

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.

Reference No.: 07/04411/FUL Full Application

Proposal: **Erection of 90 no. residential dwellings with associated works and stopping up of existing highway. (AMENDED PLANS AND DESCRIPTION).**

Location: Flodden Road High Ford Sunderland

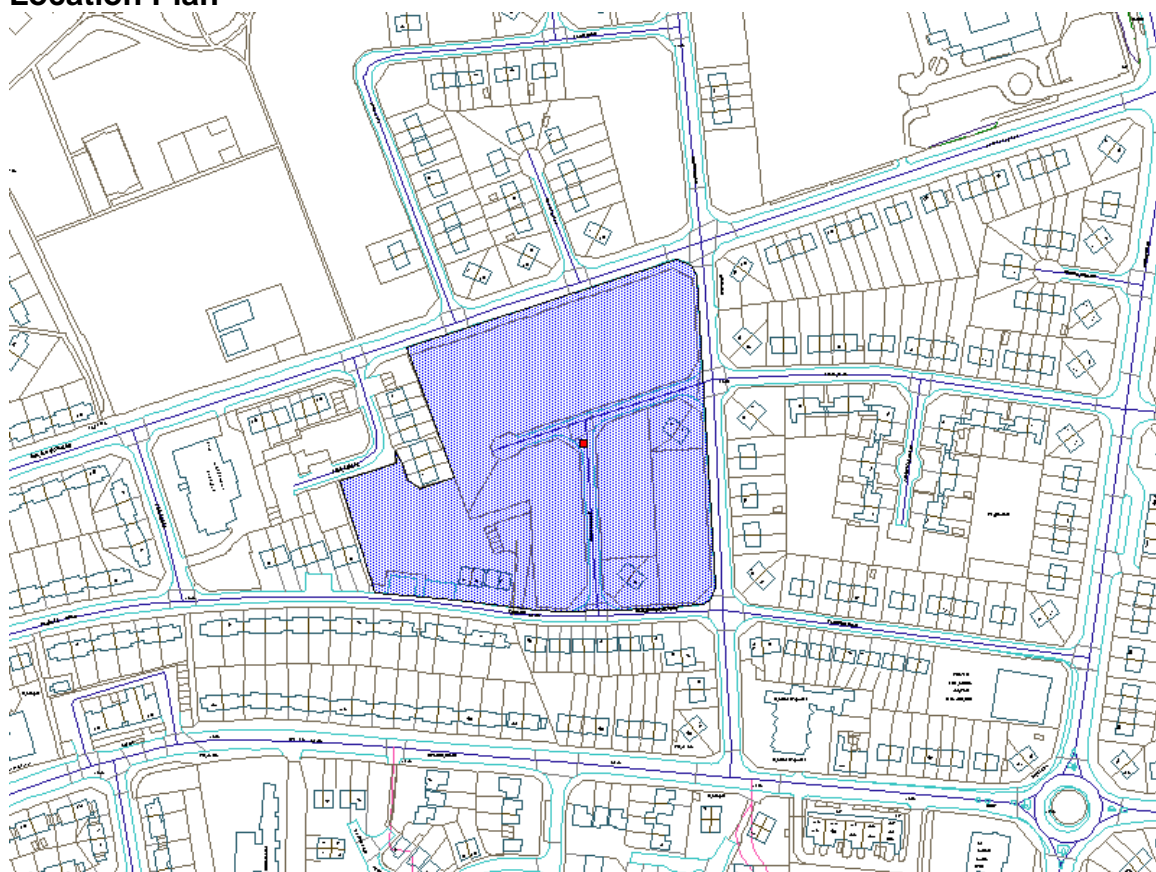
Ward: Pallion

Applicant: Gladedale (Sunderland) Limited

Date Valid: 22 November 2007

Target Date: 17 January 2008

Location Plan



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PROPOSAL:

Members may recall this proposal was previously presented to the Sub-Committee with a recommendation for refusal. However the item was not considered at the meeting because so many Members declared personal and prejudicial interests that that meeting would have been inquorate. Since then extensive discussions have been held with the applicant which have led to amended proposals being submitted which address criticisms of the original scheme.

The proposal as originally submitted involved the erection of 90 two storey dwellings with associated access, parking and open space in the High Ford Area on a site cleared of all but four of the older dwellings by Gentoo. Two of the two pairs of semi detached dwellings that are to remain are in the ownership of Gentoo and will be refurbished. These properties have thus been excluded from the red line planning application site as the refurbishment only involves new doors, windows, rainwater goods and external decoration and are thus permitted development not requiring planning permission.

Following discussions about the scheme, the applicant submitted an amended proposal, reducing the number of dwellings to 87. However this number has returned to 90 dwellings, as a result of further discussions. The proposed open space is now excluded and replaced by dwellings raising the number to 90 dwellings.

The proposal as it stands now is for 37 two bedroom, 50 three bedroom and 3 four bedroom dwellings in a mix of detached, semi-detached and terraced houses.

The main vehicular access will be taken from Padgate Road with additional access from Forest Road and Fordfield Road.

As there is no formal (equipped) children's play space included in the proposal, the developer has offered a contribution in lieu of on site provision, through a planning agreement under section 106 of the Town and Country Planning Act 1990.

COMMENTS:

Review Of The Position.

Members will recall that at the sub-committee meeting on 6th January a report was presented that assessed the relevant issues raised by the proposal and concluded by recommending that Members approve the application for the reasons set out therein. That report is appended to the present report.

However, after much discussion at the meeting, an alternative motion was put and Members indicated that they were minded to refuse the application as a result of a number of concerns raised by particular Members of the sub-committee. It was then agreed to defer the application to a further sub-committee meeting to finalise the Members' proposed reasons for refusal.

Councillor Wood, acting through the Chair of the sub-committee, has subsequently provided officers with an outline of the reasons he and other members would want to use to support a refusal of the application and the purpose of this report is to put those reasons into suitable wording at the request of Members and for the sub-committee to resolve to refuse the application for those reasons.

Implications Of Decision.

However, before reaching such a decision Members should be reminded of the implications of this proposed decision to refuse permission. The applicant has the right of appeal against a decision to refuse the application and if this right is exercised, this will have significant cost implications for the Council. Further, if the appeal is successful, there is an increased likelihood that the applicant may then seek an award of costs against the Council given that the decision to refuse was taken against the officer's advice, unless sound reasons can be demonstrated for the original decision to refuse. Comments regarding the proposed reasons for refusal are provided below.

Proposed Reasons For Refusal.

- Reason 1.
The proposals have been produced before any master plan for the High Ford area has been produced, contrary to the recommendation in the High Ford Neighbourhood Renewal Assessment and consequently could be prejudicial to the redevelopment of the wider area covered by the High Ford Neighbourhood Renewal Assessment.
- Comment.
While the Council would like a master plan in place recent appeal decisions indicate that the Secretary of State is more likely to be concerned with any demonstrable harm that might be caused by approving the development, rather than the lack of a master plan, which is not part of an adopted Statutory Development Plan, at the time a decision on the application is to be made. This is contrary to section 54A of the Town and Country Planning Act 1990 which states:-

WHERE, IN MAKING ANY DETERMINATION UNDER THE PLANNING ACTS, REGARD IS TO BE HAD TO THE DEVELOPMENT PLAN, THE DETERMINATION SHOULD BE MADE IN ACCORDANCE WITH THE PLAN UNLESS MATERIAL CONSIDERATIONS INDICATE OTHERWISE.

- Reason 2.
The proposals are considered to be piecemeal and potentially prejudicial to the redevelopment of the wider area covered by the High Ford Neighbourhood Renewal Assessment.
- Reason 3.
The development does not achieve a good standard of design, contrary to Policy B2 of the adopted UDP.
- Comment.
To some extent opinion on design is subjective, but it remains the officer's view that the negotiated improvements to the scheme have raised it to an acceptable standard of design that would be difficult to resist and sustain on appeal.

It remains the view of the officers that the reasons given above do not constitute robust reasons for refusal.

RECOMMENDATION.

Should Members remain minded to refuse the application, they are recommended to agree the following as their reasons for refusal.

1. The proposals are considered to be premature being submitted before any master plan for the High Ford area has been produced, contrary to the recommendation in the High Ford Neighbourhood Renewal Assessment and consequently could undermine the delivery of the strategic housing sites in the wider Ford area and as such would be contrary to Policy H1 of the adopted UDP.
2. The proposal would result in piecemeal and premature development prejudicing the future redevelopment of the adjacent land and as such would be contrary to policies B1, B2, H12 and H13 of the UDP.
3. The proposed development does not achieve a good standard of design, contrary to Policy B2 of the adopted UDP.

APPENDIX 1

Previous
Report

South
Sunderland

Reference No.: 07/04411/FUL Full Application

Proposal: **Erection of 90 no. residential dwellings with associated works and stopping up of existing highway. (AMENDED PLANS AND DESCRIPTION).**

Location: Flodden Road High Ford Sunderland

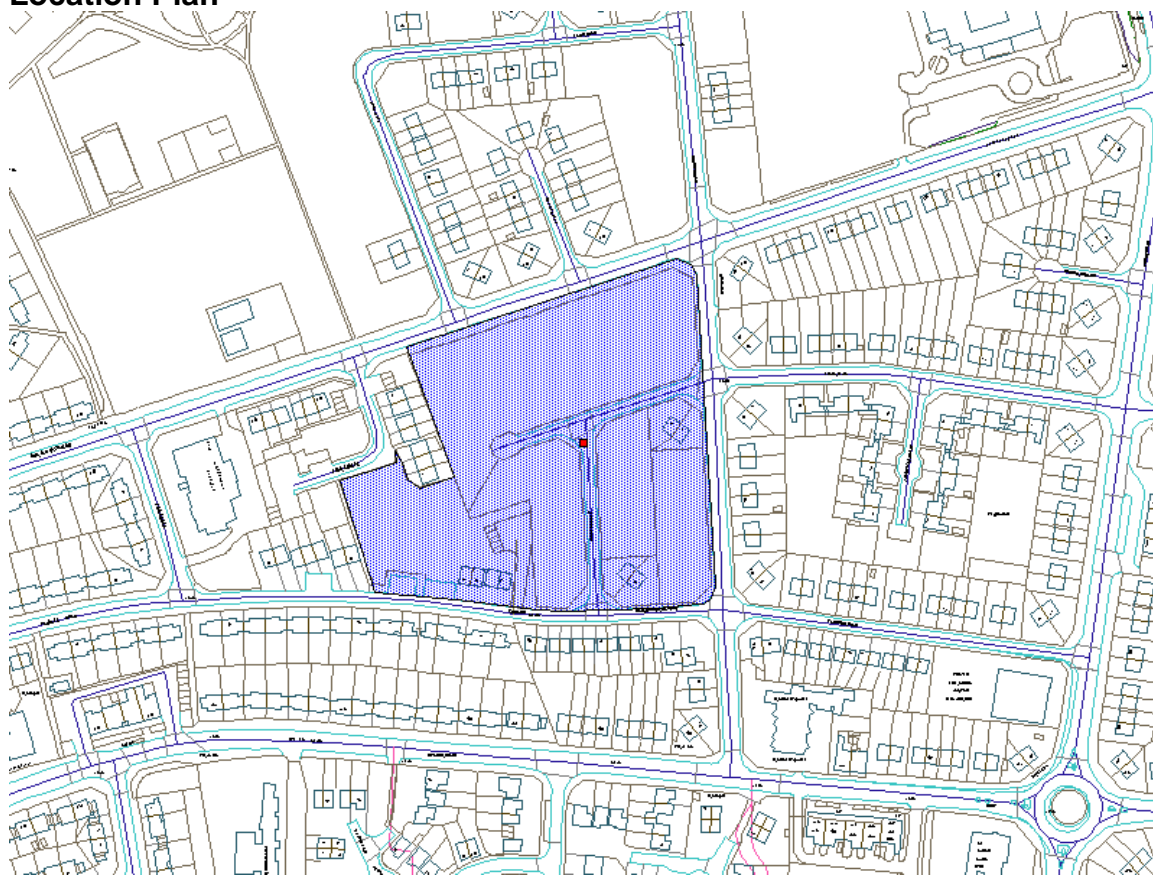
Ward: Pallion

Applicant: Gladedale (Sunderland) Limited

Date Valid: 22 November 2007

Target Date: 17 January 2008

Location Plan



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amended proposals being submitted which address criticisms of the original scheme.

