

**ADDENDUM REPORT**

Planning and  
Highways  
Committee  
5<sup>th</sup> October  
2010

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**Reference No.:** 08/03336/OUT Outline Application

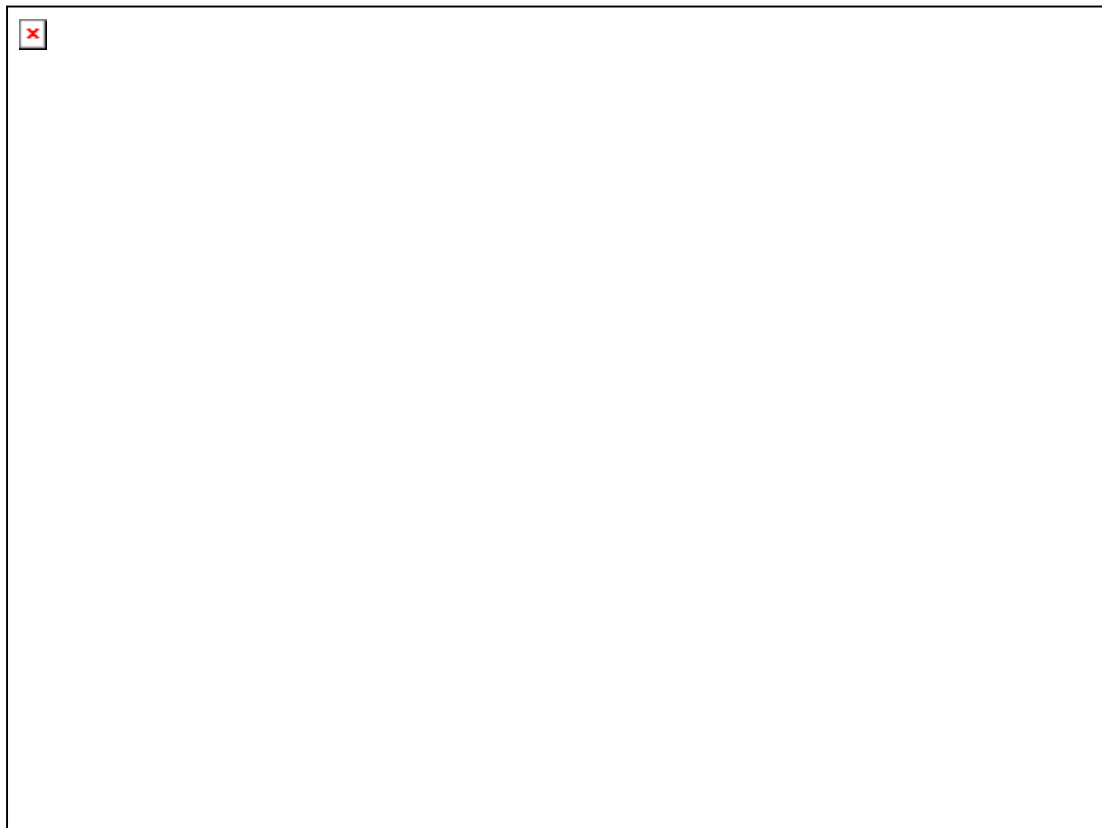
**Proposal:** Revised outline planning application, received 5<sup>th</sup> August 2010, for erection of superstore (A1); retention and recladding of an existing unit; erection of four additional retail units; retention and recladding of the existing Farmfoods/Blockbuster unit ; new vehicular accesses;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

**Location:** Sunderland Retail Park Sunderland

**Ward:** St Peters  
**Applicant:** Mountview Securities  
**Date Valid:** 5 September 2008  
**Target Date:** 31 October 2008

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**Location Plan**



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### **Purpose of Report**

The purpose of this report is to make a recommendation to Committee on an outline planning application submitted on behalf of Mountview Securities in respect of Sunderland Retail Park for the erection of a superstore (A1); retention and recladding of an existing unit; the erection of four additional retail units; retention and recladding of the one other existing Farmfoods/Blockbuster unit; new vehicular accesses; reopening of a section of highway to emergency vehicles; resurfacing/landscaping and the closure of a highway.

