usually appropriate within an employment site may have upon the established character and function of the primary employment area (PEA). In addition, the draft policy also seeks to ensure that the use would not prejudice the day-to-day operation of the PEA through traffic generation or pedestrian movement nor should the use it in its own right or in conjunction with other similar uses dilute the industrial nature of the PEA.

Based on the City Council's Supplementary Guidance (Development Control Guidance), the parking requirements for a D2 (Assembly and Leisure) Use is calculated at;

- 1 space per member of staff and;
- 1 per 3 seats or 1 per 5sqm of public floor area.

With the above in mind and based on the floor plans submitted, it is calculated that there is approximately 775sqm of public floor space within the building whilst 2 full time staff and 6 part time staff are currently employed at the site. As such, in order to adhere with the guidance figure in the region of 158 spaces would be required to be provided to serve the use. Clearly the above guidance is generic and is required to cover all potential uses which could fall under the D2 umbrella. It is therefore important that the proposal is considered on its own particular merit and given that the use is operational, a greater degree of certainty can be placed on the level of parking demand that is currently being generated by the use.

The submitted site plan indicates that there are 19no communal spaces including 1no oversized disabled bays provided in front of unit 6, whilst an additional 27 parking bays are shown to be located to the rear of the building within the large yard/servicing area.

The current applicant has acknowledged that the operations of the previous tenant are replicated again as part of this submission, with the addition of providing a larger area of car parking to the rear. However for the avoidance of doubt and by way of attempting to address previous concerns the previous applicant has stipulated within the accompanying Planning Statement that the following measures have now been adopted;

1. Staff and deliveries are now required to use the parking spaces as the rear of the unit to free up spaces at the front.
2. The business model now restricts soft play to a two hour limit (which is usual practice within the industry) rather than the 'play all day' policy which has in turn relieved pressure on parking.
3. The introduction of a drop of and pick up point.

In addition to the above, the current applicant has reached an amicable agreement with the neighbouring premises at Unit 5, which has identified the following action points to be implemented to improve the operations for parking and access for the shared service yard. The action points identified are:

1. The installation of 5mph speed humps on the access road to the rear parking area.
2. The installation of a large blind spot mirror on the corner of the parking area so approaching vehicles can be seen clearly.
3. A temporary security fence to be erected on boundary line between the units during school holiday, to fence in soft play patrons.
4. CCTV to be installed on the rear of the premises (CCTV coverage at the front already exists).
5. A car park supervisor will be in rear car park all through school holidays to control parking and supervise movement of soft play patrons.

In light of the introduction of the above measures, it is evident that concerns originally raised by the neighbouring unit 5 with regard to the level of parking and traffic generation that is resulting from the soft play operation have been alleviated, and the formal objection has been withdrawn, the situation on site is being closely monitored by relative health and safety teams to minimise the risk of accidents. Furthermore it is noted that rear service yard is privately managed and not public highway, the responsibility for the control and management of this space falls with the landowner.

Notwithstanding the above and further to consultations with both the City Council's Network Management Section and Public Protection and Regulatory Services Section, it is also recommended that in addition to the above action points, the submitted management plan is widened to include the following.

1. The 27 parking bays to the rear of the premises are lines with road-marking paint to ensure they are clearly defined.
2. A 2m wide hatched and marked pedestrian route should be provided to direct pedestrians to the proposed gate installed in the northern boundary fence. This route should be accompanied by signs to assist with directing pedestrians to the customer entrance.
3. Details of the location of the waste storage area.

Should Members be minded to approve the application it is recommended that a condition be imposed that an updated management plan is submitted that reflects all of the above action points.

In summary, with the acknowledgement of the neighbouring unit that an agreement on the operations of the rear service yard area has been reached and via the introduction of a condition requiring the development be undertaken in accordance with the management plan, it is considered that the operation of the host unit is unlikely to be detrimental to the day to day operation of the PEA. The proposal is therefore considered to be in general accordance with the provisions of EC4 of the saved UDP and policy DM3.1 of the emerging Core Strategy.

#### **4. Impact of proposed development on highway and pedestrian safety**

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking.

The proposal represents a more intensive use of the premises than that of a B2 use. The current proposal includes a revised parking layout which identifies 46 spaces which is based on a class D2 leisure use of 1 space per 5 square metres of public floor area, and offers a similar level of provision to other D2 leisure uses in the area.

Clearly the existing use is well established within Sunrise Enterprise Park and prior to relocating to Unit 6 the business had been operating from Unit 2 without apparently causing any detriment to the highway safety or the day-to-day operation of the business park. As such and notwithstanding the comments made by Network Management, it does not necessarily follow that introducing non-compliant uses in to industrial areas will create significant conflict in all cases.

Members may recall that Unit B was recently approved (29 September 2015) as a Trampoline Park however as above, this Unit is also situated within its own self-contained curtilage and provided a total of 82 parking spaces to serve the new use.

As it currently stands, with the introduction of the proposed agreement on operations for the rear shared service yard, previous concerns raised by the Network Management in terms of mixing both industrial and leisure uses in one location have been alleviated.

