

DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Meeting to be held in Committee Room No. 2 on
Thursday, 29th January, 2015 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith).	21

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

Civic Centre,
SUNDERLAND.

21st January, 2015

Development Control North Sub-Committee

29th January 2015

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive 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. 14/02423/VAR
Land At Rockingham Road Sunderland
2. 14/02596/VAR
Land Bound By Riverbank Road, North Hylton Road And Castle Town
Way Sunderland

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 .

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

1.

North
Sunderland

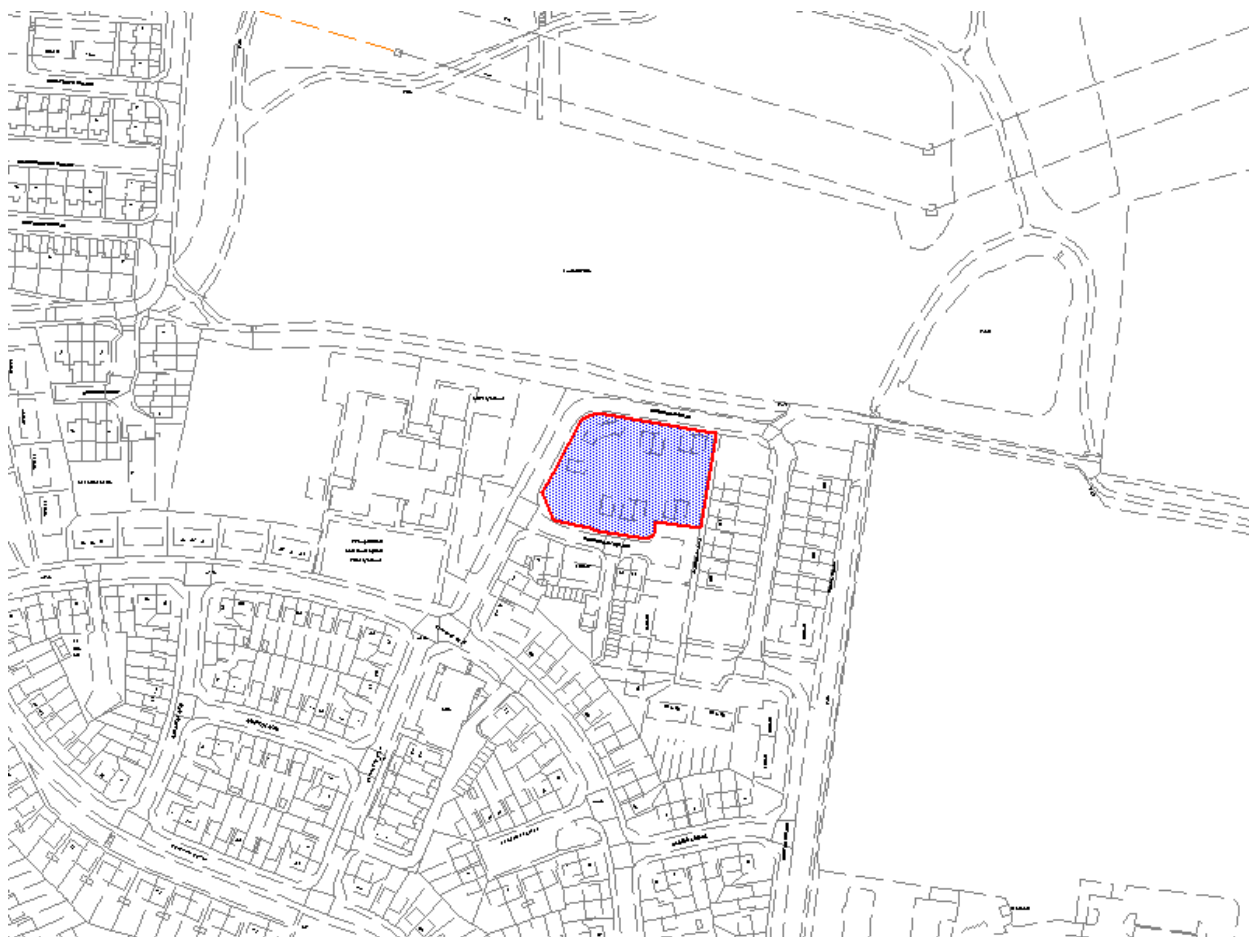
Reference No.: 14/02423/VAR Variation of Condition

Proposal: Variation of condition 2 (Plans) of planning application 12/00441/SUB (Erection of 14 no 2 and 3 bed, 2 storey dwellings with incurtilage parking spaces and 4 no. visitor parking spaces. (Resubmission)) to remove 1no. visitor parking bay.