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Following discussions about the scheme, the applicant submitted an amended proposal, reducing the number of dwellings to 87. However this number has returned to 90 dwellings, as a result of further discussions. The proposed open space is now excluded and replaced by dwellings raising the number to 90 dwellings.

The proposal as it stands now is for 37 two bedroom, 50 three bedroom and 3 four bedroom dwellings in a mix of detached, semi-detached and terraced houses.

The main vehicular access will be taken from Padgate Road with additional access from Forest Road and Fordfield Road.

As there is no formal (equipped) children's play space included in the proposal, the developer has offered a contribution in lieu of on site provision, through a planning agreement under section 106 of the Town and Country Planning Act 1990.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Director Of Childrens Services
Northumbrian Water
ARC
Northumbria Police
Director Of Community And Cultural Services
Director Of Childrens Services
Gentoo Group Ltd.
Northumbrian Water
Northumbria Police

Final Date for Receipt of Representations: **08.02.2008**

REPRESENTATIONS:

Neighbours.

No letters of objection have been received from neighbours.

Consultees

Gentoo

State that they have no objections to this application for redevelopment, and do not see this site forming part of their Master plan moving forward in 2010. The significance of this is examined later in sections covering planning policy and comments.

Environmental Health

Consider that the proposed site has previously accommodated an industrial activity that may have resulted in contamination of the land and would therefore ask that any planning permission should be conditioned to require the submission of further information to determine the condition of the land and what needs to be done to mitigate any contaminants discovered.

No works other than investigation works shall be carried out on the site prior to the receipt of written approval of any remediation strategy by the council as local planning authority.

This has been discussed with the applicant who has indicated that a site survey has been carried out and there is no evidence of contamination other than the site of a former garage block where a previous tenant appears to have tipped engine oil will need to be removed, this can be controlled by condition.

They have also asked that in view of the close proximity of the proposed development to nearby residential premises the applicant should submit an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Community and Cultural Services Department, Environmental Services, Pollution Control Section. Should permission be granted this application should be made prior to the commencement of any works.

For the same reason they also recommend that if planning permission were to be granted, on-site operations should also be controlled through conditions and recommend that they should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive and 07:30 and 14:00 hrs Saturdays. No works should be permitted to take place on Sundays and Bank Holidays at any time without prior approval. They have also asked that consideration also be given to the selection of machinery and methods of operation in relation to noise generation.

Northumbria Police

The architectural liaison officer has stated that this area has issues with low level crime and disorder and Northumbria Police request that during construction works any site and accompanying storage facility be secure and if possible physically staffed with security guards. In addition recordable CCTV coverage of the location would be an advantage.

Planning Policy

The site forms part of an area subject to Gentoo's High Ford Neighbourhood Renewal Area (NRA). However, the south west portion of the site was not included within the NRA boundary as illustrated in the Renewal Plan (April 2007). However, it is unclear how this proposal would fit into any wider master plan. Gentoo have indicated that they will not even commence work for the Master Plan for the NRA until 2010; this point is considered further in the comments section.

Any proposal for housing development should be in accord with the aims of policy B2 and PPS3 in terms of delivering high quality design and in respect to providing housing choice in terms of a mix of housing type and tenure. The proposal should also meet with the requirements of policy H21 which seeks to secure provision of open space within the development and children's equipped play provision or alternatively securing off site provision by way of a planning agreement. In practice these requirements are normally covered by a section 106 agreement relating to the funding of an equipped play space in a park or other suitable location controlled by the Council within 1 km of the site.

POLICIES:

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

B_1_Priority areas for environmental improvements

B_2_Scale, massing layout and setting of new developments

H_12_Maintenance and improvement of Council housing

H_13_Encouragement of continued investment in existing private housing

H_21_Open space requirements in new residential developments (over 40 bed spaces)

L_1_General provision of recreational and leisure facilities

L_4_Standards for outdoor sport and recreation

T_4_Maintain and improve a comprehensive network of bus routes

L_6_Development of a hierarchy of playspace provision for children

R_3_Infrastructure provision, etc. in association with developments

T_4_Maintain and improve a comprehensive network of bus routes

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

Introduction.

The proposed development forms part of the High Ford Renewal Area. The strategy for renewal was initially included in the Gentoo (formerly Sunderland Housing Group) Planning Strategy Statement in April 2004. This was later the subject of a joint review of the renewal programme by Sunderland City Council and Gentoo. As part of the joint review, a Neighbourhood Renewal Assessment (NRA) was carried out by housing consultants RDHS to determine an appropriate course of action for the regeneration of a number of areas, including High Ford. The High Ford NRA report sets out a number of regeneration objectives for the area. These include the requirement to prepare a master plan to set out the principles and parameters for future development within the area covered by the NRA and the intention to achieve a well integrated mix of homes of different sizes, ages and tenures to meet the aspirations of a range of household size, ages and incomes.

However Gentoo has now indicated to the City Council that they do not intend commencing work on a master plan until 2010 at the earliest. Gentoo has also decided in the interim to release land to house builders to raise funds for further investment. The applicant is aware of the master plan aspirations of the City Council and Gentoo however they are not bound to wait an indeterminate period for the preparation of a master plan prior to submitting a planning application. It is with this in mind that it is considered the application should be considered on its own merits and, bearing in mind that the master plan is not a statutory development plan, any decision to refuse the application solely on grounds of prematurity would be likely to be overturned at appeal.

Issues.

At the last meeting Members requested further information to allow them to give the matter full consideration and justify the recommendation to approve an application which had originally been recommended for refusal. The following points seek to address these issues.

1. The High Ford Neighbourhood Renewal Assessment recommended a master planning exercise be carried out with a view to adopting the master plan as a Supplementary Planning Document (SPD) to ensure that a robust plan was in place that would hold satisfactory weight in the determination of future planning applications. However as the Master Plan has not been prepared there is no such SPD in existence. Whilst it would be desirable to have such a document the fact is that there is none in existence at the moment and in order to refuse this application the City Council would need to be able to demonstrate harm and there is no demonstrable harm in determining a planning application without a Master Plan. This was born out at a recent appeal at the former Dagmar site where the Planning Inspector ruled that there was no harm in proceeding with a planning application without a master Plan in place. Furthermore, this would in any event leave a vacant site whilst there is an opportunity to have the site developed.

2. One of the advantages of a Master Plan would be to avoid piecemeal development. Piecemeal development means that the design fails to take into account the relationship of the development to other future developments e. g failure to provide pedestrian links capable of being extended into future developments. The amended layout is now considered to have suitable links to allow future developments to allow connectivity. In this respect the proposal is no longer considered piecemeal.
3. The Master Plan would seek the highest standards of design. The application as originally submitted was not considered to be of the highest standard but after extensive discussions the applicant has amended the layout and introduced additional design features to the dwellings and proposed materials whilst significantly improving boundary features, these improvements are now considered acceptable in terms of design.
4. Ensuring the development is in line with planning policy. As reported below the proposal is acceptable in terms of land use, siting, design, proposed materials and highway safety.
5. The need to demonstrate that the proposal has been arrived at by way of public participation. Both the developer and Gentoo have carried out public participation exercises in the area and survey results revealed there was a need for change and a mix of housing development in terms of design, provider and tenure. The developer has built a similar form of development at the former Havelock Hospital which has proved popular in the area.
6. To ensure that a robust plan for the area is in place. The saved UDP policies form the basis on which this application has been considered and the emerging alterations do not provide any reasons to refuse this application. The lack of a Master Plan is not a sustainable reason for refusal. As stated above there would need to be a case made of demonstrable harm and it is not considered that this proposal poses any such harm. It is not considered that waiting beyond 2010 for a plan which is not in any case required by statute is a sustainable reason for refusal.
7. It is considered the original submission has been effectively amended through extensive discussions with the introduction of an improved palette of materials, more detail in the elevations of the dwellings, significant alterations to the layout and improved pedestrian/ vehicular access. The design at critical points such as the entrances to the site has been improved to offer aesthetically pleasing frontages to Padgate Road, Flodden Road, Forest Road and Fordfield Road. The junction with Friar Road has been removed. Garages to the rear of properties at the north of the site have been repositioned to offer a better outlook. Open trellis style fencing has been introduced to open up areas and offer improved surveillance. It is thus considered that the proposal as originally submitted has incrementally been amended to present a scheme that is now considered acceptable.

8. Overall through negotiations it is considered that the scheme now being presented to Members is a significant improvement on that recommended for refusal in March 2008. The details of these improvements are considered below at the 'Current Proposal'.
9. Members expressed concern over comments from Northumbria Police but it should be pointed out that these comments related to the site security during construction and not anticipated problems for future residents as a result of design.
10. Members were concerned about the lack of on site open space. The open space has now been removed partly at the request of the Director of Community and Cultural Services who prefer investment into sites such as the Blackie or King George V playing fields as they are easier to manage and generate less complaints from adjacent occupiers some of who consider children playing close to dwellings a nuisance.

The Current Proposal.

The main issues to consider in determining this application are the use of the land for housing, the submitted layout, the design of the dwellings, open space/play provision, and the highway issues to include vehicle and pedestrian access and compliance with local and national planning policy.

In terms of local planning policy the application has been considered against the saved policies of the adopted UDP, Supplementary Planning Guidance approved by Cabinet in September 2000 and emerging policies.

In terms of national planning policy the application has been considered against PPS1 Delivering Sustainable Development (2006) and PPS3 Housing (2006).

Detailed criticisms of the layout were provided to the applicant on the original submission. The applicant submitted amended proposals to address the concerns.

Layout

Various issues with the layout of the site have now been addressed satisfactorily and the proposal is now considered acceptable. The layout offers improved amenity in terms of the siting of dwellings and garages and amended house types re-orientated to present attractive entrances to the site. Pedestrian access through the site has also been improved to offer connectivity with future schemes in the area.

Housing Mix.

As originally submitted there was no genuine mix of units. All properties were two storeys 3 bed detached or semi-detached with the exception of 2 four bedroom units. The housing mix has been altered to provide a wider mix of two and three bedroom properties with 3 four bedroom properties; this mix is now considered acceptable.

The housing mix is now made up as follows:-

- 3 x 4 bedrooms detached.
- 11 x 3 bedrooms detached.
- 37 x 2 bedroom detached, mid and end terrace.
- 39 x 3 bedroom semi detached/end terrace.

There was initially a request to provide three storey buildings but a consultant's report suggested that the market for such dwellings both nationally and locally had reduced with this type of property difficult to sell on the nearby former Fire Station site. In the current economic climate the amended layout is considered acceptable in planning terms.

Elevations

Initially there were no street elevations provided showing how retained properties would relate to the new development. A street elevation has now been provided. The revised elevations introduce more detail in the form of stone cill and heads and a mix of materials which add interest to the design. The elevations are now considered acceptable.

Boundary Treatment

The proposed post and wire plot division fences originally submitted have been replaced with a variety of fencing ranging from 0.9 metre high metal railings to the front to 1.8 metre timber fencing to the rear gardens. Close boarded fencing to the rear of some properties have been replaced by 1.8 metre high half close boarded and half trellis offering an improved appearance whilst providing surveillance over parking areas. The boundary treatment is considered acceptable.

Parking

The car parking provision included in this scheme meets the adopted City of Sunderland Standards. The Manual for Streets at paragraph 8.3.21 states it is recommended that visitor parking is generally served by unallocated parking, including on-street provision. The applicant has agreed to this and has provided additional parallel parking on Fordfield Road. In this respect the proposal is now considered acceptable.

Landscaping

An indicative landscaping scheme has been provided and is considered acceptable in principle; the details will be controlled by way of suitable planning conditions as requested by the applicant on the submitted drawing.

Materials

Materials are considered an important element of any scheme demonstrating a fully thought out approach to design has been adopted. The original scheme included an unacceptable palette of materials, this has been amended and the range is now considered acceptable. The original palette of materials was limited and consisted either of buff bricks with a smooth red tiled roof or a red brick with a smooth grey tiled roof both with limited conversely contrasting brickwork and ridge tiles. The buff bricks have been replaced with a range of red, red brown multi bricks and as an alternative render, the roofs will alternate between slate, terracotta or red tiles. It is considered these materials are homogeneous to the area whilst the buff brick was not. Full details can be controlled by condition as requested on the submitted drawing.

