
REPORTS FOR CIRCULATION

REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

**South
Sunderland**

1. Site of Former Eagle Public, Portsmouth Road
2. Land at Hudson Dock, East Barrack Street, Sunderland
3. Asda Superstore, Leechmere Road
4. Academy 360, Portsmouth Square, Sunderland

City of Sunderland

South Sunderland Sub-Committee

REPORTS FOR CIRCULATION

Number	1
Reference No	08/03827/FUL
Proposal:	Erection of 16 Residential Units with associated parking and landscaping with stopping up of highway and change of use to private residential (Amended Description)

The outstanding highway issues have now been given consideration and the officers views are detailed below.

Access / Land Ownership

As stated in the main report there is a concern that the 2no.visitor parking bays located to the south of the site are only accessible by gaining entry over land (access road) currently owned by Cheviot Homes and therefore the applicant was asked to seek agreement with the land owner that there would be no issues with this arrangement. In this regard the applicant has contacted Cheviot Homes who have confirmed that they have no objection to the use of their access road.

Parking Layout

To date no revised parking layout has been received which identifies which parking spaces belongs to which residential unit, however it is considered that this issue could be dealt with by way of condition should permission be granted.

RECOMMENDATION:

(i) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 11th. May 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 11th. March 2009, or such other date as agreed by the Director of Development and Regeneration.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, 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 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 and T14 of the UDP.
- 3 No deliveries shall be taken at or despatched from the site outside the hours of 07:00 - 19:00 Monday to Friday inclusive and 07:30 - 14:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 of the UDP
- 5 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.

- 6 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.
- 7 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.
- 8 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 9 Before the development, hereby permitted, is commenced, a plan showing the provision of at least 18 car parking spaces within the curtilage of the site and identification of which space belongs to which unit shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall be laid out in accordance with the approved plan before the units are 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.
- 10 None of the residential units shall be occupied until the pedestrian refuge works and all other associated highway works have been completed in accordance with the submitted plans and details to be submitted to the Local Planning Authority for formal written approval, in order to achieve a satisfactory form of development and to comply with policy T14 of the UDP.
- 11 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions or other development shall be undertaken to the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.

- 12 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. 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.
- 13 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.
- 14 The developer shall display an up to date copy of the approved plan in a position outside of the sales office for the duration of the development in accordance with details of an appropriate display board to be agreed with the local planning authority, in order to ensure that interested parties are aware of all detailed proposals for the development.

Number	2
Reference No	08/04526/FUL
Proposal:	Erection of an industrial building and installation of 9MW biomass plant to generate electricity from reclaimed timber.

The Sequential and Exception Test issue has now been given further consideration and officer views are set out below.

Sequential and Exception Test

In light of the Environment Agency's (EA) formal objection to the planning application in respect to the absence of suitable evidence to demonstrate that the flood risk Sequential and Exception Tests have been applied, it is considered that before the determination of the planning application it is necessary for the applicant to satisfy the above as directed by Planning Policy Statement (PPS) 25: *Development and Flood Risk*. Further discussions are taking place between the agent, the Local Planning Authority and EA in regard to this information gathering.

Furthermore, it has not been possible to resolve this issue satisfactorily in time to allow a recommendation for approval at the Development Control (Sub) Committee. Nevertheless, it is considered that if a suitable Sequential and Exception Test is provided to the satisfaction of the Local Planning Authority, the EA would remove their formal objection, thereby ensuring that the development is acceptable, subject to the imposition of relevant conditions as discussed in the agenda and supplement reports.

However, in recognition of the planning application determination target date, which is the 1 May 2009, it is considered that if satisfactory evidence is not provided by that date then the application should be refused as the application site is within an area subject to medium to high probability of flooding. Therefore according to paragraph D5 of the PPS25, which requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test, the proposal would not accord with national and local planning guidance.

RECOMMENDATION: DELEGATE to the Director of Development and Regeneration

To either

1) Grant planning permission subject to appropriate conditions and subject to the satisfactory resolution of the Sequential and Exception Tests and the subsequent withdrawal of Environment Agency's formal objection by the 1 May 2009 or such other date as is agreed by the Director of Development and Regeneration.

Or

2) Refuse planning permission should the Sequential Test and Exception Test not be considered satisfactory by the Local Planning Authority to enable the withdrawal of the Environment Agency's formal objection by 1 May of 2008 or other such date as is agreed by the Director of Development and Regeneration.

