

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

1.

Hetton

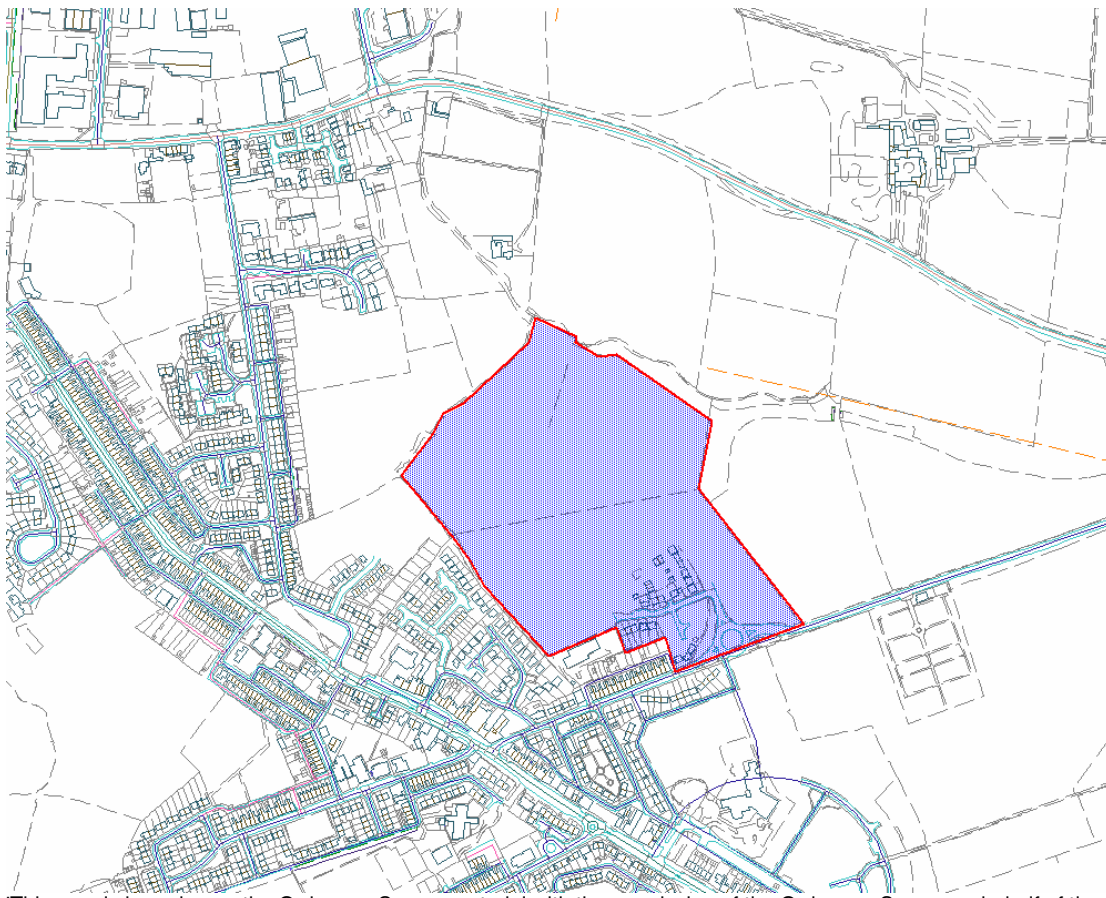
Reference No.: 12/02705/VAR Variation of Condition

Proposal: **Variation of wording of conditions 4 and 5 attached to planning application 06/02209/FUL**

Location: Land At Murton Lane Easington Lane Houghton-Le-Spring

Ward: Hetton
Applicant: Taylor Wimpy NE LTD
Date Valid: 15 October 2012
Target Date: 14 January 2013

Location Plan



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PROPOSAL:

The application site lies to the north of Murton Lane. Planning Permission 06/02209/FUL, which provided permission for residential development was approved on 23 April 2010. The approval provided full planning permission for part of the site and permission in outline for the remainder. Approval of reserved matters in connection with the outline portion of the site was granted on 23 February 2012 and construction has commenced on site.

