

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 (General Development Procedure) Order 1995.

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

1.

North
Sunderland

Reference No.: 09/01319/VAR Variation of Condition

Proposal: Removal of Condition 13 (play provision) from planning application 07/00867/SUB - "Demolition of existing premises and erection of 35 no. 1 and 2 bedroom apartments in 2 and 3 storeys with surface car parking and amendments to vehicular accesses"

Location: Site Of Print Centre And Adjac Land Gladstone Street Roker Sunderland SR6 0JA

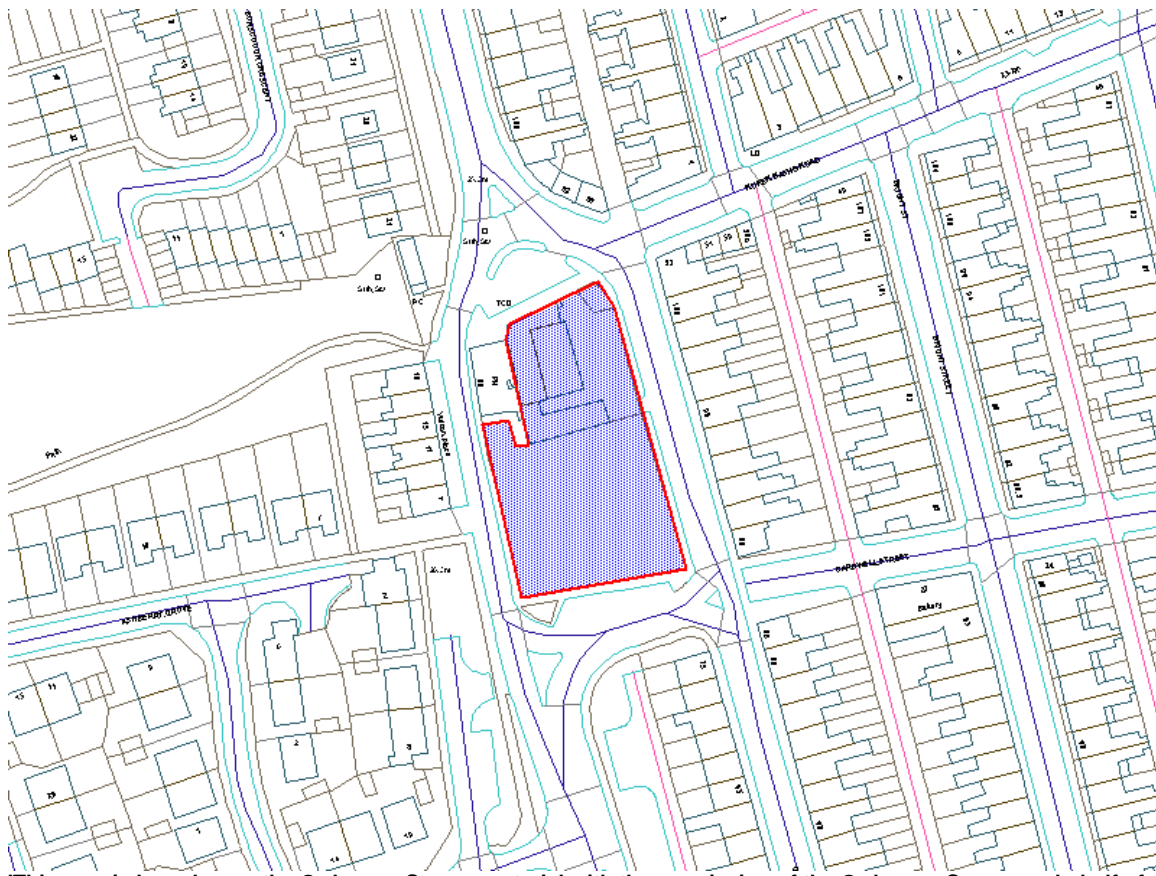
Ward: St Peters

Applicant: Glenrose Developments Ltd

Date Valid: 29 May 2009

Target Date: 24 July 2009

Location Plan



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PROPOSAL:

Planning approval 07/00867/SUB gave consent for demolition of the existing Print Centre premises and erection of 35 no. 1 and 2 bedroom apartments in 2 and 3 storeys with surface car parking and amendments to vehicular accesses.

This application seeks consent for the removal of condition 13 (play space provision) from planning approval 07/00867/SUB.

(The application does not seek consent for the built development proposed as this already has full planning permission following the approval of 07/00867/SUB on 24 May 2007 as set out below -).

