

SUPPLEMENTARY REPORT

Planning and
Highways
Committee
5th October
2010

Reference No.: 08/03336/OUT Outline Application

Proposal: Revised outline planning application, received 5th August 2010, for erection of superstore (A1); retention and recladding of an existing unit; erection of four additional retail units; retention and recladding of the existing Farmfoods/Blockbuster unit ; new vehicular accesses; reopening of section of highway to emergency vehicles; resurfacing/landscaping and stopping up of a highway.

Location: Sunderland Retail Park Sunderland

Ward: St Peters

Applicant: Mountview Securities

Date Valid: 5 September 2008

Target Date: 31 October 2008

PURPOSE OF REPORT

The purpose of this report is firstly to address, in the interests of completeness, an editing error contained in Appendices A1 and A2 to the Addendum Report and to comment further on the proposed Section 106 agreement.

First Appendix A1 contains the summary of consultation responses on the Original Scheme, while Appendix A2 contains the summary of consultation responses on Amended Scheme. However both entries for Sunderland Arc (Consultation response no. 12) refer to the comments made in response to the amended scheme. The response from the Arc on the original scheme is summarised below.

Having regard to the exceptional scale of the proposed development and the capacity deficit revealed by the applicant's own retail assessment Sunderland Arc considered that It would be premature and inappropriate to evaluate this scheme until the new city-wide Retail Study is available and agreed. However, the following provisional comments were provided [*with officer comments in italics*].

Key issues

Sunderland arc considered that the key issues raised by the application were :

- (i) The regeneration and economic benefits arising from the redevelopment of the site — for the locality and the city as a whole.
- (ii) Transport considerations, notably the degree of accessibility by various forms of transport, particularly public transport.
- (iii) The extent of the quantitative and qualitative need for a superstore on the scale proposed.
- (iv) The adequacy of the sequential assessment.
- (v) Potential impacts on the vitality and viability of existing centres, particularly the city centre, including: the extent of the effect on the spatial planning strategy

for the city as a whole; and on future public and private sector investment in the city centre.

(vi) The degree of consistency with the development plan and government planning policy.

Regeneration benefits and accessibility

In relation to matters (i) and (ii), this is a prominent inner urban site that provides a significant regeneration opportunity. It is highly accessible and with a densely developed residential areas adjoining. The area suffers from a poor environment combined with economic and social disadvantage and the case for comprehensive regeneration is compelling. In principle, comprehensive redevelopment of the Sunderland Retail Park also provides an opportunity to strengthen the retail offer in Sunderland generally which is an important material consideration. It may also assist in limiting the leakage of expenditure from north-west Sunderland to retail locations outside the city.

Need

The Arc had a number of concerns with respect to the assessment of need. It was apparent from the applicant's own revised Retail Assessment that a quantitative need for the proposal has not been adequately demonstrated. The Arc concluded that it would be inappropriate to determine an application of this magnitude in an out-of-centre location, ahead of the city-wide retail study subsequently carried out for the Council by Roger Tym & Partners. *[This study has now been completed and used by RTP in their assessment of the amended application.]*

Sequential assessment

With regard to the sequential assessment In relation to Holmeside, the Arc considered that this remained flawed in several important respects. Key among these is that the assessment did not recognise that a major foodstore on Holmeside is fully consistent with the adopted 1998 UDP and with PPS6, as well as with the adopted UDP Alteration, since the site is already within the Retail Core. *[As set out in the main report the development at Holmeside cannot be delivered in the same time frame as SRP as the preferred developer has now gone into administration.]*

In this context, the Arc agreed that the implications of the scale of the proposed superstore development needed to be carefully evaluated with a need to examine the case for reducing the scale of the proposed superstore. It was noted that upwards of some 12,000sqm of retail floorspace already exists on the site which would be replaced by the proposed development, resulting in a net increase of around 10,000sqm. However, at 22,355sqm gross, the scale of the superstore is exceptional, certainly the largest in the region and believed to be possibly the largest in the UK. Whilst the applicant was asked to provide further information on stores of comparable size, comparatively little has emerged apart from the comparison with Kingston Park. The extent of the difference between the proposed gross and net floorspace is also quite remarkable and in the arc's view the applicant's justification was unconvincing. *[The revised scheme has significantly reduced the scale of the proposal and hence the Arc's comments on that scheme are considerably more favourable.]*

UDP Policy S5

Finally, the Arc noted that there were a number of references in the Retail Assessment to UDP Policy S5, which were quoted in support of the scheme. However, as the Council is aware this particular policy was not saved by the Secretary of State's Direction under paragraph 1(3) of Schedule B to the Planning and Compulsory Purchase Act 2004 - and has therefore expired. *[This matter has been addressed in the assessment relating to the amended scheme.]*

PROPOSED SECTION 106 AGREEMENT

As explained at Page 23 of the Addendum Report, it is proposed to address two policy issues relating to the development through a Section 106 Agreement under the Town and Country Planning Act 1990.

Firstly, it is proposed to impose a planning obligation on the operator of the superstore to provide employment and training opportunities at the store to the most socially and economically disadvantaged in the local area, in particular those who have been unemployed for more than twelve months and individuals in receipt of income support and sickness related benefits. This obligation is necessary to secure the positive impact of the development on local employment as identified by the impact assessment under EC10.2(e) of PPS4.

Secondly, it is proposed to impose a planning obligation on the developer to provide on site public art provision to the value of £50,000 as part of the proposed development. Policy B20 of the UDP provides that the Council will encourage the provision of public art, craft or decoration in major new developments as part of the enhancement of the built environment and the open landscapes of the city. This obligation is necessary to achieve an enhanced development at this important gateway site to the City. The level of this contribution to public art is considered proportionate to the scale and nature of the entire development.

Both planning obligations are therefore considered necessary to make the development acceptable in planning terms. In addition, both obligations directly relate to the development and fairly and reasonably relate to the scale and nature of the development in accordance with the tests contained in Regulation 122 of the Community Infrastructure Regulations 2010.

RECOMMENDATION

Committee is recommended to resolve:-

- 1) That it is minded to approve the outline application for retail development subject to the conditions outlined in the Addendum Report and to the completion of a Section 106 Town and Country Planning Act 1990 Agreement for the following reasons:-
 - The proposed development accords with UDP policy and in particular strategic retail policy S1 and site specific policy N44.(having satisfied the sequential test and there being no clear evidence of a significant adverse impact on the vitality and viability of other centres); policies EC1 and EC3 (being in an area of

economic and social deprivation and re-using already developed land); policies R1 and R2 (being environmentally sustainable and using existing infrastructure) and accords with the supporting text to emerging Core Strategy CS6 (which provides for out of centre retail provision where there is a lack of such facilities and there are no sequentially preferable sites available).

- The proposed development satisfies the requirements of the sequential approach set out in Policy EC15 of PPS4 and there being no sequentially preferable sites for the development. Further there is also no clear evidence that the proposal will have any significant adverse impacts in terms of any of the impacts referred to in Policies EC10.2 and 16 of PPS4.
 - The proposed development has been assessed taking account of the positive and negative impacts of the proposal and other material considerations and the positive impacts in terms of employment and physical and social regeneration more than offset any potential negative trade diversions.
- 2) to refer the application to the Secretary of State under the terms of the Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993.