Open Space /Equipped Play Provision.

The Director of Community and Cultural Services considers that funding raised from this application could be spent on facilities in the area at the Blackie and King George V Playing Fields, This will be controlled through an agreement under section 106 of the Town and Country Planning Act 1990 as stated above. This is considered acceptable.

CONCLUSION

The proposal is thus considered acceptable and outstanding issues will be controlled by way of planning conditions. There is also the necessity to enter into an agreement under section 106 of the Town and Country Planning Act 1990 with regards to off site play provision. If the s106 issue cannot be resolved the application would be refused planning permission for failing to comply with policy H21 which relates to open space provision in new housing developments.

Therefore, Members are recommended to delegate the decision to the Director of Development & Regeneration to grant permission subject to the following conditions and subject to completion of a Section 106 agreement by 6th. March 2009. If the agreement is not signed by that date or other date agreed by the Director the application would be refused permission.

RECOMMENDATION: DELEGATE to Dir. of Dev and Regeneration to:

(i) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 6th. March 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 6th. March 2009, or such other date as agreed by the Director of Development and Regeneration.

The Heads of Terms of the legal agreement will cover off-site play provision at The Blackie or King George V Playing Fields.

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 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.
- 3 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.
- 4 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
- 5 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.
- 6 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.

- 7 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 8 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.
- 9 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 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 UDP
- 10 Details of the proposed location of the sales/site office and construction compound shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 11 Prior to commencement of the development, details of the phasing of the approved works including provision for maintaining pedestrian and vehicular access in the area, shall be submitted for the written approval of the Local Planning Authority and the approved works so implemented, in order to maintain satisfactory pedestrian and vehicle access in the area and to comply with Policy T14 of the adopted UDP. As indicated on the main agenda further information in respect of an amended layout was awaited from the applicant, this has now been received and is considered below.

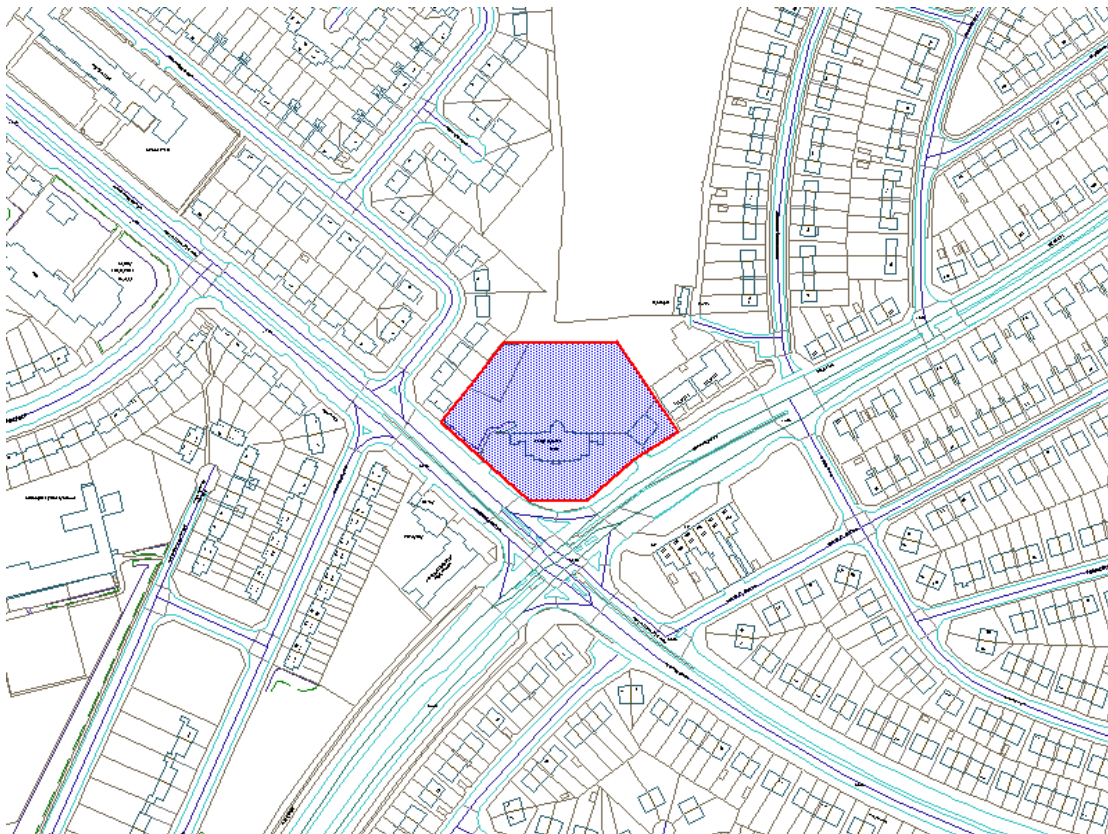
Reference No.: 08/03881/FUL Full Application

Proposal: **Erection of food store with associated car parking and landscaping.**

Location: Site of Former Prospect Hotel Durham Road Sunderland SR3 4DF

Ward: Barnes
Applicant: Lidl Uk GmbH
Date Valid: 21 November 2008
Target Date: 16 January 2009

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a single storey food store with associated parking, access and landscaping on the site of the former Prospect public House. The proposed store will provide a net sales area of 1,063 sq.m and a total gross internal area of 1,318 sq.m and include a sales area, warehouse/delivery area, staff room, office, utility and storage & circulation space.

The food store is proposed to be located towards the northern half of the site, set back approximately 27m from Springwell Road and 31m from Durham Road. The proposed sales area will measure 24m x 44.6m with a flat roof single storey open canopy to the front and warehouse/delivery facility to the rear. The warehouse facility will measure 5m x 51m and proposes to wrap around the north-east corner of the building connecting to the proposed loading bay ramp. The store will be of a sloping roof design measuring 4.4m (floor to fascia) at the rear/north elevation of the building, increasing to 7.5m (floor to fascia) at the front/south elevation of the building.

The main entrance/south elevation of the food store will be part glazed and part clad with white render at ground floor level with aluminium rainscreen cladding above. Signage 'Lidl' is proposed above the main entrance. The rear/north elevation of the proposal will consist of a low level grey plinth and columns with white render on top and an aluminium ribbed roof. Two entrance doors and windows are proposed within this elevation. This elevation will be most prominent to those who reside in a property along Sackville Road with the north-west corner of the proposed building situated approximately 13.2m away from the nearest rear elevation along Sackville Road (No.6). The east elevation will be constructed from low level dark facing brick with white render on top and aluminium louvre cladding (anthracite grey RAL 7016) above. The delivery bay ramp extends along this elevation. The west elevation will contain an extensive area of glazing and a small area of low level brickwork with render on top (towards the rear of the building). The roof material will be the same as that proposed for the east elevation.

Six disabled parking spaces are proposed immediately to the west of the building with a further 74 general parking bays proposed, in the main, to the front of the building. A pedestrian route is intended to run through the site linking the corner of Durham Road / Springwell Road to the entrance of the building. The development is proposing to operate a left turn access and left turn exit traffic flow through the site.

The proposed canopy will accommodate 5 Sheffield style cycle racks and trolley bays.

A range of boundary treatments are proposed around the site and include:- a dwarf wall with railings on top along the front/southern boundary, 2m high mesh fence along the rear/northern boundary, 2m high acoustic fence to the east of the site and retaining wall with 2m high brick wall along the western boundary.

A number of trees are proposed to be planted within the proposed car park area to the south of the site as well as along both the eastern and western elevations in an attempt to screen the building from residential properties.

The application is accompanied by a Design & Access Statement, Planning Statement, Stage 1 Road Safety Audit, Transport Statement, Geo-environmental Desk Study, Phase II Interpretative Report, Extended Phase Habitat Survey, Noise Assessment, Sustainability & Energy Statement, Site Waste Management Plan, Statement of Community Involvement, Arboricultural Implication Assessment and Landscape Management Document.

The application has been advertised accordingly by way of site and press notices.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Council for the Disabled
Director of Community and Cultural Services
Northumbrian Water
Nexus
Force Planning and Police Architectural Liaison Officer
Director of Community and Cultural Services

Final Date for Receipt of Representations: **22.12.2008**

REPRESENTATIONS:**Neighbours**

142 letters of support, 1 petition in supporting representing 322 individuals, 11 letters of objection and 1 petition representing 267 persons has been submitted in respect of this application. In addition 1 letter of no comment has been received.

Consultees**Northumbrian Water**

There is an existing sewer within the application site. This development may affect the sewer. Northumbrian Water will not permit a building close to or over its apparatus. The developer should contact Northumbrian Water if it is proposed to sink boreholes or excavate foundations within 4.5m of the sewer. No tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water. This sewer could be diverted or accommodated in the site layout.

Northumbria Police (Architectural Liaison Officer)

Having full height glazing to the front of the property may increase the risk of burglary to the premises by means of 'ram raid'. As a result it is advised that anti ram bollards be erected to the front of the building to prevent this situation from occurring. In formulating this response a crime impact assessment was carried out, the findings of the assessment concluded that this area is medium risk to crime. It is noted from the Design & Access Statement that the car park has been positioned to the front of the building to allow surveillance of this area with some of the principles of Secure by Design (SBD) having been taken into account. To date no application has been made for a SBD certificate.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

CN_14_Landscaping schemes and developments prominent from main transport routes

SA_1_Retention and improvement of existing employment site

SA_3_Development of Doxford International

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in the assessment of this application are:-

1. Acceptability of the proposed use on the site.
2. Suitability of the proposed siting, layout and design.
3. Impact on residential amenity.
4. Highway implications.

Policy

The site is not allocated within the Unitary Development Plan (UDP) for any specific use and as such Policy EN10 applies. This policy states that where the UDP does not indicate any proposals for change (white land) the predominant pattern of land use is intended to remain. As such given that the character of the area is predominantly residential the development proposal can be seen to support the aims of this policy.

In addition to the above there are a number of retail related UDP policies which are relevant to this proposal. Policy S1 aims to provide a well-distributed range of shopping facilities whilst policy S3 seeks to encourage new retail development in areas which do not have ease of access to shopping facilities. The background text to UDP policy S3 highlights that the Thorney Close/Farringdon/Plains Farm area of the City could benefit from additional local convenience provision and this is carried forward in the Local Development Framework Core Strategy.

However, as this is an unallocated out-of-centre site the proposal must be considered against the full range of tests as outlined in Planning Policy Statement 6.

- National Policy: PPS6 Planning for Town Centres
PPS6 sets out the Governments key objective of promoting vital and viable city and other centres. Chapter 3 of the guidance sets out the criteria for assessing the proposed retail development, namely:-
 1. Assessing need.
 2. Identifying the appropriate scale of development.

3. Applying a sequential approach to site selection.
4. Assessing Impact.
5. Ensuring locations are accessible.

The application is supported by a Planning Statement, which addresses these criteria:-

Assessing Need - Section 7 of the Planning Statement addresses the consideration of need. A compact catchment area is identified which is appropriate bearing in mind the role and scale of this development. After assessing existing convenience provision in the catchment, the Statement highlights that some 83% of convenience expenditure is leaking out of the area i.e. some £7.8 million. The proposed store would clawback some of this expenditure and therefore demonstrates that it satisfies quantitative need. The Planning Statement highlights the findings of the Councils 2006 Retail Study regarding capacity for additional retail floorspace in out-of-centre locations; this states that planning applications should be considered on a case-by-case basis with particular regard being given to avoiding adverse impact upon existing centres.

In terms of qualitative needs, the Statement highlights the limited convenience service currently existing within the catchment; primarily small convenience stores at North Moor Road, Farringdon and Thorndale Road, Thorney Close. The proposed store would increase the accessibility, availability and choice of main food store in this respect and as such enhances qualitative provision in the area.

Identifying the Appropriate Scale of Development - Section 7 of the Planning Statement addresses the issue of scale. In terms of turnover, the Planning Statement highlights that the expected turnover of the proposed store (£2.5m) can be accommodated within the available convenience goods expenditure within the catchment (£32.4m).