Members may recall that planning application 07/00867/SUB was considered by them at their meeting of 1 May 2007. Members resolved to delegate the final decision regarding the application to the Director of Development and Regeneration (a copy of the report to the sub committee on that application is appended for information). The application was subsequently approved on 24 May 2007 with 15 conditions attached.

The 15 conditions attached to planning permission 07/00867/SUB are summarised below:

- Condition 1 - 3 year time limit for commencement
- Condition 2 - Compliance with approved plans
- Condition 3 - Submission of materials to be used
- Condition 4 - Submission of a landscaping scheme
- Condition 5 - Maintenance of landscaping
- Condition 6 - 35 car parking spaces to be provided on site
- Condition 7 - Desk Top Study to identify contamination
- Condition 8 - Contamination remediation statement
- Condition 9 - Contamination not previously found
- Condition 10 - Details of boundary treatments
- Condition 11 - Method of containing dirt and debris
- Condition 12 - Scheme of working
- Condition 13 - Play area to be provided on site*
- Condition 14 - Details of canopies to be submitted
- Condition 15 - Details of Stone Cills and Heads to be submitted

Members should note that an application to formally discharge condition 3 has been successful and that applications to formally discharge conditions 4,5,6,7,8,10,11,12,14 and 15 are currently under consideration and are likely to be formally discharged in the very near future.

*Condition 13 of planning permission 07/00867/SUB requires:

"Details of the layout of a play area and equipment to be provided on site by the developer shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved commences. Such facilities to be provided in accordance with the agreed scheme in order to achieve a satisfactory form of development and to comply with policy H21 of the UDP."

It is proposed to remove condition 13 from the consent and instead of providing play space on site, the developer proposes to provide a financial contribution of

£22,432 to the Council towards the upgrading of existing play facilities at either The Foreshore Play Area (adjacent to Marine Walk) or Roker Park Play Area (adjacent to Side Cliff Road) through an Agreement made under Section 106 of the Town and Country Planning Act, 1990. This approach to providing play facilities off site is in accordance with Policy H21 of the adopted Unitary Development Plan.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Director Of Children's Services

Final Date for Receipt of Representations: 29.06.2009

REPRESENTATIONS:

No third party representation has been received.

POLICIES:

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

R_3_Infrastructure provision, etc. in association with developments
B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_21_Open space requirements in new residential developments (over 40 bed spaces)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

This application does not seek consent for any built development as planning approval 07/00867/SUB already provides this, the application simply seeks consent to remove condition 13 (play space) from the planning consent on the site.

It is considered that the proposal to remove condition 13 from planning approval 07/00867/SUB is acceptable subject to the completion of an agreement under Section 106 of the Town and Country Planning Act, 1990, to provide a sum of £22432 towards the upgrading of play facilities at The Foreshaw Play Area or Roker Park Play Area.

It is therefore recommended that Members be minded to delegate the application to the Director of Development and Regeneration who is minded to grant consent

for the removal of Condition 13 (Playspace) subject to the completion of an agreement under Section 106 of the Town and Country Planning Act by 28 August 2009. In the event that such an agreement is not completed by the aforementioned date then the application will be refused consent.

RECOMMENDATION:

(i) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 28 August 2009, or such other date as agreed by the Director of Development and Regeneration.

Or

(ii) Refuse permission should the legal agreement not be completed by 28 August 2009, or such other date as agreed by the Director of Development and Regeneration as there would be no means of securing adequate play provision.

RECOMMENDATION: DELEGATE to Dir. of Dev and Regeneration

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
- 2 The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications, to ensure that the development as carried out shall not vary from the approved plans.
- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 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 policy B2 of the UDP.

- 6 No fewer than 35 car parking spaces shall be retained on site for the lifetime of the development. In order to comply with the requirements of UDP Policy T22 and in the interest of highway safety.
- 7 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 8 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 9 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 10 Before the development hereby approved is commenced precise details of the boundary treatment on the western boundary of the site shall be submitted in writing to and approved in writing by the Local Planning Authority in the interest of visual amenity and to comply with the requirements of policy B2 of the adopted UDP.
- 11 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 12 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the

construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, 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 UDP.

- 13 Before the development hereby approved is commenced precise details of canopies to be provided over the entrance points to the development shall be submitted to and approved in writing by the local planning authority. The agreed details shall then be fully implemented in accordance with the approved details. In order to achieve a satisfactory form of development on site and to comply with the requirements of Policy B2 of the adopted UDP.
- 14 Before the development hereby approved is commenced a detailed drawing showing the precise detail and positioning of stone cills and heads on the south elevation of the building indicated as Block B on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented in order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the UDP.