### **Description of Decision**

The Committee is recommended to resolve:-

- 1) that it is minded to approve the outline application for a retail development, subject to the conditions listed in the Recommendation section and to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, heads of terms for which are outlined in the Section headed Proposed Section 106 Agreement below and,
- 2) to refer the application to the Secretary of State under the terms of the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993.

### **Background.**

The application was originally submitted on 22<sup>nd</sup> August 2008, although not validated until 5<sup>th</sup> September 2008, when the ownership of the site had been clarified. It was for the erection of a superstore (A1) (gross external floorspace 22,355 sq m. 12,260 sq m. net), four retail units (A1)(2,036 gross external floorspace 1,637 sq m. net) and petrol filling station (sui generis), alterations to existing vehicular accesses and creation of new vehicular accesses; associated

landscaping, car parking and ancillary development. Although a detailed Retail Assessment accompanied the original application, it was largely founded on the results of a household survey carried out in 2002. It was considered that this was both out of date and, in view of the relatively small sample size, a less than satisfactory basis on which to determine the site specific proposal. The applicant was therefore asked to review and update the Assessment either by carrying out his own household survey or by using the results of a survey to be carried out on behalf of the City Council as part of the Council's Local Development Framework information gathering exercise. The applicant chose the latter course and, following the completion of the household survey in the first week of December 2008, a revised Retail Assessment was submitted on 16th February 2009 which superseded the earlier Assessment produced on 11<sup>th</sup> November 2008. Subsequently, updated forecasts of growth in retail expenditure have been published which are significantly lower than those used in the February 2009 Assessment. The applicant was therefore requested to revisit the proposals and, as a result, has amended the application with the submission of revised proposals which are the subject of this report.

## **Proposal**

The application is in outline only with all matters reserved for subsequent approval apart from the means of access and the layout of the buildings. The application is for:-

- 1) The demolition of the majority of the buildings on the Sunderland Retail Park, including the Bowling Alley and the former Reg Vardy car showroom, save for the the McDonalds restaurant, the Farmfoods/Blockbuster unit and the most northerly of the five units in the south-east corner of the site, which are to be retained.
- 2) The retention and recladding of the existing Farmfoods/Blockbuster unit (593 sq m gross external floorspace; 474 sq m net retail area) and the most northerly of the five units (1,168 sq m gross external floorspace; 934 sq m net retail area).
- 3) Construction of a superstore of 16,140 sq m gross external floorspace, 8,378 sq m net retail area. This would be a large two storey building 13.5 metres high, located on the northern part of the site. The retail area would be at first floor level, accessed by travelators, with undercroft car parking and a surface level car park adjoining to the north. It would front Newcastle Road with servicing to the rear accessed from Portobello Lane near its junction with Fulwell Road. Additional pedestrian and emergency vehicle access is also proposed from the northern end of Portobello Road (which is the subject of an Extinguishment of Vehicular Rights order, but that does not apply to emergency vehicles).
- 4). 4 smaller retail units of 2,661 sq m gross external floorspace, 2,129 sq m net retail area. These would be single storey units located in the south-east corner of the retail park, on the site of units to be demolished, and serviced from Roker Avenue and Fulwell Road.
- 5). McDonalds restaurant to be retained on its existing site (375 sq m gross external floorspace).

6). 900 parking spaces, including 45 disabled and 28 parent and child bays are proposed to serve the entire development. These would be located at ground floor level throughout the site, including beneath the superstore.

The landowner, Mountview Securities, have indicated that their preferred operator for the superstore is Tesco Stores Ltd and that the smaller units are likely initially to be occupied by some of the existing occupants of the retail park.

The site extends to 6.23 ha including some adjoining roadways but not the large Wheatsheaf gyratory immediately to the west. The scheme no longer includes a petrol filling station. Excluding the retained McDonalds unit (375sq m gross external floorspace), which is not a shop, the total retail floorspaces produced by the development proposed is as follows:

	<b>Gross external floorspace</b>	<b>Net retail area</b>
<b>Total Retail Floorspace</b>	20,562 sq m	11,916 sq m
<b>Total New Retail Floorspace</b>	18,801 sq m	10,507 sq m

The site is approximately 1km to the north of Sunderland city centre, bounded to the west by Newcastle Road, to the south by Monk Street, Shore Street, and Roker Avenue and to the east and north by Fulwell Road and Portobello Lane.