Proposed conditions:

- Three years
- Sample materials & colour
- Hours construction
- Construction methodology
- Archaeological desk based assessment
- Car parking layout
- Landscaping scheme
- Landscaping implementation
- Ground contamination - desk top study
- Ground contamination - remediation statement
- Ground contamination - additional method statement
- Fuel delivery hours
- Vehicular delivery route
- Amount of vehicular fuel delivery
- Accordance with flood risk assessment
- Flood emergency evacuation plan
- Noise control measures
- Stack height
- Boundary enclosures

Number	3
Reference No	08/04691/FUL
Proposal:	Installation of Mezzanine to existing store

Additional information has been submitted in respect of the outstanding highway issues and the following officer response is provided.

Highways

Car Parking – The latest information submitted states that during peak periods there are approximately 50 employees cars parked in the vicinity of the petrol filling station. In this regard it is considered that the implementation of a management plan, which will be imposed by way of condition to any grant of consent, will require these cars to be parked in the north-west corner of the car park which is currently under utilised. It is considered that introducing this measure will improve the effective use of the car park for customers, and also improve the flow of vehicles entering the site.

Notwithstanding the above there remains the possibility that customers may chose to park on the highway, Leechmere Road, during peak periods and therefore it is considered necessary that a planning condition requiring the introduction of a scheme to control on-street parking within an agreed timescale be imposed on any grant of consent. The financing for such a measure will be required to come from the applicant.

Travel Plan – In accordance with national policies which seek to encourage alternative modes of transport to the car, it is agreed that the implementation of a Travel Plan for the site should be used to reduce dependence on car use by employees travelling to the store.

Service Vehicles – The existing delivery arrangements for the site primarily involve the use of the internal service yard which can accommodate 2 articulated vehicles at any one time. However, it is recommended that the access road (Claymere Road) to the site should be improved with the provision of an adjacent area of hardstanding which could be used by a delivery vehicle or vehicles (including home delivery vans) waiting to access the store. The verge areas are not owned by the applicant and therefore it is proposed that a Grampian condition be imposed on any grant of consent that requires an agreed scheme of improvements to be implemented prior to the occupation of the Mezzanine floor.

Outstanding Neighbour Objection

With regards to the issue of congestion, it is considered that the existing highway network is adequate to accommodate the increase in traffic which may be generated. The application is supported by a Transport Assessment. The specific issue of access into the car park should be improved following with the relocation of employees vehicles to the north-west corner of the car park, which will improve customer access to the bays as they enter the site.

Recommendation: APPROVE subject to the conditions listed below.

- 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 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 of the UDP.
- 3 During the construction of the mezzanine extension hereby approved no deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 Monday to Friday, 07:30 and 14:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 07.30 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 and B2 of the UDP
- 5 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a management plan which identifies the relocation of staff parking to the north-west corner of the car park has been submitted to and approved in writing by the Local

Planning Authority. The car park shall then be laid out in complete accordance with the agreed details and shall remain thereafter, in the interests of highway and pedestrian safety in accordance with policy T14 of the UDP.

- 6 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a management plan which identifies the relocation of staff parking to the north-west corner of the car park has been submitted to and approved in writing by the Local Planning Authority. The car park shall then be laid out in complete accordance with the agreed details and shall remain thereafter, in the interests of highway and pedestrian safety in accordance with policy T14 of the UDP.
- 7 Notwithstanding the information submitted, details of a scheme of on-street parking controls/measures should be submitted to the Local Planning Authority for formal approval within 12 months of the date of this consent. Should such measures be considered necessary then the approved scheme of on-street parking controls shall be implemented within a timescale to be agreed by the Local Planning Authority in order to ensure a satisfactory form of development, in the interests of highway safety and to comply with policy T14 of the UDP.
- 8 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a scheme of improvements for the area adjacent to the service access/egress point on Claymere Road has been submitted to and approved in writing by the Local Planning Authority. The improvements shall then be completed in full accordance with the agreed details and implemented prior to the mezzanine extension being brought into use, in the interests of highway and pedestrian safety and ensure a satisfactory highway arrangement, in accordance with policy T14 of the UDP.
- 9 Details of the proposed location of the 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.
- 10 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.

Number	4
Reference No	09/00303/LAP
Proposal:	Erection of a new school to replace existing school. New school to have new sporting facilities, car parking and full range of educational teaching requirement. Existing school to be demolished. (Resubmission)

The Energy Centre and Sport England's objection has now been given further consideration and officer views are set out below.

Energy Centre

The emissions arising from the energy centre were still being considered during the course of the application. The agent recently submitted plans (16 April 2004) which increased the height of one flue from 1.2m to 2.3m above the roof line of the energy centre. As a consequence it is considered that the planning process has not been afforded an adequate amount of time to consider the implications in terms of visual, residential and public health considerations of this alteration. Therefore, the agent has withdrawn the energy centre element from the current scheme, via email correspondence dated 20 April 2009, with the intention to submit a separate application in the near future.