This application seeks to vary the wording of conditions 4 and 5 of planning permission 06/02209/FUL to allow the relocation of a stretch of footpath from one location to another.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Hetton Town Council
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **14.11.2012**

REPRESENTATIONS:

No representations received.

POLICIES:

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

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
B_2_ Scale, massing layout and setting of new developments

COMMENTS:

Originally condition 4 of planning approval 06/02209/FUL required a temporary footpath connection to be made available between the development site and Churchside Gardens to the west. Condition 5 of the approval required the footpath to be made permanent as part of the final phase of development on site. However, due to difficulties in acquiring land to facilitate a footpath in this location the applicant proposes to provide a footpath in an alternative location to provide a connection between the development site and Kingfisher Drive which is also located to the west of the development site.

If approved, the proposed wording of conditions 4 and 5 will require the developer to provide a footpath link in a location approximately 130 metres north of where the original condition 4 and 5 required a footpath to be located.

It is considered that the variation of conditions 4 and 5 will allow the connectivity between the development site and the wider area to be achieved. It is therefore considered that the proposed variation of conditions 4 and 5 is acceptable.

It is recommended that the application be approved subject to conditions that remain relevant from the original planning approval (06/02209/FUL); a condition limiting the period for implementation of this approval; and, the conditions varied by the approval of this application.

RECOMMENDATION: Approve

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, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Before the development hereby approved is commenced the route and details of a temporary footpath to be constructed within the site to enable a linkage between Phase 2 of the development and King Fisher Drive (08/00030/FUL) shall be submitted and agreed in writing by the Local Planning Authority. The footpath shall then be constructed in accordance with the approved details and connected to Kingfisher Drive and shall be available for use before the occupation of any dwelling within Phase 2 and shall remain available, subject to any alterations to the route which might be agreed in writing with the Local Planning Authority, until the construction of a permanent route as part of the Phase 3 works (as required by condition number 3), in the interest of pedestrian safety and locational sustainability in accordance with policies T8 and T14 of the adopted Unitary Development Plan.
- 3 Phase 3 of the development approved by planning permission 06/02209/FUL shall incorporate a permanent footpath to connect phases 2 and 3 of the development to Kingfisher Drive (08/00030/FUL), the details of the route and the timetable for its construction shall be submitted to and approved in writing by the Local Planning Authority, before the construction of phase 3 is commenced. The footpath shall be implemented in full accordance with the agreed scheme in the interest of pedestrian safety and locational sustainability in accordance with policies T8 and T14 of the adopted Unitary Development Plan.

Reference No.: 12/02937/FUL Full Application

Proposal: Change of use of offices (B1) into a mixed use development comprising offices and financial / professional services (B1 and A2) at basement and lower ground floor and a mix of retail / restaurant / bar / hot food take away (A1, A3, A4 and A5) at ground floor, first floor and roof terrace, with associated external alterations to include balconies, roof terrace and external stairs (AMENDED DESCRIPTION).

Location: Glendale House Washington Town Centre Washington NE38 7SW

Ward: Washington Central
Applicant: LCS Ltd
Date Valid: 29 October 2012
Target Date: 24 December 2012

Location Plan



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PROPOSAL:

The proposal relates to the change of use of offices (B1) into a mixed use development comprising offices and financial / professional services (B1 and A2) at basement and lower ground floor level and a mix of retail/restaurant/bar/hot food takeaway (A1, A3, A4 and A5) at ground floor, first floor and roof terrace, with associated external refurbishment works to provide new balcony areas, and an accessible roof top floor with external stairs at Glendale House, Washington Town Centre.