The main access to the site is to be taken from Newcastle Road with other pedestrian and vehicular accesses from Portobello Lane (near its junction with Fulwell Road), Roker Avenue and Shore Street. As well as access from surrounding roads, a direct pedestrian link is proposed to the south bound platform of the adjoining Stadium of Light metro station.

The applicant intends to fund and implement a slightly enhanced version of the City Council designed major highway improvement scheme for the adjoining Wheatsheaf gyratory as part of the development. In the event Members are minded to approve the application a planning condition preventing the opening of the new superstore before the implementation of this scheme could be imposed.

The site is currently occupied by 12 retail units, 10 in two blocks along the eastern boundary and 2 in the centre. 5 units are currently vacant. The existing units have a total gross external floor space of 12,714sq m, 11,628sq m net internal area and 9,478sq m net retail area. In addition there is a bowling alley and night club, a vacant car showroom and a McDonalds drive through restaurant. The latter building is intended to remain. The total gross external floorspace of the existing units including the McDonalds and the demolished bowling alley and car showroom is 20,642 sq m.

If developed, the proposal will result in an increase in net retail floorspace on the site of 2,438 sq m, made up of a reduction of 648 sq m comparison floorspace and an increase of 3,086 sq m convenience floorspace, compared with the existing net retail provision at the Retail Park.

The revised application is accompanied by a number of other documents which provide supporting information. These are:-

- a Design and Access Statement
- a Transport Assessment including a framework for a Travel Plan

- a Sustainability Statement
- a Flood Risk Assessment
- a Retail Assessment
- an Archaeological Desk Based Assessment
- a Geo-Environmental Desk Study
- an Acoustics Assessment Technical Report and
- a Statement of Community Involvement.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

#### **CONSULTEES:**

County Archaeologist  
 Council for The Disabled  
 The Council for British Archaeology  
 Chief Executive  
 Commission for Architecture In The Built Environment  
 The Coal Authority  
 Business Investment  
 Northern Electric  
 English Heritage  
 Environment Agency  
 UK Gas Business  
 One North East  
 Director of Community And Cultural Services  
 Force Planning And Police Architectural Liaison Officer  
 Sunderland arc  
 Northumbrian Water  
 Nexus  
 Gone Office North East - Transportation Issues  
 North East Regional Assembly  
 South Tyneside MBC

#### **REPRESENTATIONS:**

##### **Publicity**

Prior to the submission of the original application Mountview Securities undertook significant consultations which are detailed in the Statement of Community Involvement. These involved the following; a range of stakeholder meetings with, amongst others, officers of the City Council, Nexus and occupiers of units within the Retail Park; a public exhibition held in one of the vacant units from 4pm to 7pm on 23rd July 2008. This was advertised by a press release to local papers and a flyer delivered to over 1,500 local households. It was staffed by members of the project consultant team and attended by approximately 150 people who returned 54 feedback forms; a website with details of the proposal and which asks for feedback and an advertisement in the Sunderland Echo.

Further public consultation was undertaken by the applicant in June 2010 in advance of the submission of the amended proposal and detailed in the further Statement of Community Involvement. This involved a public exhibition held in Monkwearmouth Library on the afternoon and evening of Monday 14<sup>th</sup> June 2010. It was advertised by a press release, by the project specific website and by a flyer delivered to over 1,000 households. Approximately 60 people attended this exhibition and 11 feedback forms were returned.

The Council has also advertised both the original and the amended application via a press notice, a notice posted on the site and extensive neighbour consultations.

## **Representations**

The overall response from the first public exhibition was positive with 39 of the 54 feedback forms indicating the scheme was “about right” and only 8 suggesting it needed generally minor change. Members of the project team who attended the second exhibition felt there was a high level of public support whilst, on the feedback forms, 5 said the scheme was about right, 5 said it needed some change and 2 gave it qualified support.

The comments from neighbours and statutory and non-statutory consultees are set out in Appendices A1 (comments on the original scheme) and A2 (comments on the amended scheme).

One local resident has expressed concerns over potential traffic hazards and the potential effect on local shops and solicitors acting on behalf of a local company have requested that no access be taken from Portobello Lane. However, since the submission of the amended scheme, further discussions have taken place with this company and they are now satisfied providing access is maintained to their building via Portobello Lane during the construction works and at all times thereafter.