Applying a Sequential Approach to Site Selection - In accordance with the guidance set out in PPS6, Section 9 of the Planning Statement examines a number of sequentially preferable sites within the catchment area. Two sites are assessed at Thorndale Road shops and the local shops at Grindon are also examined. Due to site constraint issues the Thorndale Road sites have been discounted and no available sites were identified in Grindon.

Assessing Impact - Section 8 of the Planning Statement addresses the potential impact of the proposed store on existing shopping facilities in the area. There are no Local Centres within the catchment therefore the Planning Statement examines the impact of the proposed store on three similar convenience facilities within the catchment area - the Somerfield store at Farringdon, the Costcutter store at Thorndale Road and the parade of shops opposite the application site in Durham Road. The highest trade diversion is forecast to be on the Somerfield store however the Planning Statement considers that the potential impact at £0.2m/9.1% - is not considered likely to affect the future viability of the store.

Ensuring Locations are Accessible - The Planning Statement highlights the accessibility of this site both by foot and public transport.

To conclude, this is a relatively small foodstore which would enhance the choice of convenience in this part of the City. It has been demonstrated that the approach undertaken to identifying this site and the scale of development accords with the guidance as set down in PPS6 as well as Adopted UDP policy. As such from a policy perspective the development of a food supermarket in this location is acceptable in principle.

Urban Design

- Design & Access Statement

The statement defines the aims and aspirations of the project as well as the key features of the site, which is welcomed. Within the statement it is acknowledged that the site is situated in a prominent location, one of the main routes into and out of the City. As such the statement acknowledges the need for a high quality bespoke design to provide a prominent landmark building which creates an active / animated frontage to Durham Road, whilst protecting the existing surrounding residential amenity.

- Built Form and Layout

The scale, massing and layout of the foodstore has been designed around the current site characteristics in terms of the existing site topography, access points and the bookmakers units, which is to remain on the site.

Extensive pre-application discussions were carried out which enable concerns such as proximity to residential properties, prominence of the site, design solutions and highway constraints to be discussed in some detail.

The original scheme proposed at the pre-application stage was for the erection of 'basic' a single storey Lidl unit. This approach was considered to lack architectural merit given the prominence of the site and a more bespoke design solution was sought. As a result a mono-pitch building was proposed which allows for a two storey element to the south elevation providing a strong frontage onto Durham Road / Springwell Road.

Car parking has been provided to the front of the food store, which allows for natural surveillance of the site, this should not however dominate the store frontage and therefore the introduction of landscaping within the site and around the perimeter is welcomed.

- Elevations and Materials

The major concern with the current proposal is the external appearance of the food store. The southern elevation fronting Durham Road consists of glazing around the main entrance and white render to the body of the main building. It is felt that the white render does not provide any interest to the external appearance and as such it is felt that the main elevation would benefit from using a higher quality material, such as hardwood panelling. The mono-pitch whilst going some way to providing interest to the appearance of the building still lacks bespoke qualities and should be addressed.

In response to the above design concerns Lidl has advised that they are working on revising the white panel elevation treatment and further information is anticipated in this regard. However, in respect of the mono-pitch roof Lidl have advised that they are unwilling to amend this element of the proposal and consider the request to be unnecessary and costly, possibly making the scheme unviable. In this regard the LPA accept Lidl's response.

- **Boundary Treatments**

The following boundary treatments are proposed around the periphery of the site. Erected around the front (southern) boundary of the site would be a dwarf wall with railings on top (max. 1.3m high), the northern boundary would be occupied by a green welded mesh panel fence (2m high), the eastern boundary would have a 2m high close boarded acoustic fence, whilst along the western boundary would be gabionstone baskets with landscaping and a 2m high wall above, planting is also proposed along this boundary. As such the proposed boundary treatments are considered to be acceptable in principle, given the location and their intended purpose/function (retaining or acoustic). However should permission be granted for this development the LPA would require further consideration to be given to the type of retaining wall proposed along the western boundary and this would be dealt with by way of condition.

- **Residential Amenity**

Whilst it is acknowledged that the proposed single storey food store would be set further back within the site than the previous building (public house) it is considered that given (a) the topography of the site in relation to the residential dwellings to the north-west, (b) the height and single storey nature of the building and (c) the sloping roof design of the food store the proposed spacing of 13.4m between the rear elevation of No.6 Sackville Road and the north-western corner of the proposed food store will retain an acceptable level of residential amenity and as such is considered to be acceptable on this occasion. Furthermore it is considered that the proposed retaining wall (type to be agreed) and landscaping along the western boundary would not only aid in screening the development but also enhance this boundary. It should also be noted that the scheme has been developed so as to site the delivery and warehouse areas to the rear of the building whilst also enclosing them in order to minimise noise and potential disturbance during loading and unloading of goods. With regards to protecting the residential amenity of the units to east it was considered that the introduction of a 2m high acoustic fence and planting would not only aid in screening the development but also minimise noise and potential disturbance from the operations on the site.

- **Sustainability**

The submitted Energy and Sustainability Statement states that the development will achieve a 'high' BREEAM standard. The applicant has since confirmed that the building will achieve a very good BREEAM rating and as such this element of the proposal is considered to be acceptable.

To conclude the urban design considerations it is felt that the proposal is acceptable in principle however further consideration needs to be given to the elevation treatment (in particular the southern elevation) before the proposal would be considered to be a suitable form of development for this location.

Highways

The proposed development will lead to an increase in vehicle, pedestrian and cycle movements both into the site and through the adjacent A690/Springwell Road junction. Site observation shows that the junction operates significantly worse than the TA describes. Notwithstanding this, the TA shows that the junction operates beyond capacity in the peak periods and therefore cannot accommodate any increase in traffic. Small changes are proposed to the signal timings, but the proposals do not improve the situation. The provision of additional traffic through a junction already over capacity will lead to a significant increase in traffic queues, to the detriment of highway safety.

Furthermore, the assessments are based on the junction functioning with two lanes available on each approach, and does not include for the impact of the Grindon Lane junction, to the south-west of the site. In reality the no-car lanes on Durham Road cause the majority of queuing to occur in the outside lane of Durham Road approaches, as vehicles avoid the merge caused by the no-car lanes on the exists of the junction. In addition, the junction frequently locks in the peak periods due to problems at the Grindon Lane junction. Therefore the assessments of queue lengths and assumptions that queuing will clear on each signal phase is incorrect. The junction will operate less efficiently than the assessment suggests.

It is important to note that the A690/Springwell Road junction is only partially signalised. The left-turn slips on all arms operate under a priority arrangement, with no traffic signal control for the pedestrian crossings in place on these slip roads. It is therefore seen as inappropriate to increase the pedestrian movement without providing some improvements to these slip-roads.

The assessment states that the proposal will accommodate cycle parking within the site and that this is complemented by the existing cycle network along Durham Road. However, the existing network only operates south of the development, there are no details on how the developer will link to them. Due to the layout of the A690/Springwell Road junction, as described above, any development that increases cycle traffic through it, without any improvements, should be resisted.

- Site Specific Issues

The foreshortening of the existing right turn lane will cause queuing vehicles to extend outside of the right turn lane and into the outside lane on Springwell Road.

The proposed break in the central reserve on Springwell Road will provide a new pedestrian desire line across the carriageway to the development. In order to accommodate the right turn lane, the pedestrian guardrail, both in the central reserve and on the northern side of Springwell Road, will need to be removed. This will encourage pedestrians to cross at an unsafe location, increasing the risk of pedestrian/vehicle conflict.

In addition, the TA has highlighted the potential of vehicles blocking the new right-turn lane into the development while queuing at the traffic signals. However, the developer only considers the impact of other right-turning traffic blocking the entrance to the site. It is likely that the greater risk comes from vehicles waiting to continue straight ahead through the

junction. The TA indicates that this may happen every cycle during the peak period, and therefore the provision of 'Keep Clear' markings is not deemed appropriate in this situation.

The developer has also highlighted the existing problem of vehicles performing U turns around the central reserves on all surrounding roads. Due to the limited access that the development will provide, the number of vehicles performing this manoeuvre can only increase. Due to the traffic flow on all of the surrounding roads, these manoeuvres will create a road safety hazard. However, the banning of the turns may prove impossible to enforce, and therefore any development that would lead to them increasing should be resisted.

There is some inconsistency in the car parking numbers between the TA, development plans and application document. The plans show 74 spaces within the site, the TA states 76 whilst the application states 78.

The development plans only show one pedestrian access to the site. However, it is likely that pedestrians travelling from the west or north will use the vehicle access points, rather than walk to the proposed pedestrian access. Therefore a 2m wide pedestrian footway should be provided alongside both vehicle access and link to the store to accommodate this movement.

To conclude, the above concerns are being considered by the applicant and should any further revised information be submitted prior to the Committee meeting then this will be reported and considered in a Report for Circulation.

Landscape

The outline landscape proposal is considered to be acceptable in principle and further detailed information would be requested by way of condition should planning permission be granted.

Representations

To date 142 letters of support, 1 petition in support (signed by 322 individuals) and 11 letters and 1 no petition (signed by 267) objecting to the proposal have been received. The main reasons for supporting the application are:- it will redevelop a currently vacant site, it will bring about a much needed facility to this part of the City and bring about community benefits.

The grounds for opposing the development relate to:- competition and impact on existing local businesses, traffic generation, parking, highway/pedestrian safety, already too many shops in this area (need and impact), failure to address need in the sequential test, increase in anti-social behaviour, inappropriate use, noise and drainage.

- **Competition and Impact on Existing Local Businesses**
Whilst competition is not a material planning consideration, the impact of the proposal on the existing local retail area has been given consideration by the policy section. The matter of impact is very subjective and there is

no defined threshold in PPS6 or the UDP where impact would be considered to be so significant as to warrant refusal and as such each application has to be judged on its own merits. In this regard whilst it is acknowledged that any new store within the urban area will have an impact upon existing stores the assessment and information prepared by Lidl acknowledges the proximity of the local stores on Durham Road to the proposed development but conclude from their assessments that they consider that the proposed Lidl store will generate additional 'spin-off' trade, which at minimum, will counter-balance any trade diversions to the store. In this regard the LPA accept this justification on the basis that there is no information available to date to suggest otherwise.

- **Traffic Generation, Parking, Highway/Pedestrian Safety**
This concern supports the LPA's view that based on the information submitted to date the proposal will result in conditions prejudicial to highway and pedestrian safety based on predicted levels of traffic generation given the capacity issues that currently exist on Durham Road and Springwell Road, in particular at the junction where the two roads intersect.
- **Already too Many Shops in the Area (Need and Impact) - Quantitative Need:**
The Council's current retail study (2006) highlights that some 5,048m² of additional convenience goods floorspace could be supported by 2010. As this store is likely to be operating in the period after 2010, it is considered reasonable - in the absence of a more up-to-date study - to permit the additional floorspace (only 1,318m²). In addition, PPS6 states that 'the catchment area that is used to assess future need should be realistic and well-related to the size and function of the proposed development and take account of competing centres'. It is therefore considered to be incorrect to consider the Lidl store in the context of the proposed Tesco store at Roker as the Lidl store has a restricted catchment. There is no requirement to consider the development of stores in South Tyneside as they fall outside the catchment area of the proposed Lidl store.
- **Qualitative Need:**
It is misleading to merely state that there are a number of supermarkets in the area around the proposed store as many of these are remote from the application site and none fall within the defined catchment area of the proposed store.
- **Sequential Approach**
The emphasis in PPS6 is on sites within the catchment area of the proposed development - as such there is no reason to explore sites within the City Centre.
- **Impact**
The matter of impact is very subjective, with no defined threshold in either PPS6 or the UDP where impact would be considered to be so significant as to warrant refusal. Any new store within the urban area will have an impact upon existing stores; the issue is whether or not it is considered that the level of impact will be so significant that it would jeopardise the vitality and viability of those stores to such an extent that they would close. The planning statement highlights that the greatest impact arising from the

proposed store will be at the Somerfield Store at Farringdon (9.1%) the next greatest impact will be at the Costcutter store at Thorndale Road where it will be in the order of 5.1%.