The application site is located within the western car park of Washington Town Centre and forms one of a five former office blocks that have remained vacant for a substantial period of time, suffering visual signs of vandalism and dilapidation. The other blocks include Cheviot House (vacant), Derwent, Pennine and Weardale House.

The four storey block and pebble dashed building is stepped into the existing topography with the front of the premises accessing into the main car parking area to the north, where an area including twelve car parking spaces and two service areas are provided. The rear of the premises is stepped down a further two floors providing a lower ground floor and basement level, accessing a rear car parking area.

Alterations to the existing facades of the building include introducing a new terrace area at ground floor level above an existing area of overgrown landscaping to provide an external terrace to the proposed ground floor bar area. The remainder of the ground floor is to be utilised as a retail unit. This raised terrace area is to be clad in timber and dressed with window boxes.

The two floors below the main entrance to the building seek to remain in office use providing a total of nine separate units.

At first floor level it is proposed to provide a restaurant use with an extended balcony area sited above the ground floor terraced area with a canopy above. A glassed balustrade provides the enclosure to the proposal.

The roof level seeks to provide an outdoor terraced bar area with seven large parasols and seating. An external staircase is provided from the roof terrace area to the western car park sited on the west facing elevation of the building.

The applicant has indicated within the submitted proposal that they seek to operate the building between the hours of 09.00 and 01.00, employing approximately twenty five members of staff.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Fire Prevention Officer
City Services - Network Management

Street Scene (Environmental Service)
Centre Managers Office
Centre Managers Office

Final Date for Receipt of Representations: **04.12.2012**

REPRESENTATIONS:

No representations received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_5_Protecting sensitive areas from new noise/vibration generating developments

S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

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

WA_33_Improvement of Washington Town Centre

WA_34_Allocation of sites for new retailing and commercial development

COMMENTS:

The main issues for consideration in determining the application are:

- The principle of the mixed uses on the Glendale House site
- The design and layout of the proposals
- Noise and disturbance
- The highway implications of the proposals

- The principle of the mixed uses on the Glendale House site

Glendale House is currently a vacant office block occupying a site to the south, of the Western car parks and forming the northernmost unit of office blocks to the west of the Galleries Shopping Centre. The site lies within the defined town centre as set out in paragraph 21.101 of the Unitary Development Plan (UDP) and is within 200 metres of the Asda superstore.

National Planning Policy Framework (NPPF) emphasises the importance of securing and ensuring the vitality of town centres, allocating a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.

The site is not specifically allocated, though the redevelopment for the proposed mixed uses would be consistent with policy WA33 which seeks to generally sustain and improve Washington Town Centre as one of the City's main centres.

The applicant considers that the existing Glendale House site has limited viability in terms of offering a flexible modern office space, attractive to the open market. The building has remained vacant for a period of time and a significant amount of investment would be required in order to bring Glendale House up to modern day standards. It is considered that the partial loss of Glendale House office floorspace would have very limited effect upon overall employment opportunities in Washington Town Centre; moreover the refurbishment of the site within the parameters of the office complex would introduce a new destination venue to visitors to the town centre.

The proposal to change the use of Glendale House and refurbish the building is considered to be acceptable in this instance, securing and ensuring the vitality of the existing town centre.

- The design and layout of the proposal

Section 7 - Requiring good design of the NPPF states in part that:

"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Whilst policy B2 of the UDP seeks to ensure that the scale, massing, layout or setting of new developments and extensions to existing buildings respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy, thus potentially remedying environmental deficiencies and contributing to the quality of life of the City's residents.

The design and layout of the proposed scheme seeks to retain the two lower floors of the building for office use, with nine small units being provided. All of the units are accessed via the main entrance to the building which is located within the north facing elevation at ground floor with a separate fire escape door sited within the south facing basement level accessing the lower level car park.

The upper floors of the development provide a mix of retail / leisure uses using the north facing access to the building at ground floor level and entering a lobby area that provides a lift and staircase to each of the individual units. The roof top terrace, first floor and ground floor all provide emergency access via an external staircase, located on the west facing elevation.