One objection, made in two letters dated 3<sup>rd</sup> November 2008 and 22<sup>nd</sup> April 2009 have been received in relation to the original scheme on behalf of Wm Morrison Supermarkets plc recommending the application be refused as it does not meet the tests set out in PPS6. However, at the time this report was written no updated objections had been received on behalf of Wm Morrison in relation to the amended scheme. It should also be noted that since the original submission PPS6 has now been superseded and replaced with a new PPS4 against which the amended scheme has been assessed and the new PPS4 does not require the applicant to demonstrate the “need” for the proposal.

None of the statutory and non-statutory consultees object in principle although ONE North East and the North East Assembly point out in relation to the original scheme that the City Council needs to be satisfied that the development would not affect the vitality and viability of the City Centre and other centres in the vicinity, in accordance with the requirements of PPS4. ONE North East have commented further in relation to the amended scheme by generally welcoming the regeneration potential of the scheme and asking that, through the discharge of reserved matters, a high quality of design, reduction in carbon emissions through energy efficiency and the potential for electric vehicle infrastructure be sought.

Sunderland Arc supports the outline proposals for the redevelopment of Sunderland Retail Park for the following reasons. The proposal is in broad accordance with the saved policies of the adopted UDP. The Sunderland Retail Needs Assessment 2009 identifies a need to improve the quantitative and qualitative convenience goods retail provision in this area and as an established retail site Sunderland Retail Park is appropriate to meet much of this need. They agree with the overall conclusions of the sequential assessment and they acknowledge the employment benefits, the clawback of retail expenditure leakage from the north of the city and the promotion of economic and physical regeneration of the area.

None of the statutory or non-statutory consultees have asked for the application to be called in for a decision by the Secretary of State.

## **POLICIES:**

### a) National

The application has to be assessed against the following national planning policy guidance:-

- Planning Policy Statement (PPS) 1 Creating Sustainable Communities
- Planning Policy Statement (PPS) 4 Planning for Sustainable Economic Growth
- Planning Policy Statement (PPS) 5 Planning for the Historic Environment
- Planning Policy Guidance Note (PPG) 13 Transport
- Planning Policy Guidance Note (PPG) 16 Archaeology
- Planning Policy Statement (PPS) 22 Renewable Energy
- Planning Policy Statement (PPS) 23 Planning Pollution Control
- Planning Policy Guidance Note (PPG) 24 Planning and Noise
- Planning Policy Statement (PPS) 25 Development and Flood Risk

### b) Regional

At the time the original scheme was submitted the North East Regional Spatial Strategy (RSS) issued by the Secretary of State in July 2008 formed the regional tier to the Council's Development Plan. However, on 6<sup>th</sup> July 2010 the new Coalition Government announced the revocation of the RSS with immediate effect so the RSS is no longer a material consideration in the determination of planning applications.

Nevertheless the Regional Economic Strategy 2006-2016, Leading the Way does remain a material consideration, although it has never formed part of the Development Plan. This has as its primary aim to move from 80% to 90% of national average GVA (Gross Value Added) per head by 2016. This is to be achieved by:-

Increasing participation

- Tackling worklessness and unemployment to increase economic activity.
- Creating 61,000 to 73,000 new jobs by 2016.

#### Improving productivity

- Raising GVA
- Creating 18,500 to 22,000 new businesses by 2016.

In its section concentrating on people, the second key challenge involves utilising the talents of those who are economically inactive by, amongst other things, tackling worklessness, taking areas of economic opportunity to deprived communities and promoting equality and diversity.

#### c) Local

The City of Sunderland Unitary Development Plan (UDP) was adopted in 1998. The policies in the UDP that are most relevant to the site are set out below. They include policies added to the UDP by Alteration Number 2 (Central Sunderland) adopted on 26<sup>th</sup> September 2007.