In addition to the above policy concerns and justification, a response has been prepared by Lidl, primarily in response to the objection received on behalf of Morrisons. In summary their response states the following:-

- **Quantitative Need:**
Based upon the information submitted by Morrisons it cannot be accepted that there is insufficient expenditure capacity to support the currently proposed Lidl foodstore whilst the foodstore comparisons cited (in South Tyneside and north Sunderland) fall outside the catchment area and therefore are not considered to be relevant in this instance.
- **Qualitative Need:**
It is considered that the proposed Lidl foodstore will address the deficiency as identified in the Sunderland Core Strategy Preferred Options document, published December 2007, for convenience shopping. Whilst it is acknowledged that there are a number of discount foodstores within the Sunderland urban area, the majority of these stores are not easily accessible to residents in the defined catchment area of the proposed Lidl foodstore, three of the stores identified by Morrisons are located in north Sunderland and therefore serve a different catchment area. As such it is considered that the proposed Lidl foodstore will function as a local facility, which can be accessed on foot from the surrounding residential areas, providing a genuine consumer choice for local residents.
- **Sequential Approach**
The approach taken in applying the sequential approach was to consider the suitability, viability and availability of opportunities within the defined catchment area to accommodate the foodstore proposed as required by PPS6. An assessment of the City Centre area has not been undertaken as this falls outside the catchment area is therefore not considered to be required.
- **Impact:**
It is accepted that it is appropriate to consider the impact effects of the proposed development on local centres in the surrounding area. However, the assessments undertaken clearly demonstrates that the trade diversion effects of the proposed development will not be of material significance owing to the proposed modest turnover of the proposed foodstore, the stores the proposal will compete with are all situated outside the defined catchment area, existing stores located in the Sunderland area and south of the River Wear are all performing strongly and therefore it is not considered likely that the vitality or viability of these stores will be affected and finally given the different nature and trading characteristics of the existing local retail area it is considered that these existing traders will retain trading advantages over the proposed store. Against the background, there is no prospect that the proposed development would have a material adverse impact upon the vitality or viability of any centres in the surrounding local area. With regards to the local shops located on Durham Road, adjacent to the application site, it is considered that the

proposed Lidl store will generate additional spin-off trade, which, at minimum, will counter-balance any trade diversions to the store.

- **Increase Levels of Anti-Social Behaviour**
The applicant has been in discussions with the Police Architectural Liaison Officer and advice has been taken on board so far as is practicable. In addition, it is also considered that by developing, what is currently, a vacant site will bring about security measures such as secure fencing and surveillance from the supermarket operator.
- **Inappropriate Use**
The site is not subject to any site specific policies in the UDP and as such UDP policy EN10 applies. Whilst this policy seeks to retain the predominant land use of the area it is considered that given the nature and scale of the proposal the proposed food store is an acceptable use and form of development for this site, notwithstanding the highway concerns, which will introduce a valuable facility into the community.
- **Noise**
Whilst it is acknowledged that the proposed use will operate different hours than those previously experienced with the public house it is considered that given the location of the site (at the junction of two busy roads), the previous land use and the proposed introduction of 2m high acoustic fencing along the eastern boundary, the level of noise to be generated will be acceptable and will not adversely effect neighbouring residents.
- **Drainage**
Concern has been raised from the adjacent allotment association that the proposed development will result in increased run-off and flooding to part of the allotment site that already suffers from flooding. This concern was forwarded to the applicant who provided the following response:- Prior to development the area to the rear of the former Hotel sloped towards the allotments and any surface water not absorbed into the Hotel site flow in this direction. The store will be built over this sloping area, with the rainwater falling onto the roof of the store where it is collected and fed by an underground pipe system to the Northumbrian Water sewers. The vast majority of the remaining area is car parking where the water is collected into gullies and once again disposed of into the surrounding adopted sewerage system. The only areas where the surface is not impermeable are the landscaped area and these will be planted and maintained. As such it is considered that rather than being detrimental to the adjacent allotment site the development will be advantageous as all surface water will be collected before it can enter the allotments, whereas before development large areas were un-drained which could allow water to drain to the allotments which are at a lower level.

CONCLUSION.

In conclusion it is considered that whilst the principle of the development is accepted in land use policy and design terms, there are serious concerns relating to the resulting impact of the proposed development on the existing highway network, which is already over capacity. As such it is considered that the

proposed development would result in conditions prejudicial to highway and pedestrian safety and it is therefore recommended that Members refuse the application for the reason stated below.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed food store by reason of the level of traffic to be generated and on the basis of the information submitted would have a detrimental impact on the surrounding highways. The proposal would therefore be contrary to policy T14 and T22 of the Unitary Development Plan.

CITY CENTRE

1.

City Centre

Reference No.: 09/00087/LAP Development by City(Regulation 3)

Proposal: **Installation of one drop down C.C.T.V camera fixed to 10m column**

Location: Mowbray Park Mowbray Gardens Burdon Road Sunderland SR1 1PP

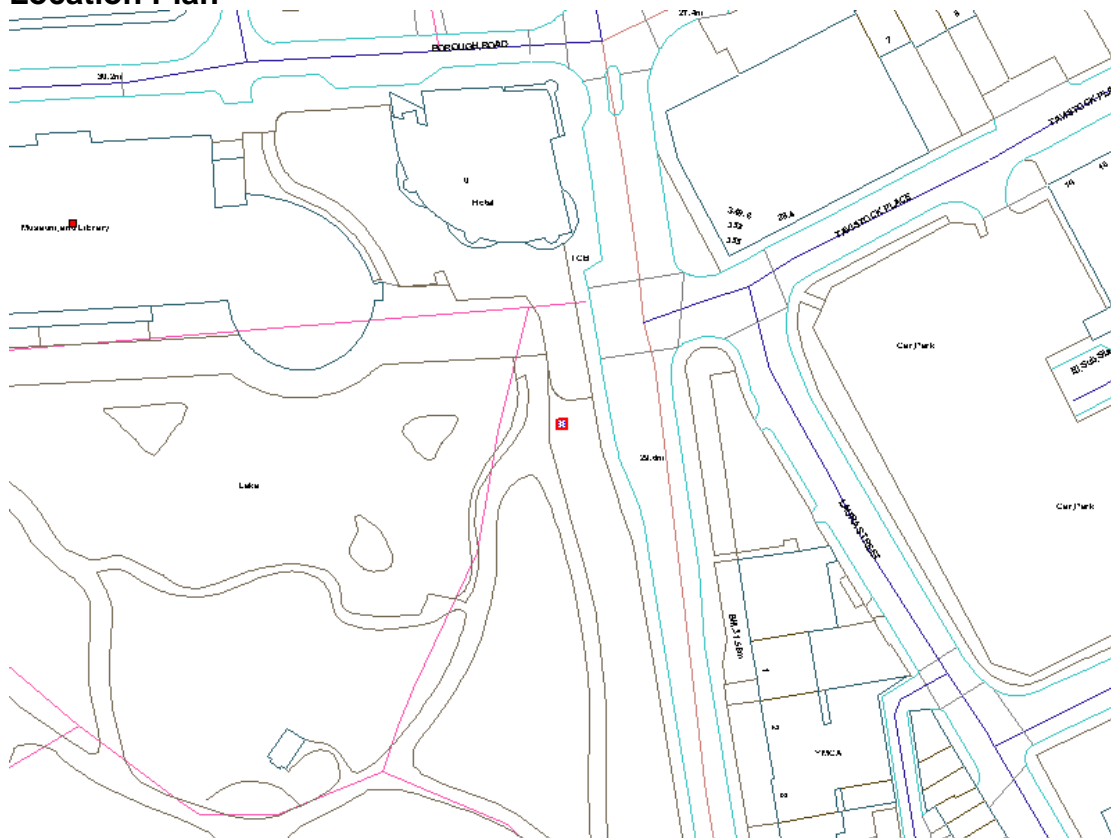
Ward: Hendon

Applicant: Community and Cultural Services

Date Valid: 14 January 2009

Target Date: 11 March 2009

Location Plan



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PROPOSAL:

Planning Permission is sought for the installation of a drop down CCTV camera fixed to a 10 metre high column adjacent to the north east entrance to Mowbray Park from Toward Road.

The proposed installation is within Mowbray Park, which is an attractive Victorian Park included on English Heritage's register of Historic Parks and Gardens (Grade II listing), situated within Sunderland City Centre. The park is roughly rectangular in shape and is bounded by Borough Road to the north, Toward Road to the east, Park Road to the south and Burdon Road to the west. The

Sunderland Museum and Winter Gardens stand immediately to the north of the park and the proposed column and camera are to the south east of these buildings at the north east entrance to the park.

The application is made by the City's Security Section, who has indicated that the camera and column have been positioned in order to monitor the rear elevation of the Winter Gardens which is made up predominantly of glass panels, which have been subject to a number of attacks by vandals. This has led to potential damage to the plants within the winter gardens and as such, the primary reason for the proposal is to act as a deterrent to future such acts of vandalism.

In addition, it through use of the proposed installation, it will be possible to monitor the rear of the Museum and Winter Gardens along the pond line, the path adjacent to Toward Road and if necessary, the area across the lake to monitor the monuments and the green, although the latter area is already covered by an existing CCTV camera within the park.

It is indicated within the submitted documentation accompanying the application that all data will be stored and accessed from a central control room by appropriately trained staff in compliance with data protection legislation. Although it is proposed to install the camera in close proximity to the rear elevation of the Mowbray apartments on Burdon Road, it is indicated in the application that should planning consent be granted for the proposal, the field of view of the camera would be adjusted in order to omit the apartments.

A previous similar application (08/03932/LAP) was withdrawn prior to being presented to the Sub-Committee as it became evident during the application process that the camera and column were proposed in a prominent location which would have been to the detriment of the visual amenities of the historic park.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
The Garden History Society
ARC

REPRESENTATIONS:

To date, no representations have been received, although it should be noted that the consultation period does not expire until 5th February 2009, which is after the deadline for preparation of this report. Any representations received will be reported in advance of the Sub-Committee Meeting by way of a supplement report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_18_Protecting the character/ setting of historic parks and gardens
CN_17_Tree Preservation Orders and replacement of trees
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
L_2_Redressing indoor sport/recreation deficiencies through new development/dual uses
L_3_Encouragement to regional recreational developments in appropriate locations
L_5_Ensuring the availability of Public Parks and amenity open space
L_7_Protection of recreational and amenity land
SA_75_Retention/enhancement of existing public open space
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to be considered in determining this application are:

- The Principle Of The Proposed Development,
- Impact Of The Development On The Character And Appearance Of The Historic Park And Residential Amenity
- Impact Of Development On Ecology And Trees
- Impact Of The Development On Highway/Pedestrian Safety

The Principle Of The Proposed Development

The site to which the application relates is within Mowbray Park which is identified as an area for new and upgraded open space/leisure use by the proposals map of the City Council's adopted Unitary Development Plan (1998). As such the site is subject to policies B3, B18, L2, L3, L5, L7, and SA75.2 of the UDP.

Policies L2, L3 and L5 outline the City Council's commitment to the provision of both indoor and outdoor sports and leisure facilities, public parks and recreational open space. Policy L7 states that land allocated for open space or outdoor recreation will be retained in its existing use unless: alternative provision of an equivalent scale, quality and accessibility is made available; the development is for educational purposes and there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Policy B3 reiterates this by stating that public and private open space will be protected from development which would have a serious impact on its amenity, recreational or nature conservation value.

Policy B18 states that the character and setting of historic parks and gardens will be protected from adverse impact by development. As an expansion of this, policy SA75.2 states that City Centre parks and open spaces will be retained and enhanced. Proposed works to Mowbray Park include major improvements to the

lake, promenade and footpaths and renewal of tree planting. Given the park's historic nature, it will be protected from development that will have an adverse impact on its character and setting.

The principle of the proposed installation of a CCTV camera and column is still being given consideration with due regard to the UDP policies detailed above.

Impact Of The Development On The Character And Appearance Of The Historic Park And Residential Amenity.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

At the time of the preparation of the main agenda report, the impact of the proposal on the character and appearance of the park and residential amenity are being given further consideration.