With regards pedestrian access, the application includes the provision of a single gated entrance at the north-west corner of the service yard. This access provides the option of direct access removing the need to walk through the adjoining unit's service yard.

In conclusion, the applicant has sought to separate the interaction between patrons of the host premises and the operational functions of the neighbouring unit, and with the added introduction of the recommended pedestrian walking routes and directional signs, concerns previously raised have been removed. Based on the additional information submitted, on-going implementation of improvements on site and the conditioning of additional action points, it is considered that the

proposal is in accordance with UDP policies T14 and T22 and as such it is recommended that the application be approved.

## **5. Surface Water and Flood Risk**

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals with areas at risk of flooding and require the local planning authority, in conjunction with the Environment Agency, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

Whilst these policies remain pertinent the reliance upon the Environment Agency has now been passed on to the Lead Local Flood Authority via recent legislative changes.

Further to consultations with the Flood and Coastal Group Engineer, it is noted that as there is no increased roof area to the building or hard standing areas, there is no requirement for any betterment for surface water discharge, and as such there are no objections to the proposal.

## **Conclusion**

The use of the unit as a soft play centre (use class D2) is not consistent with the list of appropriate land uses as identified for Sunrise Enterprise Park by EC4 and NA1.1 of the UDP and draft policy CS3.3 and DM3.1 of the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD).

However, it is acknowledged that the principle of establishing the soft play centre within the Sunrise Enterprise Park has previously been established following an earlier approval in 2007 and the LPA are satisfied that that there were no more sequentially preferable sites for the soft play centre given the applicant's specific requirements. In addition it is also acknowledged that the applicant is providing a service/facility which is clearly valued by the local community and in this regard as required by Para 70 of the NPPF, planning policies should plan positively for and guard against the loss of such valued facilities.

In light of the above, in assessing the development on its own individual merit and in undertaken positive discussions with the applicant, it is considered that the previous concerns of the Network Management Section have been and can be addressed via appropriate condition. With the above in mind regard has been had to the core principles of the NPPF which seek to stimulate sustainable economic development and as such it is considered that the building will be retained in a viable use and will result in the creation of 2 full time and 6 part time members of staff.

## **Equality Act 2010 - 149 Public Sector Equality Duty**

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;

- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Members are therefore recommended to approve the application, subject to the following conditions.

**RECOMMENDATION: Approve subject to the following conditions:-**

**Conditions:**

- 1 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. AL(0)101 Rev.A, Location Plan received 06.01.2016.
  - Drawing No. AL(0)001 Rev A, Existing Site Plan and Red Line Boundary received 23.12.2015.
  - Drawing No. AL(0)004, Proposed Parking Layout Plan received 23.12.2015.
  - Drawing No. AC/CC/952/001, Existing Layouts received 06.01.2016.
  - Drawing No. AC/CC/952/002, Proposed Draft Layouts received 06.01.2016.

- Drawing No. AL(0)005, Palisade Fence Detail received 06.01.2016.

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.

- 2 The premises shall be used as an indoor children's soft play facility and for no other purpose (including any other purpose in class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order that the Local Planning Authority may retain control over the development and in the interest of policies EC4 and NA1.1 of the saved Unitary Development Plan.
- 3 The premises shall not be operated for the purposes hereby approved outside the following hours: Monday to Sunday (including Bank Holidays) 09.30 to 19.00. In order to protect the amenities of the area in accordance with policy of the UDP.
- 4 Notwithstanding the submitted details, an updated Agreement on the Operations for the Shared Service Yard shall be submitted to and approved in writing by the Local Planning Authority and implemented, maintained and managed on site within one calendar month of the date of decision. In order to achieve a satisfactory form of development and comply with policies T14 and T22 of the saved Unitary Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>15/02544/FUL</b>	<b>Lidl UK GmbH</b>	Erection of new food store including access, car park and associated works	07/01/2016	07/04/2016
<b>Castle</b>	Land To South Of North Hylton Road And North Of Riverbank Road			
<b>15/02379/FUL</b>	<b>Mr R Wooler</b>	Demolition of existing building and erection of five storey student accommodation, to provide 75 student bedrooms.	21/01/2016	21/04/2016
<b>St Peters</b>	Former Speedings Sailworks15 Whickham StreetMonkwearmouth SunderlandSR6 0ED			



<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>16/00522/LP3</b>	<b>Commercial Development Directorate</b>	Change of use from car park to public convenience and the erection of a single storey public convenience block with associated landscaping (revised description 14.4.2016).	06/04/2016	01/06/2016
<b>St Peters</b>	Car Park Pier View/Marine Walk Sunderland			
<b>16/00437/FU4</b>	<b>Sunderland North Community Business</b>	Change of use of ground floor to tea room, first floor from living accommodation to visitors centre and ancillary sui generis uses. Installation of ground floor window to east elevation and 5 no. conservation roof windows to north elevation.	05/04/2016	31/05/2016
<b>Southwick</b>	Fulwell Mill Visitor Centre Newcastle Road Sunderland SR5 1EX			