- R1 which seeks environmentally sustainable development by making the most efficient use of land, energy and other resources and reducing reliance on the private car.
- R2 which seeks to make use of existing resources of infrastructure, land etc.
- R4 which encourages energy saving measures.
- EC1 (iv) which encourages proposals targeted at areas of economic and social deprivation.
- EC3 (iv) which encourages the re-use of land and premises
- S1 which seeks to enhance the City's shopping service by encouraging a wide range of well distributed facilities to meet future shopping and related needs generally based on existing centres. Development elsewhere should result from the appliance of the sequential test.
- S2 which encourages proposals which sustain and enhance the vitality, viability and appropriate diversification of centres including the City Centre (this policy does not apply to retail parks as they are not classed as shopping centres).
- S7 which requires a high standard of design for new retail development.
- SA54 which directs major new commercial and retail developments to specific sites within the City Centre.
- SA69 which refers to the Principal Shopping Area as defined on the proposals map supports shopping development within that area and encourages major retail developments to locate on the sites mentioned in SA54.
- EN5 which requires applicants to carry out noise and vibration assessments where a development is likely to generate significant increases of noise or vibration in sensitive areas.
- EN10 which states that, where the UDP does not indicate any proposals for change, development will need to be compatible with the principal use of the neighbourhood.
- EN12 which seeks to ensure that proposals will not increase the likelihood of flooding



- B2 which requires the scale, massing, layout or setting of new developments to respect and enhance the best qualities of nearby properties and the locality.
- B11 protecting the City's archaeological heritage
- B14 which requires the submission of an archaeological assessment where development proposals affect sites of known archaeological importance.
- B16 which provides for the recording or preservation of historic sites
- B19 which seeks to achieve a 'user-friendly' environment in all developments to which the public, including those with impaired mobility, have access.
- B20 which encourages the provision of works of art in association with major developments.
- CN14 which requires developments prominent from main transport routes to be designed to enhance the image of the City.
- T1 which gives priority to measures that promote walking, cycling and public transport, stimulate economic development and regeneration, improve road safety and protect and improve the environment.
- T2 which seeks to promote the role of public transport.
- T8 giving a high priority to the needs of pedestrians in planning new development.
- T9 (iv) which encourages the provision of secure cycle parking facilities.
- T14 which states that new development should, amongst other things, be readily accessible by pedestrians and cyclists and not cause congestion or safety problems on existing roads.
- T21 which requires parking provision to take into account the need to maintain safe road conditions; to reduce travel demand; to ensure the economic viability of existing centres and to promote more environmentally sensitive modes of transport.
- NA44 which allocates a number of small areas around the retail units at Sunderland Retail Park for a variety of purposes, including retail, providing there are no alternative locations in or on the edge of the City centre and this does not detract from the vitality and viability of other centres.
- NA48 which seeks environmental improvements in the commercial and industrial buildings in the area north of Roker Avenue.
- EC10A (Alteration No. 2) Which seeks to support of the regeneration of Central Sunderland and to resist developments which detract from efforts to encourage regeneration within the area or have a negative impact upon vitality and viability of the city centre.
- S2A (Alteration No. 2) Which seeks to direct new retail development to the city centre retail core. Retail developments outside the retail core will need to demonstrate proven need, that proposal is of a scale appropriate to the site, there are no suitable sites within the retail core, there would be no unacceptable impacts on the vitality and viability of the retail core or the Grove local centre and will need to show accessibility by a choice of means of transport and no adverse impact on the development plan strategy or LDF strategy.
- T23A (Alteration No. 2) Which covers maximum parking standards for residential and business (B1) uses.

Work has begun on the preparation of a Local Development Framework (LDF) for the City which will replace the UDP. In particular, a document setting out the preferred options for the City's Core Strategy was published for comment in

December 2007. However, there was a need to revisit the approach taken to outlining possible spatial alternatives for the development of the City and as a result a document setting out four possible spatial Alternative Approaches for the Core Strategy was published for public consultation in September 2009. As a result of this consultation a revised version of the Core Strategy Preferred Options was published in March 2010. This document featured five overarching City-wide policies and five sub-area policies. The following Preferred Options policies are relevant to this application:-