Impact of Development on Ecology and Trees

Mowbray Park is identified as a Site of Nature Conservation Importance by the proposals map of the UDP, and as such is subject to policy CN21. This policy states that development which will adversely affect a designated or proposed Local Nature Reserve, Site of Nature Conservation importance or regionally important geological/geomorphological site either directly or indirectly will not be permitted unless no alternative site is reasonably available and the benefits of the proposed development would outweigh the regional or local value of the site or any loss of nature conservation interest can be fully compensated elsewhere within the site or its immediate environs.

Policy CN17 states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders - the retention of trees, hedges and landscape features in all new development will be required where possible.

At the time of the preparation of the main agenda report, the impact of the proposal on the ecology and trees within the park are being given further consideration.

Impact Of The Development On Highway/Pedestrian Safety

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

The proposed development is not considered to raise any concerns with regard to highway and pedestrian safety, and as such, the proposal is considered to comply with policy T14 of the UDP.

CONCLUSION

The principle of development and its impact on the character, appearance and ecology of the historic park and residential amenity are still under consideration. An assessment of these issues will be presented in advance of the Sub-Committee by way of a Supplement Report.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

Reference No.: 08/04298/FUL Full Application

Proposal: **60 bed hotel, 16 two bedroom apartments and retail units.**

Location: Style Furnishings 187-193 High Street West Sunderland

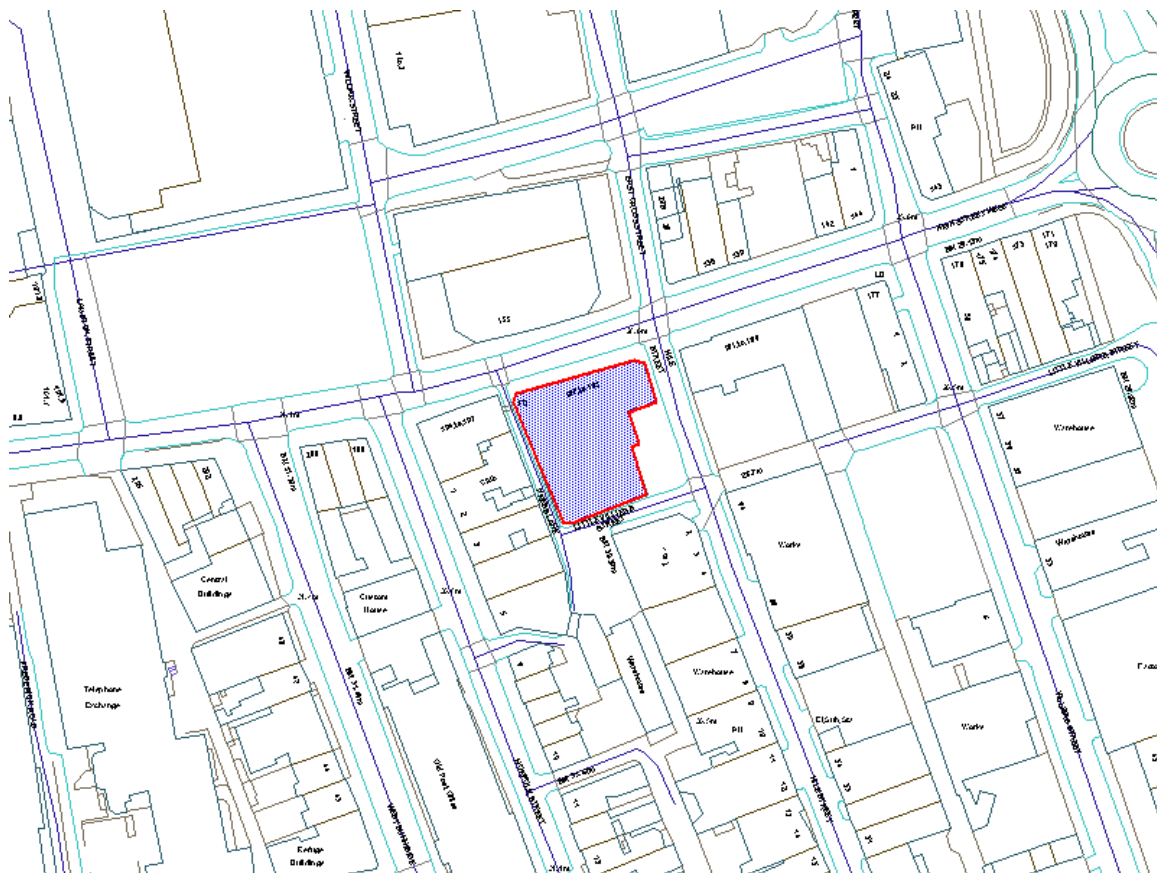
Ward: Hendon

Applicant: Vision Developments

Date Valid: 13 November 2008

Target Date: 8 January 2009

Location Plan



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PROPOSAL:

The application seeks consent for the erection of a 5 storey, 60 bedroomed hotel and 16 apartments on the site of 187-193 High Street West (Liverpool House) in Sunderland City Centre.

Currently the site is occupied by a building (which is disused and in a poor state of repair) three stories in height, finished with off-white render at first and second storey. At ground floor level the building's frontage is composed of solid white roller shutters powder coated to match the colour of the render above. At ground

floor level there are some areas of render finished in black paint. A non-illuminated fascia sign wraps around the entire building and carries the logo "Style Furnishing".

To the east of the application site is a "mothballed" construction site upon which steel work has been erected in connection with planning approval 08/00905/SUB which granted approval for 62 apartments and ground floor retail units.

To the west of the site, on the High Street West frontage is a three storey high vacant building also in poor state of repair (numbers 194 -197 High Street West). Behind this building is a further three storey building in use as residential apartments (2 Press Lane).

To the north of the site, on the opposite side of High Street West there are a variety of buildings of varying heights and in varying commercial uses.

The last known use of the premises was as an (A1) furniture store.

Planning Application 06/04699/LEG for the demolition of the existing building and erection of six storey building to provide retail use to ground floor and five storeys of 62 apartments above with 31 car parking spaces was approved on 10.11.2006. The development proposed by the application under consideration in this report is an alternative form of development to that proposed by 06/04669/LEG.

The current proposal comprises a five storey building providing 335sq m of retail at ground floor level; a 60 bedroom hotel and 16 two bedroom apartments ranging between 60 - 70 sq m in floor areas. 13 car parking areas are proposed at ground floor level to serve the proposed apartments.

The proposed development is of contemporary design with the elevation facing High Street West being composed of a large area of coloured mosaic glass panels surrounded by zinc panelling. The other elevations facing Little Villiers Street, Nile Street and Press Lane are composed of a mixture of brick, curtain walling and aluminium framed windows.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Sunniside Partnership
ARC
Environment Agency
Northumbrian Water
County Archaeologist
Director Of Childrens Services
English Heritage
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **19.12.2008**

REPRESENTATIONS:

Neighbours.

No letters of support or objection received.

Consultees

Sunniside Partnership

Supports the principle of the planning application to redevelop the site of the former Style Furnishings to create a mixed use scheme.

ARC

No consultation response received.

Environment Agency

The proposal falls outside of the scope of matters on which the Environment Agency is a statutory consultee.

Northumbrian Water

No objection to the proposed development.

County Archaeologist

No objection to the proposed development. The archaeological specification submitted in connection with the proposed development is considered to be acceptable subject to the inclusion of conditions relating to building recording and an archaeological watching brief.

Director Of Childrens Services

No consultation response received.

English Heritage

Request an extension of time to consider the application in greater detail. It is anticipated that their comments will be received prior to the meeting of the development control (south) sub-committee and reported on the supplementary report accordingly.

Force Planning And Police Architectural Liaison Officer

No consultation response received.

Natural England

A consultation on response from Natural England is awaited. It is anticipated that this response will be received prior to the meeting of the development control (south) sub-committee meeting and reported on the supplement accordingly.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EC_9_Locations for Hotels and Conference centres.

T_21_Factors to be taken into account in the provision of parking

T_22_Parking standards in new developments

T_23_Provision of public parking

COMMENTS:

The main issues to consider when assessing this planning application are:

- Principle of development.
- Urban design and Impact upon the Conservation area.
- Highway access, car parking and servicing arrangements.
- Provision of children's play space.
- Archaeological considerations.
- Ecology/Protected Species.

Principle of Development

The principle of residential development on this site was established by the approval of 06/04669/LEG. This element of the proposed development is therefore established as being acceptable.

Guidance provided in PPS6 (March 2005) states that hotels (as part of arts, culture and tourism) are a town centre use.

PPS6 encourages that wherever possible growth should be accommodated by more efficient use of land and buildings within existing centres, and identifying existing sites suitable for redevelopment and / or conversion.

The guidance states that local planning authorities should encourage a range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups, ensuring that provision is made where appropriate for a range of leisure, cultural and tourism activities.

The proposed development accords with the guidance provided by PPS6 through being a Town Centre Use able to be accommodated through the efficient use of land (redevelopment of an existing City Centre site). The development will also contribute to the development of the City's evening and night time economy uses and contribute to the provision of accommodation for the wider tourism market of the city.

The North East Regional Spatial Strategy (RSS) (July 2008)

Policy 16 provides guidance aiming to promote culture and tourism including the provision for sport and leisure and the resources which support these by:

- Improving the first impressions gained by visitors including supporting environmental improvements to gateways and transport corridors;
- Ensuring the development of facilities invests in and enhances and maintains the natural, built and heritage environments;
- Encouraging cultural, sports, leisure, recreation and tourism developments that benefit the local economy, people and environment without diminishing the attractiveness of the place visited;
- Ensuring the development of cultural, sports, leisure, recreation and tourist facilities is guided by the principles of sustainability and able to maximise opportunities to travel by means other than the private car;
- Encouraging the creation of concentrations of culture, cultural, sports, leisure, recreation and tourism related development within sustainable locations to contribute to wider regeneration objectives.

The proposed development supports the aims of the guidance provided in the adopted RSS as it is able to deliver gateway and environmental improvements to the City, meet the principles of sustainability through the intensification of an existing City Centre site accessible through a range of sustainable transport options, and support the wider regeneration objectives of Central Sunderland.

The proposed development is therefore considered to comply with the objectives of the RSS.

UDP

- Policy EC9: Tourist Facilities
Guidance within the adopted UDP states that hotels, conference centres and similar facilities will normally be permitted in the centres of Sunderland and Washington on sites well related to the primary road network and in association with major recreation and leisure developments. The proposal accords with guidance provided by the UDP as it is located in the centre of Sunderland and is accessible by both the primary road network and sustainable transport (metro, rail, bus and bicycle).

UDP Alteration No.2

- Policy EC5B: Strategic Locations for Change
Through Policy EC5B the City Council will seek diversification to encourage as wide range of uses, hotel development is considered ancillary to many of the uses detailed in Policy EC5B and would assist in supporting the delivery of the diversification sought by the City Council.
- Policy SA55B.1: Sunnyside
The development site is located within the area of Sunnyside and guidance is provided through Policy SA55B.1. The policy seeks to encourage the Sunnyside area as a lively, mixed-use, urban quarter with a high quality physical environment.

The policy defines uses that contribute significantly (including C3) to the character of Sunnyside and additional uses (including CI and AI) considered acceptable in the assisting in the delivery of the redevelopment of the Sunnyside area. Additionally Policy SA55B.1 supports the

conversion, redevelopment and infill of sites to provide for the uses stated in the policy.

The proposed development accords with the aims of the policy through redeveloping an existing site, and providing 16 no. two bedroom apartments (C3), retail units (A1) and a hotel (C1). The development would support the aims of Policy SA55B.1 in encouraging mixed-use developments in the Sunnyside area.

- **Policy T2A**
Guidance provided in Policy T2A aims to promote sustainable transport options and requires major developments to provide a transport plan and non-residential development to commit to travel plans. The proposed development is considered to be accessible by a number of different modes of public transport and is located within the City Centre car parking zone.
- **Policy T21, T22, T23**
UDP policies T21, T22, and T23 provide guidance relating to the level of car parking considered appropriate for each form of development. The proposed development is considered to be acceptable in terms of car parking spaces due to the development's location within the City Centre car parking area and its close proximity to public car parks and public transport.