Location: Land at Rockingham Road Sunderland

Ward: Redhill
Applicant: TCT DEVELOPMENTS
Date Valid: 24 November 2014
Target Date: 23 February 2015

Location Plan



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PROPOSAL:

The proposal is for a variation of Condition 2 (plans) of previously approved application 12/00441/SUB (Erection of 14no. 2 and 3 bed 2 storey dwellings

within in-curtilage parking spaces and 4no visitor parking spaces), to remove 1no. visitor parking bay

Condition 2 of approved application 12/00441/SUB states:-

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 approved plans and specifications:

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.

The proposed variation to the approved plans relates solely to the removal of a single visitor parking bay on the southern side of the development. The applicant has stated that the removal of the parking bay would improve the overall development by offering additional external amenity space within the front gardens of the affected properties.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Director Of Childrens Services
Environmental Health
Force Planning And Police Architectural Liaison Officer
Northumbrian Water
Redhill - Ward Councillor Consultation
Redhill - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **08.01.2015**

REPRESENTATIONS:

Neighbour representations:-

No representations have been received as a result of the neighbour consultation letters issued or site notice posted.

Network Management:-

The removal of the visitor parking bay is noted, however it is understood that extra parking bays are to be provided at the end of Rockingham Square.

Environmental Health:-

It is understood that this variation seeks the removal of 1 parking bay. This is unlikely to generate any impact which would give rise to concerns from Environmental Health has no comments to make in addition to those made in respect of 12/00441/SUB.

Northumbrian Water:-

Northumbrian Water has offered no comment to make on the proposed scheme.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

Issues

The principle of the development has already been established through planning application 12/00441/SUB; therefore the relevant matter to consider in respect of this application is to solely assess the perceived impact the loss of the 1no. visitor parking bay would have on the approved scheme and on highway and pedestrian safety.

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided

Whilst 4no visitor parking bays would generally be expected to be incorporated into a development of this scale, the City Council's Network Management Section has offered no objection to the proposal to remove the single bay on this occasion. The reasoning behind the lack of objection is due to the fact that the applicant has recently approached Network Management with a view to formalising an existing area of adopted highway directly adjacent to the site on Rockingham Square. This area of hardstanding is currently being used as an informal parking area and under the provisions of the Section 278 Agreement the land will be formalised to provide 8 defined parking bays.

Whilst the Section 278 Agreement is currently in the process of being completed, it is unlikely to be completed prior to the Sub Committee meeting of the 29th January. As such and in order to ensure that the mitigation measures are implemented, it is considered appropriate to condition that the approved

dwellings shall not be brought into occupation prior to the formalisation of the parking bays.

In respect of the above, it is considered that the loss of one visitor parking bay from the approved development would be more than mitigated by the formalisation and provision of 8 parking bays on the adjacent area of informal parking/hardstanding within Rockingham Square. On this basis the proposal would have no adverse impact on the approved development nor would it be detrimental to highway or pedestrian safety. The proposal therefore accords with UDP policies T14 and T22.

Recommendation

In light of the above reasoning it is considered that the proposed variation of condition 2 is considered acceptable and complies with the Council's adopted Unitary Development Plan policies. It is therefore recommended that this application be approved subject to the imposition of all the outstanding conditions attached to the previous planning approval.

RECOMMENDATION: Approve

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 and specifications:

Site Location Plan INF - 001 - 001 Rec'd 28.02.2012;
Proposed Street Elevations Drawing No. INF-001-010 P2 Rec'd 28th February 2012;
Proposed Site G.A. Drawing No. INF-001-002 P5 Rec'd 24th November 2014;
Proposed Roof/Materials Plan, Drawing no. INF-001-020 Rev P2 Rec'd 28.02.2012;
House Type 332 - Plan Nos. INF/01 003-1, INF/01 003-2, INF/01 003-3, INF/01 003-4, INF/01 003-5 and INF/01 003-6, Rec'd 28th February 2012
Unit 335 - Plan No. INF/01 004/1, INF/01 004/2, INF/01 004/3, INF/01 004/4, INF/01 004/5 and INF/01 004/6, Rec'd 28th February 2012
Unit AB-2 - Plan Nos. INF/01 005/1, INF/01 005/2, INF/01 005/3, INF/01 005/4, INF/01 005/5 and INF/01 005/6, Rec'd 28th February 2012
Unit AB-7 - Plan Nos. INF/01 006/1, INF/01 006/2, INF/01 006/3, INF/01 006/4, INF/01 006/5 and INF/01 006/6, Rec'd 28th February 2012
Design and Access Statement Rec'd 28th February 2012
Extended Phase 1 Habitat Survey Rec'd 28th February 2012
Flood Risk Assessment. Rec'd 28th February 2012.
DTA Report - Desktop and Ground Investigation Report. Rec'd 28th February 2012.