Playing Field Provision

- Sport England

This application is retrospective as one of the multi use games areas (MUGA) and the synthetic turf pitch (STP) have both been constructed on site. These sport facilities have been constructed currently without benefit of either a valid planning permission. STPs and MUGA should be based on '*A Guide to the Design, Specification & Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches (STPs)*'. The specifications set out in the guidance define the minimum standards considered acceptable by Sport England for the construction of MUGAs and STPs to ensure that they are fit for purpose and can accommodate the sports intended to be played on them.

Sport England consider that from the submitted plans the sport facilities, already constructed, fall short of the dimensions required for a MUGA and a STP. The STP (using the scale bar on the plan) measures approximately 55 by 88 metres when this should be 63 by 102 metres. The constructed MUGA, east of the community centre, measures approximately 33 by 40 metres (using the scale bar

on the plan), when this should be 37 by 18.5 metres (or 37 by 37 for a double MUGA).

In light of the above, Sport England has reconsidered its assessment of this planning application. This 2009 planning application includes an 'L' shaped area of new playing field around the existing community centre. The shape of this grass playing field is not considered ideal for general playing field provision. The surrounding constraints mean that pitches can only be marked out in specific locations. This will result in wear to the playing field surface and prevent the ability for the pitches to be re-orientated or rotated.

However, the area of grass playing field provided is considered to generally accord with the area of existing grass playing field taken by the new school. Part of the original playing field taken by the new school development also incorporated all weather courts, which are compensated (in areas terms only) by the new STP and MUGA.

Sport England therefore withdraws its statutory objection to this application, dependent on the attachment of their suggested conditions. Therefore this enables the Development Control (Sunderland South) Sub Committee to approve the application, if so minded, without the requirement to notify the Secretary of State through the Government Office North East (GONE) who would ultimately decide whether the application should be called in for decision.

Nevertheless, Sport England does not support this scheme as it considers that had the 2007 planning application been constructed in accordance with Sport England technical design guidance it would have resulted in a sporting hub situated around the community centre where formal sport could be played on facilities that were fit for purpose. Sport England believe that this could have assisted in community sport development programmes and given the local community, including students of the Academy, the opportunity to play on and use fit for purpose facilities in their neighbourhood. Therefore, Sport England non-statutorily objects to the scheme as it contains substandard sport facilities.

- Response to Sport England objection

The consultants acting for the developers have submitted a document justifying why the STP and MUGA should be retained. This document, *Assessment of Playing Field Provision*, asserts that the original playing fields were not more flexible or of better quality than what is now proposed. Much of the area which has been taken up by the replacement school was previously occupied by sub standard hardstanding and un-usuable spaces. The document also states that the facilities lost as a result of the school expansion were of poor quality in terms of materials used and did not conform to modern standards.

Furthermore, Academy 360 have stated via email correspondence (21 April 2009) that the school has no intention of using the sporting facilities for County Standard sport and as such they consider that the size and dimensions is satisfactory to their needs. Moreover, the email also explains that although the STP is presently marked out for football it does not preclude the possibility that it will be used for other sports as and when required. The use of the facilities will depend upon community requirements and the curriculum of the PE department, which are currently being reviewed and may change over time, whilst a condition requiring Academy 360 to establish a Community Use Agreement, echoes the requested condition from Sport England.

In respect to the Sport England's concerns about the STP and the substandard safety margins Academy 360 have stated that this will be managed through the supervision of children and guidance/notices given to any other third parties using the facilities. In addition, risk assessments will be carried out on all facilities upon handover of school from the City Council to the Academy Trust Board.

Consequently, it is considered that as the STP and MUGA satisfy the requirements of Academy 360 and subject to the imposition of the Community Use Agreement condition, that on balance the objection raised by Sport England does not warrant refusal of planning permission and as such the proposal is satisfactory in terms of sports facilities.

Conclusion

Therefore it is considered Members are therefore advised to grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 to enable the formal consultation period, which expires on the 23 April 2009, to expire and allow the application to be determined without undue delay. However, in the event of any new objections being received the application will be reported to the next available Development Control (Sub Committee).

GRANT CONSENT in accordance with regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below

Proposed Conditions:

- Three Years
- Materials in accordance with details submitted
- Fenestration/wall coverings
- Detailed assessment of ground conditions (playing fields)
- Community use agreement

- Landscaping scheme
- Landscaping implementation
- Construction hours
- Hours of delivery
- Boundary enclosures
- Lighting
- Agreement of junction (Portsmouth Road / Portsmouth Square)
- Refuse management plan condition
- Travel plan
- Details of bin store
- Scheme of working
- Replacement tree 5 years