Sunderland City Centre - Evening Economy (January 2008)

The Evening Economy Supplementary Planning Document (SPD) provides guidance relating to the four nightlife 'quarters' and other city centre locations. Guidance provided that is directly associated to the proposed development is within the Sunnyside Quarter, whilst hotels are not directly stated as a primary use it is considered as ancillary to the uses within the Sunnyside Quarter and would also support the evening economy of the wider City Centre. The proposed development is therefore considered to comply with the Evening Economy SPD.

Sunnyside Planning and Design Framework SPD (July 2008)

The development site is located within the boundary of the Sunnyside Planning and Design Framework and it is considered that the proposed development complements the aims and objectives of the Sunnyside PDF and is therefore acceptable.

Each of the uses: hotel, retail and residential within the proposal are considered appropriate for the site, and comply with the requirements of policy SA55B.1. It is considered that the proposal would assist in delivering improvements to the Sunnyside area's retail area, providing further diversity to the residential dwellings available in the city centre and substantially increasing inner-city tourist accommodation stocks, and further enhance the area's evolving contemporary image. The development proposal meets with the aims, objectives and policy guidance provided at national, regional and the city level, and the principle of development is considered appropriate.

Urban Design And Impact Upon The Conservation Area.

It has previously been established, through approved applications for Conservation Area Consent, references 05/02955/CON and 08/04285/CON (submitted to accompany this planning application), that the demolition of the existing Liverpool House is acceptable in principle, provided that the proposed replacement is of a sufficiently high standard. It is considered in this instance that the design proposed is of a sufficiently high standard to satisfactorily justify the demolition of the existing building.

- Design

The scale and massing of the proposed development are not significantly different to the existing building, and are appropriate to the established historic scale of the High Street. Recent developments have, unfortunately, undermined the traditional human scale of the street; this scheme, nonetheless, reinforces it and has avoided the temptation to significantly increase the roofline in this part of the Conservation Area. It is considered that the proposed development will not be overbearing or dominating in the historic streetscene.

Although the building occupies a large footprint, the design attempts to break up the Nile Street elevation by using a (limited) mixed palette of materials and variation of building lines, thus reflecting the more typical fine grain of the surrounding area.

The front elevation, conversely, is to be a striking single composition that reinforces the qualities of the High Street as a key commercial route through the city and reflects the purpose and ambition of the building as a hotel and contemporary landmark building. The strength of the composition of the front elevation is largely achieved through the proposal to use high quality contemporary materials and innovative patterning of window openings and solid elements. It is considered that the proposed design will significantly enhance the townscape of the immediate area, which includes two conservation areas and a number of Listed Buildings.

The finished quality of this elevation will, however, be entirely dependent upon the quality of the materials used and it is entirely critical to the success of the project that the original design ethos and commitment to quality is not undermined at any stage during the building out of the design. A condition requiring the submission of samples of materials to be used in the construction of the building will therefore be attached to any approval granted.

The site's historic context has proved challenging; it is considered that the design successfully addresses the changes in context across the site by carefully designing each elevation as a response to its setting and by treating each elevation individually yet overall achieving a cohesive design for the scheme. While the front elevation is clearly the dramatic landmark element of the scheme, the design quality of the elevations to Nile Street and Little Villiers Street are not compromised. The use of projecting Velfac windows adds interest and strength of composition to the design.

The proposal also has regard to the aspirations of the Sunnyside Planning and Design Framework, in particular showing respect for the historic

routes that run through the area. The use of brick, inspired by the historic bricks commonly used throughout Sunnyside, should tie the otherwise strikingly contemporary building into the historic character of the wider area. This is an approach that was used nearby at The Place, where it has proved extremely successful.

- Landscaping

Although the scheme does not facilitate any public space (which would not necessarily be required in any case, given the fine historic grain and density of development in the area), it incorporates an internal green courtyard. Provided that this area is well landscaped and maintained, this space could prove to be an excellent, innovative addition to the scheme. A condition will therefore be attached to any approval granted requiring the submission of a landscaping scheme for the approval of the Local Planning Authority.

- Parking

The car parking area to the ground floor is a requirement of the development and that the design of the scheme attempts to satisfy security requirements while avoiding the standardised appearance of a covered car park.

Having appraised this scheme against the CABE/English Heritage Building in Context toolkit, it is considered that the proposed development is an acceptable scheme in terms of impact upon the existing conservation area and in terms of urban design, particularly given its historic context and significant regeneration potential.

Layout and Impact Upon Near Neighbouring Residential Properties.

The application site is located in an area which is predominantly commercial in nature. To the north of the site (High Street West elevation) are a variety of commercial buildings of differing heights and styles, directly opposite is a single storey brick building fitted with galvanised metal shutters. This single storey building also appears to be vacant.

To the west of the site (Press Lane Elevation) is a vacant commercial building that is currently boarded up and in a very poor state of repair. There is a building containing what appear to be 3 flats located to the south west of the site (on the opposite side of Press Lane). The rear elevation of these flats is off-set from the application site. The rear elevations of these flats appear to primarily contain bathrooms (with obscurely glazed windows) and bedrooms. At ground floor level there is an entrance door and two windows, both fitted with security grilles. It is considered unlikely that the proposed development will have any detrimental impact upon the residential amenity of the occupiers of these flats. The orientation of the flats is such that their positioning to the south west of the proposed development makes the likelihood of unacceptable levels of overshadowing occurring very unlikely with any shadowing being restricted to early to mid-morning.

To the rear of the application site is a single storey brick building (1-4 Nile Street) which appears to be in use as some type of automotive business. It is

considered that the proposed development is very unlikely to have any detrimental impact upon the occupiers of this building.

To the east of the site (181 -186 High Street West) is a site which is currently occupied by the steelwork of a planned 62 apartment block. Unfortunately, due to the current economic climate, this site has been "mothballed" and construction has ceased. In its current state, the proposed development will have no detrimental impact upon this vacant site. In the event that the site was eventually occupied by a residential development is considered that the impact upon any residential occupiers would be minimal as there would be bedroom and obscurely glazed bathroom windows facing this site.

The proposed development is therefore considered to be acceptable in terms of impact upon near neighbouring residential properties.

Highway Access, Car Parking And Servicing Arrangements.

The proposed development is located within the City Centre Car Parking area, as a result of this and the proposal's close proximity to public car parks and public transport, 13 car parking spaces to be used in connection with the 16 residential apartments proposed is considered to be acceptable.

The highway layout and servicing arrangements for the proposed development remain under consideration. It is anticipated that these considerations will be completed prior to the meeting of the development control (south) sub-committee meeting and reported on the supplementary report accordingly.

Provision Of Children's Play Space.

The proposed development includes the provision of 16 apartments which will each comprise 2 bedrooms. However, due to the constrained nature of the development site it is not possible to provide children's play facilities on site. The applicant has therefore agreed to enter into a Section 106 agreement (Town and Country Planning Act, 2004) to provide a sum of £10880 towards the provision of off site Children's play facilities.

The S106 agreement is currently in the final stages of negotiation. However, in the event that the agreement is not completed on or before the 12 February 2009, the absence of play facilities on the site, or alternative provision for such facilities, will render the proposed development contrary to Policy H21 of the UDP and therefore unacceptable. Under these circumstances the application would be recommended for refusal.

The progress of the S106 agreement in relation to this application will be reported on the Supplementary report and a final recommendation made accordingly.

Archaeological Considerations.

The County Archaeologist has been consulted regarding this application and has confirmed that the specification for archaeological works submitted with the application is satisfactory. Conditions relating to the requirement for some formal recording of the existing building and for an archaeological watching brief to be carried out will be attached to any approval granted.

Ecology/Protection Species

A bat survey was submitted to support this application. Natural England has been consulted regarding this development and associated bat survey. The comments of Natural England are awaited, however, it is anticipated that these will be received prior to the meeting of the Development Control (South) Sub-Committee and reported on the supplementary report accordingly.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

Reference No.: 08/03553/FUL Full Application

Proposal: Erection of 2no blocks of student accommodation comprising 118 student bedrooms in 20 individual flats and associated external works parking and access to the site.

Location: Toward Road/ Egerton Street Sunderland

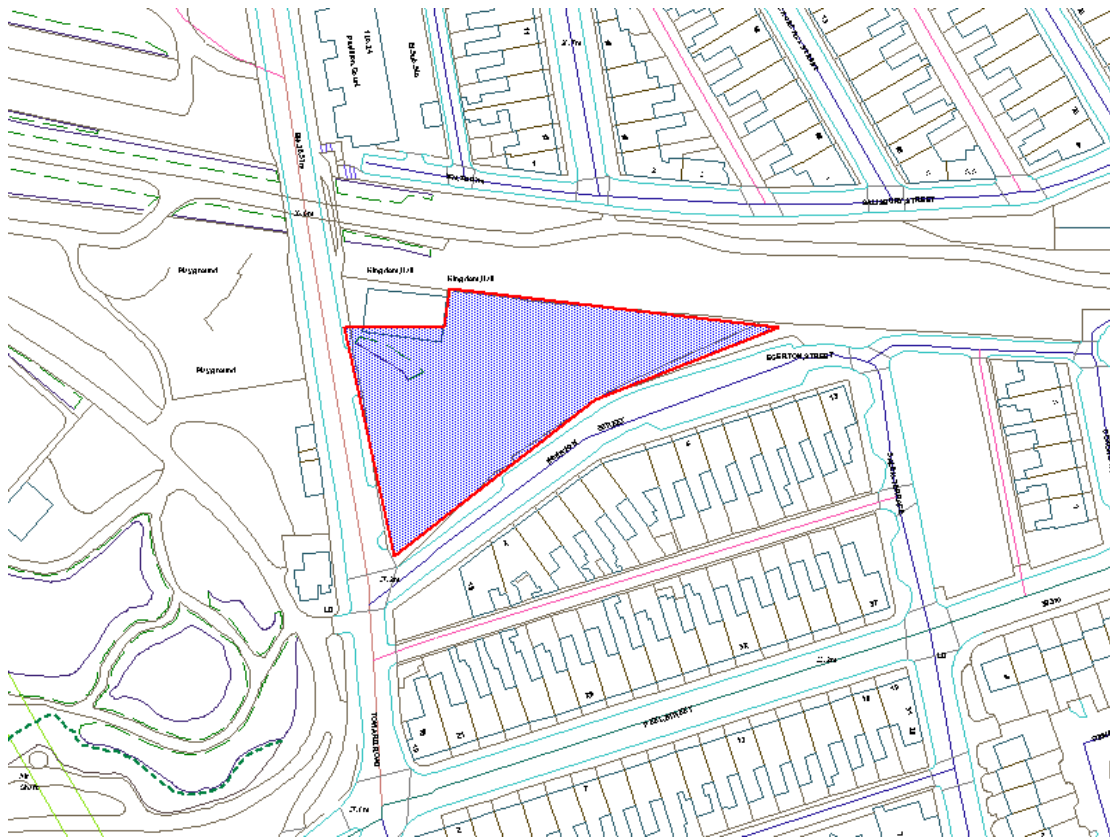
Ward: Hendon

Applicant: Mandale Commercial Ltd

Date Valid: 5 December 2008

Target Date: 30 January 2009

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of 118no. student bedrooms in the form of 20no. individual flats, to be accommodated within two residential blocks, Block A which will be six storeys (when viewed from within the site, 5 storeys when viewed from Toward Road) whilst Block B will be four storeys. The application also proposes a new access towards the south-east corner of the site from Egerton Street, 8no. parking spaces and associated works.

Block A is proposed to front onto Toward Road with the main entrance being taken from this elevation (west) on Level 2. A secondary access to Block A is also proposed within the east elevation with access being taken from level 1. The west elevation of Block A will measure 15m at the northern end increasing to 17.7m at the southern end of the elevation when viewed from street level. Given the topography of the site the height of Block A will increase when viewed from within the site to: 21.8m north elevation, 18.8m (northern end of elevation) maximum 22.5m (southern end of elevation) and 21.8m south elevation (all measurements are calculated from ground level to eaves height). The east elevation of Block A will overlook the central parking area within the site.

Block B is proposed along the northern boundary of the site and will be accessed, via a single entry point, within the south elevation. Unlike Block A, Block B will be built on a level part of the site with all elevations measuring 13m from ground level to eaves.