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 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the materials agreed via the discharge of condition number 3 (ref. 12/03331/DIS) of planning approval 12/00441/SUB. For the avoidance of doubt the agreed details are listed below;

Roof tiles - Marley Modern Old English Red

Facing brick - (Ibstock Dilston Blend) plots 1, 2, 5, 6, 8, 9, 13 & 14.

(Ibstock Alnwick Blend) plots 3, 4, 7, 10, 11&12

Render panels - Parex Clay Earth

In the interests of visual amenity and to comply with Unitary Development Plan policy B2.

- 3 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the scheme of working and wheel wash details agreed for discharge of condition numbers 4 and 10 (ref.14/00088/DIS) of planning approval 12/00441/SUB. For the avoidance of doubt the agreed details refer to the content of the letters and site plan received 13.12.2013.

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 adopted Unitary Development Plan.

- 4 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 in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.

- 5 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 trees or plants 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 to comply with policies B2 and CN16 of the adopted Unitary Development Plan.

- 6 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 completed. 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 policies B2, CN17 and T14 of the adopted Unitary Development Plan.

- 7 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the drainage details agreed for the discharge of condition number 9 (ref.14/00142/DIS) of planning approval 12/00441/SUB. For the avoidance

of doubt the agreed details relate to the content of drawing RI465 received 14.01.2014.

In order to ensure satisfactory drainage to the site and to comply with policies B24 and EN12 of the adopted Unitary Development Plan.

- 8 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 must not commence until conditions numbers 9 to 11 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 16 has been complied with in relation to that contamination.

Reasons: 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 adopted Unitary Development Plan.

- 9 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, 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;
- (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; and 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.'

Reasons: 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 adopted Unitary Development Plan.

- 10 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring 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 has been prepared, submitted to and approved in writing by 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.

Reasons: 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 adopted Unitary Development Plan.

- 11 The remediation scheme approved under Condition number 10 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development 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 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.

Reasons: 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 adopted Unitary Development Plan.

- 12 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 12 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 13 (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 14 (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.

Reasons: 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 adopted Unitary Development Plan

- 13 The dwellings hereby approved shall not be brought into occupation until the 'hatched' area as shown on drawing No.INF-001-002 P5, dated 12.01.2015, has been laid out for the purpose of providing formalised visitor parking.

In the interest of highway safety and the free passage of traffic and to accord with policies T14 and T22 of the adopted Unitary Development Plan.

Reference No.: 14/02596/VAR Variation of Condition

Proposal: **Removal of conditions 8 and 14 of planning application 12/02920/VAR (Proposed new local centre development comprising foodstore (Class A1) Retail units (Class A1), Commercial Units (Class A1-A5), Offices/ non-residential institutions (Class B1a/D1) and restaurant (Class A3/A5); associated parking, landscaping, servicing and access arrangements.**

Location: Land Bound By Riverbank Road, North Hyllon Road and Castle Town Way Sunderland