The proposal has not provided any details in terms of signage for the unit, although indicative areas have been identified to illustrate how any advertisement may appear. Should members be minded to approve the proposal, further applications for advertisement consent may need to be submitted by prospective operators.

The proposal does involve the removal of a small area of landscaping to the front of the building; however the raised balcony area that seeks to replace this land is designed to incorporate decorative planting at eye level softening the visual impact of the ground floor balustrades.

The design and layout of the proposed development is in general accordance with both the NPPF and UDP and is therefore considered to be acceptable.

- Noise and disturbance.

Policy EN5 of the UDP requires development that is likely to generate noise sufficient to increase the existing ambient sound or vibration levels in residential areas to incorporate suitable mitigation measures in the design of the development.

The current proposal has not provided any noise survey in support of the development, however discussions with the applicant have indicated that in the event that members are minded to approve a suitably worded condition requiring the cessation of playing of music from the roof terrace balcony after 10pm would mitigate any potential noise and disturbance to any neighbouring residential properties late at night. (It is noted that the nearest residential properties are situated west of A182 and screened by trees a distance of approximately 120 metres).

With the imposition of such a condition, it is considered that the potential impact upon residential properties of the proposed development would not be significant enough to be detrimental to levels of residential amenity currently afforded these properties.

- Highway implications of the proposals

The proposed development benefits from occupying land with associated car parking within the Town Centre, however it is noted that the development will likely increase foot fall to the site from the main shopping centre via a set of relatively contrived and/or undesirable pedestrian routes. With the above in mind, it is recommended that the applicant, in conjunction with the Galleries land owner/management company, review pedestrian accessibility between the site and the Galleries/Galleries Bus Station. Should Members be minded to approve the proposal, a suitably worded condition requiring the above review to be undertaken prior to the occupation of the building shall be imposed.

In addition, it is noted that the existing car parking spaces would appear to be sub standard in terms of length, measuring only 4 metres on the ground, the agent has been advised accordingly and an amended parking layout is to be submitted as part of the recommendations which will be brought forward to discharge the aforementioned pedestrian route condition.

Conclusion

The proposed change of use and refurbishment of Glendale House are in general compliance with NPPF and UDP policies and are therefore considered to be acceptable. It is therefore recommended that the application be approved subject to conditions set out below.

RECOMMENDATION: Approve

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, as required by section 91 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan received 29th October 2012.

Drawing No. GH-12-002, Existing and Proposed Layouts received 29th October 2012.

Drawing No. 002, Existing Elevations received 29th October 2012.

Drawing No. 003, Proposed Elevations received 29th October 2012.

Drawing No. GH-004, Masterplan received 29th October 2012.

Drawing No. 005, Existing and Proposed Site Plan received 29th October 2012.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Thursday (except Bank Holidays) 06:00 to 01:00

Friday and Saturday (except Bank Holidays) 06:00 to 01:00

Sunday and Bank Holidays 06:00 to 01:00

In order to protect the amenities of the area in accordance with policies S12 and B2 of the UDP.

- 5 Notwithstanding any indication of hours of operation identified within the submitted application, no music shall be played from the roof top terrace outside the following hours Monday to Sunday 06:00 to 01:00. In order to protect the amenities of the area in accordance with policies B2 and EN5 of the saved adopted Unitary Development Plan.

- 6 Before the development hereby permitted is commenced, a plan showing a revised parking layout with an integrated pedestrian route through the site shall be submitted to and approved in writing by the Local Planning Authority and any identified improvement works should be completed prior to occupation. For the avoidance of doubt the pedestrian route should integrate into a larger network of footways between the site and the Galleries/Galleries Bus Station. The car parking and associated footway shall be laid out in accordance with the approved plan before the building

is occupied. The area shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.