The proposed 8 no parking spaces will be arranged on the site within a central turning area.

A small amount of landscaping is proposed to the west elevation of Block A and entrance to the site from Egerton Street.

A refuse and store area is proposed within Block A at Level 1 with access to the respective areas being taken from the northern and southern elevations.

Members may recall that in January 2008 permission was granted on the site for the erection of 40 no. self contained flats to be accommodated within 2 no. residential blocks.

The site has been advertised accordingly by way of site and press notices.

A full and explanatory Design and Access Statement accompanies the application.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Director Of Childrens Services
County Archaeologist
Northumbrian Water

Final Date for Receipt of Representations: **06.01.2009**

REPRESENTATIONS:

Neighbours.

One letter of objection has been received to date (see main report).

Consultees.

Northumbrian Water
No objections to the proposal.

County Archaeologist
No comments to make.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_5_Distribution of sites for new housing (over 10 units)
B_1_Priority areas for environmental improvements
B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in the assessment of this application are:

- The suitability of the site for student development.
- The acceptability of the siting, design, scale and massing of the development proposed.
- The impact of the development on the surrounding residential area.
- Traffic and access implications.

Site

The application site is a triangular piece of land situated along Egerton Street and Toward Road. The site lies to the south-east of Sunderland City Centre as defined by the UDP proposals map. The site is bound to the north by a former mineral line and an existing public walkway with residential properties beyond. To the east and south of the site are existing residential properties and to the west by Toward Road with a large public open space beyond (Mowbray Park). The site as a whole is approximately 0.15ha.

Policy

The site is identified on the UDP Proposals Map as a 'Housing & Environmental Improvement Area' (area to the east) whilst the remaining site has no specific land use allocation and as such policy EN10 is applicable. The site is also a committed housing site and currently has a valid permission for 40no. flats.

Policy EN10 states that all proposals for new development will be judged in accordance with the policies and proposals of the plan, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain. Proposals for development are intended to be compatible with the principal use of the neighbourhood.

Whilst it is acknowledged that the site has a valid consent for residential development (40no. flats), which establishes the principle for residential development on the site, and is situated in a sustainable location in terms of access to the City Centre the current proposal for 118 student bedrooms is considered to be a more intensive use than that previously approved on the site and is somewhat remote from the University Campuses. As such whilst the use of the site for student accommodation is accepted, owing to the previous planning history of the site, the level of development proposed is considered to be unacceptable in terms of density and resulting impacts on residential amenity of the immediate neighbourhood.

A further policy consideration is UDP Policy H18. This policy states that proposal for self-contained flat, or multiple shared accommodation will normally be approved where:

1. the intensity of use will not adversely affect the character and amenity of the locality; and
2. appropriate arrangements are made to secure the maintenance of gardens and external space.

Policy H18 also goes on to state that the City Council will support purpose-designed schemes for student housing where a high quality design and layout is proposed. (see adverse design comments below).

With regards to the impact of the proposal on the character and amenity value of the locality, it is considered that the proposed 118 student bedroom development would be an over intensive use of the site which would have a detrimental effect on the character of the area. As such the agent has been advised that the number of bedrooms proposed should be reduced so as to better reflect the density of the current consent (40no. flats). However, this recommendation was declined on advice from the applicant.

In conclusion it is considered that the proposed development for 118 student bedrooms is over intensive use of the site which will have an adverse effect on the character and amenity value of the immediate residential area.

Design

UDP Policy B2 states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy, large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas. With regard to the current application it is considered that the main issue relates to the impact of the proposed development on the residential and visual amenity of the surrounding area.

SPD Policy B2A further elaborates on the above policy and states that the quality of an overall scheme can be ruined by poor attention to detail. The individual elements of a building e.g. the bricks and window openings are an integral part of the overall quality of the building. The policy goes on to state that it is important that new residential developments take account of the forms and proportions of the local area.

With regard to the proposed development whilst it is acknowledged that the principal of the development on the site has been established following the previous approvals on the site for residential development, the proposed scheme falls short of the design qualities of previous consents or the quality that would be expected of a development on such a prominent 'gateway' site into the City Centre. The main issues are detailed below.

- **Layout:**
The proposed scheme relates to the erection 2no. new buildings, one building, Block A, bounds the western edge of the site whilst the other, Block B, borders the northern boundary of the site. The main access to the site is proposed to the east of the buildings with the remainder of the site to be used to accommodate an access ramp, turning circle and 8no. incurtilage car parking bays.

No information has been provided as to the relationship of the proposed development to the wider area and as such the suitability of the scheme in relation to its surroundings, in particular the relationship with Kingdom Hall, cannot be determined.

The development proposes a number of gaps between the two blocks (A and B) and the boundaries of the site. Like with the above no information has been provided as to the how these spaces will be treated or landscaped and as such have the potential for the areas to be unsafe and unattractive, which is unacceptable in design terms.

The above information was requested from the agent however the applicant is unwilling to sanction the additional information and would like the proposal to be determined in its current form.

As a result of the sites topography there are a number of level changes throughout the site, leading to a number of redundant spaces which cannot be built on, primarily at the corners of the site and along the proposed ramp.

- **Elevations:**
The elevations to both Blocks A and B are considered to be of a poor quality, lacking variation and use of high quality materials and window openings. The scale and prominence of the development warrants the use of high quality materials, arranged in a manner which illustrates depth and variation. The current scheme fails to respond to any of these considerations and it is therefore considered that the proposal in its current form would have a detrimental impact on the visual amenity of the street scene.
- **Access:**
The proposed access arrangements to the site fail to improve permeability into or across the site or provide a single main point of entry to the development, which hinders legibility. Pedestrian access to and from the drop off point is poor, forcing pedestrians to share the vehicular entrance to the site. The proposal also fails to provide an access point off Toward Road to the entry point of Block B.

In summary whilst accepting the principle of residential development on the site, it is considered that the proposed development by way its design, layout and access arrangements falls significantly short of the design quality expected of site in this prominent location into the City Centre. As such the proposed development fails to accord with UDP policy B2 and SPD policy B2A.

Residential Amenity

When comparing the previous approved scheme to the current proposal it would appear that this application proposes to increase the height of Block A in the following way:- North Elevation _ 2.3m increase, East Elevation _ 2.7m increase, South Elevation _ 2m increase and West Elevation 1.8m increase. In addition Block A also proposes to include habitable windows within the southern gable elevation overlooking Egerton Street. In light of the above it is considered that the increase in height of Block A, combined with the positioning of habitable windows within this gable elevation will result in unacceptable levels of overlooking and a loss of privacy for the adjacent occupants of Egerton Street.

With regards to Block B it is considered that this four storey element of the proposal adheres to the minimum spacing standards between a main facing elevation with habitable windows and No.1 and No.2 Salisbury Street and as such an acceptable level of residential amenity would be maintained.

Highways

- **Parking:**
The proposed provision of 8no. in-curtilage parking spaces is not considered to be satisfactory to accommodate the requirements for residents and visitors. The limited number of parking bays provide within the site will result in traffic being forced out onto Egerton Street which already experiences high levels of on street parking. As such an assessment is required of existing sites of student accommodation in order to try to substantiate these proposals. Failure to demonstrate that 8no. parking spaces will be sufficient to accommodate the parking requirements indicate that the application should be recommended for

refusal on the grounds of the proposal being detrimental to road safety and amenity of local residents.

Note: A request was made to the agent to provide the above assessment however following discussions with the applicant the LPA have been instructed that no further information will be provided to support the application and as such it has been asked that the LPA consider the application in its current form.

- Servicing:
An adequate manoeuvring area should be designated for service vehicles.
- Highway Access Improvements:
Details of the following should be submitted to and agreed in writing by the LPA:-
 1. Alterations to Egerton Street, including the radius improvement at the junction of Toward Road, and modifications and extensions to the footways around the site.
 2. construction of vehicle access off Egerton Street.
 3. closure of the former access off Toward Road.

If the application were to be approved the above works would be required to be carried out in accordance with an Agreement under Section 278 of the Highways Act 1980.

Furthermore modifications and extensions to the privately maintained retaining wall will need to be verified to establish that it adequately provides support for the highway.

- Parking Controls:
If the application were to be approved details of additional on-street parking controls would need to be agreed to reduce the risk of obstruction by parked vehicles on Egerton Street. This scheme should be funded by the developer, either under a Section 106 Agreement or preferably under a Section 278 Agreement.
- Travel Plan:
A Travel Plan should be provided for the site, and measures introduced to reduce reliance on the private car by residents. Secure and covered cycle and motorcycle parking should also be provided.

For the reasons stated above and in the absence of any revised plans and supporting information it is considered that the proposal fails to provide sufficient in-curtilage parking (or provide a justification for the reduced level of parking), an adequate manoeuvring area and a scheme of proposed parking controls on Egerton Street. As such the proposal fails to accord with policy T14 or T22 of the UDP and it is therefore recommended that the application be refused on highway grounds.

Representation

One letter of objection has been received from No.9 Egerton Street. The grounds for opposing the development are as follow.

- **Highways:**

There is a concern that the proposal fails to provide sufficient parking within the site, which will further exacerbate the existing parking problems experienced on Egerton Street. As a result of the existing parking problems (double parking and parking up to the junction) access and egress from Egerton Street is difficult. In addition, there is a concern that emergency or refuse vehicles may not be able to pass along the street.

With regards to the first concern (insufficient in-curtilage parking) it is considered that this is a valid concern that the applicant has not been willing to address following discussions with the LPA. As such the LPA will be recommending that the application be refused on this point.

- **Possible Obstruction Of Emergency Vehicles Along Egerton Street.**

In response to this concern Egerton Street currently has no parking restrictions or yellow lines, which can often lead to inconsiderate parking by motorists at junctions and inappropriate locations. Potentially this could obstruct movement by larger vehicles such as emergency services or refuse vehicles. This emphasises the need to ensure that any new development on this site should provide an adequate level of in-curtilage parking, and it is also recommended that any developer of this fund a scheme for on-street parking control, to reduce the risk of any existing problems being exacerbated. Therefore it is considered that this concern is a valid point and in the absence of sufficient in-curtilage parking it is recommended that the application be refused on highway grounds.

- **Boundary Treatment:**

Concern is raised as to the type of boundary treatment proposed along Egerton Street, in particular the choice of material and the possibility of the material being susceptible to vandalism.

In response to this point the agent has suggested in the Design and Access Statement that the palette of materials to be used is something that they would be happy for the LPA to condition. As such if the application were to be deemed to be acceptable, any grant of consent would be subject to a suitably worded condition that requires agreement with the LPA of the materials to be used throughout the whole of the development, including boundary enclosures, prior to any work commencing on the site. The LPA could then ensure that the material(s) proposed are sympathetic and in keeping with the character of the existing area and proposed development.

CONCLUSION

In light of the above, it is considered that the proposal represents an over intensive use of the site, lacking in architectural quality and creating conditions prejudicial to highway safety through unsatisfactory levels of in-curtilage parking which will lead to an increased need for on-street parking. The proposal is

therefore considered to be contrary to UDP and SPD policies and as such it is recommended that Members be minded to refuse the application.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed development by reason of the number of bedrooms proposed, the siting, layout and design of the two accommodation blocks would constitute an over intensive use of the site, out of scale and character with the area, which would be detrimental to the amenity of nearby residential areas and have an adverse effect on the character and appearance of a key, gateway site, contrary to policy B2 and H18 of the Unitary Development Plan and B2A of the Residential Design Guide Supplementary Planning Document.
- 2 The proposed development comprising of two blocks of student accommodation would adversely affect the privacy levels and outlook of the adjacent properties by reason of its size, siting and design. The proposal will also generate unacceptable levels noise and disturbance due to traffic movements, particularly at night, to the detriment of residential amenity. As such the proposal fails to accord with policy B2 of the Unitary Development Plan and policy B2A and Section 10C of the Residential Design Guide Supplementary Planning Document.
- 3 The proposed development would lead to the attraction of vehicles to and from the site without adequate in-curtilage or off street parking facilities which would lead to the creation of conditions prejudicial to highway safety and as such is contrary to policies T14 and T22 of the Unitary Development Plan and Sections 4.2 and 13 of the Development Control Supplementary Planning Guidance.