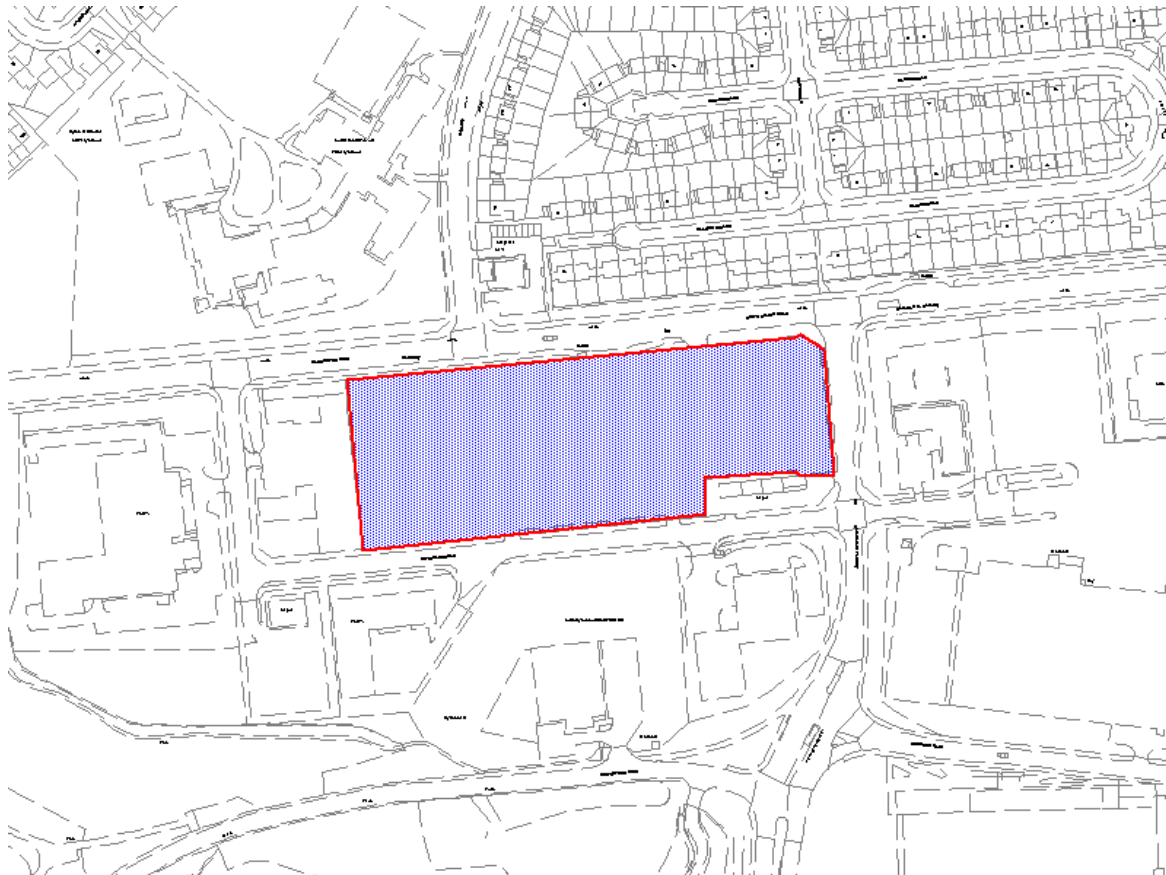
Ward: Castle

Applicant: Verum Victum Limited And Penmarric PLC

Date Valid: 14 November 2014

Target Date: 13 February 2015

Location Plan



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PROPOSAL:

The application seeks the removal of conditions 8 and 14 of planning application 12/02920/VAR which relates to a new local centre development comprising a food store (Class A1), retail units (Class A1), commercial units (Class A1-A5), offices/non-residential institutions (Class B1a/D1) and restaurant (Class A3/A5), including associated parking, landscaping, servicing and access arrangements.

The approved development site is located on land bound by Riverbank Road, North Hylton Road and Castetown Way in north Sunderland.

Condition 8 of approved application 12/02920/VAR reads:

No development shall commence until precise written details of the measures to be incorporated in to the scheme to ensure that it achieves a minimum rating of BREEAM "very good" have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be incorporated into the development in strict accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority.

In order to achieve a satisfactory form of development on site and to comply with the requirements of EN2 of the adopted Unitary Development Plan.

Condition 14 reads;

Prior to the construction of any permanent building on the approved development site a written assessment of the capability for the use of renewable energy technologies within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of renewable energy technologies shall then be fully implemented before the development is open to the public and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

In the interest of achieving a satisfactory form of development on site and in the interest of energy conservation and to comply with the requirements of policy EN2 of the adopted Unitary Development Plan.

The application has been accompanied by a statement of justification which outlines the reasoning behind why the applicant wishes to remove these particular conditions. By way of providing some context, the justifications are summarised below;

- o The building will be constructed to fully accord with Part L of the recently updated Building Regulations and will meet all current energy and sustainability legislation.
- o Producing this shell project to a BREEAM Very Good rating complicates the landlord/tenant fit out shell process. Only part of the project has been signed with potential end users, with some units still vacant.
- o Producing this shell project to a BREEAM Very Good rating and incorporating a renewable energy liability would be cost prohibitive when delivering a competitive product to the market.

- o Of the 48no BREEAM assessment criteria 18no are not influenced by the fit-out, which is not part of this phase of works.
- o The site is located within a sustainable location and is considered to be high in terms of accessibility and connectivity given that it lies on a major bus route and is a 10 minute walk from a large housing estate.
- o Sustainability will be addressed within the construction such as the re-use of materials on site and the segregation of waste for recycling.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Northumbrian Water
 Network Management
 Environmental Health
 Environment Agency
 The Highways Agency
 Castle - Ward Councillor Consultation

Final Date for Receipt of Representations: **07.01.2015**

REPRESENTATIONS:

Neighbour representations:-

No representations have been received as a result of the neighbour consultation letters issued or site notice posted.

Internal consultations

Network Management:-

No observations or recommendations have made

Environmental Health:-

No observations or recommendations

Planning Policy:-

Whilst there is no policy strength or backing to resist the removal of the conditions, the principle of incorporating Breeam and renewables should be encouraged as part of developments within the city.

External Consultations

Environment Agency:-

The Environment Agency has no objections to the removal of the conditions

Northumbrian Water:-

Northumbrian Water has no comments to make on the proposed scheme.

Highways Agency:-

The Highways Agency has no objection to the removal of the conditions

POLICIES:

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

R_1_Working towards environmentally sustainable development

EN_2_Proposals for the production and distribution of energy

COMMENTS:

Issues

The principle of the development has already been established through planning application 12/00157/FUL and thus the application does not provide an opportunity to re-examine those matters. Therefore the relevant issues to consider in respect of this application are to consider the appropriateness of removing conditions 8 and 14 from the approved scheme.

Condition 8, (BREEAM) was imposed to ensure that the widely recognised standard for best practice in sustainable building design, construction and operation was achieved, whilst the inclusion of the renewables condition (14) was also sought to ensure that energy conservation was considered within the build.

In respect of the above and following consultation with the City Councils Planning Policy Section, it has confirmed that the Council has no current policies in place to resist the removal of these conditions as the policies within the Unitary Development Plan (UDP) substantially pre-date the introduction of BREEAM and provide a more generalised overview of sustainability and renewables.

Further there is no policy within the National Planning Policy Framework which requires developments to achieve a specific BREEAM rating.

Clearly whilst the use of BREEAM and the introduction of renewables are to be encouraged within new development, Circular 11/95 (Use of Conditions in Planning Permission) makes it clear that a condition should only be used where it would be necessary to make a development acceptable in planning terms (i.e. to comply with Planning Policy where it would not otherwise do so). In this respect and whilst the conditions were originally imposed to adhere with the essence of

UDP policy, it is conceded that the content of policies within the UDP do not provide sufficient weight to ensure that the conditions are retained.

Notwithstanding the above and following consultation with the City Councils Building Control Section, it is evident that compliance with Part L of the Building Regulations (which is a statutory requirement) will ensure that;

- o CO2 performance targets are met;
- o elements of the building design do not fall outside energy efficiency limits unless there are exceptional circumstances;
- o the buildings will not suffer from excessive solar gain;
- o the building as constructed matches the design intent;
- o suitable information is provided to enable the buildings to be operated efficiently.

In this respect the approved buildings will be required to meet current energy and sustainability legislation.

Conclusion

On the basis of the above reasoning the removal of conditions 8 and 14 are considered to be acceptable in this instance. However due to the nature of the proposed development (out of town development consisting of retail, leisure or office which is not in accordance with one or more provisions of the development plan in force in relation to the area) the previous application was referred to the Secretary of State for determination and as a variation of planning permission effectively grants a new planning permission, procedurally, the application will need to be referred for consideration.

Members are therefore recommended to approve the application accordingly subject to the provision of all outstanding/ pertinent conditions as attached to the previous planning approval and that the application be referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09).

RECOMMENDATION: Refer to Secretary of State

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted 27.10.2011 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:

Unit A Comparison drawings of previously approved plans and elevations against proposed plans and elevations received 5.11.2012;
Food Store proposed elevations and images drawing number 10-018-124 Rev A received 24.10.2012;
Food Store proposed Floor Plans drawing number 10-0181-121 Rev E received 24.10.2012;

Extract of proposed site layout drawing number 10-018-10 Rev X received 24.10.2012;
Existing Site Location Plan drawing number 10-018-01 Rev B received 24.10.2012;

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 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 trees or plants 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 to comply with policy B2 of the UDP.
- 4 Notwithstanding the presently submitted interim travel plan a detailed travel plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of any of the buildings hereby approved. The development hereby approved shall implement the measures and monitoring strategy as set out in the Travel Plan when approved, unless otherwise first agreed in writing with the Local Planning Authority to ensure that the Travel Plan targets are being met and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.
- 5 No buildings shall be operational until precise details of all off site highway improvement works to be undertaken, including the relocation of any bus stops, pedestrian crossing facilities and modifications and extensions to waiting restrictions shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be fully implemented in accordance with the approved plan(s) prior to the occupation of any of the buildings, unless otherwise first agreed in writing with the Local Planning Authority. (For the avoidance of doubt and for the purposes of clarification all off site highway works will be subject to a section 278 agreement with the Local Highways Authority).

In the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.

- 6 Within the development hereby approved:
 - (i) the total gross floor space of the application proposal shall not exceed 4,987 sq.m. including any mezzanine floor space to be used for retail purposes without the express prior written permission of the local planning authority;
 - (ii) the net sales area of the food store shall not exceed to 1,313 sq.m. (including any mezzanine used for sales) without the express prior written permission of the local planning authority;
 - (iii) no mezzanine floor space shall be erected within the retail units without the express prior written permission of the local planning authority.

- (iv) the aggregate net sales area of units B to G shall not exceed 1,313 sq.m. (including any mezzanine floor to be used for sales) without the express prior written permission of the local planning authority.
- (v) units H and J shall be limited to use classes A2, A3 and A5 unless the express prior written permission of the local planning authority is granted.
- (vi) units N and P shall be limited to use classes B1a of D1 unless the express prior written permission of the local planning authority is granted.
- (vii) unit M shall be limited to Use class A3 use unless the express prior written permission of the local planning authority is granted.

In order to safeguard the vitality and viability of existing centres and to ensure that the proposal provides for the range of uses expected of a local centre, as set out in the Annex B definition of the former PPS4, which set the national policy context for the original permission (ref. 11/00288/FUL), and to comply with the requirements of policy S1 of the adopted Unitary Development Plan.

- 7 Prior to the construction of the units hereby approved, wheel washing equipment shall be provided at all egress points to ensure that vehicles leaving the site are cleansed of mud so that mud is not transferred on to the public highway. The developer shall ensure that all vehicles leaving the site during the period of the construction works use the wheel wash facilities before exiting the site.

In the interest of highway safety and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.

- 8 Within Before Unit A of the development hereby approved is brought in to use precise written details of the delivery route(s) that the occupier of the unit will require drivers of vehicles entering and leaving the site for commercial purposes (e.g. deliveries in either direction) to use, will be submitted to and approved in writing by the Local Planning Authority. Once approved, the route will be adopted by the occupier as their preferred delivery/commercial route for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

The occupier of the unit shall require the drivers of all vehicles visiting the site for commercial purposes to follow the approved route. A written copy of the methodology to be used by the first occupier of the unit to ensure that the approved route is followed shall be submitted to and approved in writing by the Local Planning Authority. The approved methodology shall then be used for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority.

In the interest of residential amenity and to comply with the requirements of policies B2 and EN5 of the adopted Unitary Development Plan.

- 9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. As the information provided with the planning application indicates that the site has been subject to a number of potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone III of a currently designated groundwater Source Protection Zone.

This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment and complies with policies E11 and EN12 of the UDP.

- 10 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to a number of potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone III of a currently designated groundwater Source Protection Zone.

This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment environment in accordance with UDP policy EN12

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters and to comply with policy EN1 of the UDP.

- 12 Prior to being discharged into any watercourse, surface water sewer or v soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with UDP policy EN12.

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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/02651/FUL	Slayco Limited	Change of use of property to a supported housing facility (prospective), with rooflights to front and rear roof planes (retrospective) (amended description, 18/12/2014).	27/11/2014	22/01/2015
St Peters	55 Roker AvenueRokerSunderlandSR6 0HT			
14/02789/LP4	Leah Properties Ltd	Change of use from former theatre to 9 two bedroom self-contained apartments and 1 self-contained one bedroom apartment, to include external alterations to provide new windows to all elevations.	16/12/2014	17/03/2015
St Peters	No Limits TheatreDundas StreetSunderlandSR6 0AY			

Appeals Received In December For
Sunderland North

Appeals Received North Sunderland

Between 01/12/2014 and 31/12/2014

Ref No	Address	Description	Date Appeal Lodged
14/00023/REF	187 Roker AvenueSunderlandSR6 0BS	Change of use to hot food takeaway	15/12/2014