- CS1 which seeks to provide for an improved spatial distribution of employment, housing and other uses by, amongst other things, concentrating new development along the River Wear corridor within Central Sunderland; maximising growth along the Metro corridor; giving priority to reusing suitable and sustainable previously developed land and supporting the role of the city, town and district centres.
- CS3 which seeks to secure the highest possible quality of built environment by, amongst other things, ensuring new development is of the highest quality of sustainable design, makes efficient use of land and is well integrated within its local environment.
- CS6 which seeks to develop the main district and local centres into vibrant and economically buoyant facilities and directs large-scale main town centre uses towards the main centres of Sunderland, Washington and Houghton.
- CS8 which seeks to foster accessibility and social inclusiveness by focussing development in built up areas with good access to public transport, walking and cycling; by reducing the need to travel and by improving public transport, walking and cycling access to existing built up areas.
- CS15 which seeks to reduce the city's carbon emissions and to help deliver and exceed RSS renewable energy targets by ensuring, amongst other things, that all major developments supply 10% of the site's energy consumption from renewable sources located on site, meet BREEAM Very Good construction standards and provide evidence of feasibility work into the potential for on-site renewable energy and combined generation of heat, power and cooling.
- CS16 which encourages development in Flood Zones 1 and 2 (those at least risk of flooding) and those that demonstrate a positive contribution to managing or reducing flood risk.
- CS19 relating to pollution and the condition of land which requires the City Council to refuse proposals which could cause inappropriate levels of air, noise and light pollution.
- CS20 which seeks, via planning obligations, contributions from developers to assist in achieving the wider aims and objectives of the LDF.
- Whilst relatively little weight can yet be given to the Strategy, it does provide up to date confirmation of the principles behind many existing UDP policies.

An LDF Topic Paper on Retailing and Town Centres was prepared in December 2007 as one of a series making up the evidence base for the Core Strategy and the LDF in general. It was subsequently updated in September 2009 to reflect the outcomes of the Retail Needs Assessment commissioned by the Council specifically to inform the emerging Local Development Framework.

The Topic Paper notes that the shopping patterns identified in the earlier 2006 study remain largely unchanged; the urban part of Sunderland and Washington retain their own catchment and markets whilst shoppers in the Coalfield travel out of their area for their shopping requirements.

In terms of Sunderland North, the 2002 Retail Study highlighted a significant outflow of expenditure from the residential estates in the north-west and more generally to the ASDA store at Boldon in neighbouring South Tyneside. The Topic Paper notes that this leakage is again highlighted in the 2009 Study and concludes that this would suggest the need for further convenience provision in this locality, however, the site identified in the UDP (NA12) is now no longer available for development. The Topic Paper states that it remains the case that need has been established for convenience retail in this area but an appropriate site has yet to be found. The Topic Paper refers to emerging proposals at the Roker Retail Park.

The Topic Paper makes reference to the Department of Communities and Local Government (CLG) document 'Under-served Markets: Retail and Regeneration', which highlights the importance of retailing as a regeneration tool in deprived areas by providing direct employment, additional investment and changing peoples' perception of an area.

Finally the Sunderland Retail Needs Assessment, September 2009, produced by consultants for the Council, contained a number of key findings relevant to the determination of this application. In particular it found that the zone encompassing the Castletown, Monkwearmouth and Southwick area (Zone 2) has the lowest convenience goods retention rate in the City with most residents travelling to the ASDA store in Boldon Colliery in neighbouring South Tyneside for their convenience shopping. This highlights a localised deficiency in convenience goods provision and suggests a need to clawback the current substantial leakage of convenience expenditure out of the City to Boldon (Zone 9).

The Assessment therefore concluded that in relation to retail need, there was a quantitative need for new convenience floorspace in two broad parts of the catchment area (namely the area surrounding Houghton-le-Spring and the area to the north of Sunderland city centre) and a qualitative need for more convenience floorspace in the city centre.

The Community Strategy, Sunderland 2008-2025 sets out a vision for the City with five strategic priorities of creating a prosperous, learning, healthy, safe and attractive and inclusive City. It provides an overarching context within which local policies/strategies, including those mentioned above, sit.

## **COMMENTS:**

### Commentary

The key issues to consider in the determination of the application are:-

- a) Compliance with policies and national guidance
- b) Regeneration impact
- c) Environmental impact
- d) Traffic/transport/road safety

- e) Design
- f) Deliverability

### **a) Compliance with Policies and National Planning Guidance**

In considering the merits of this application, regard must first be had to the Development Plan, although it should be noted that this assessment is to be a balancing exercise with compliance with the Development Plan considered as a whole as opposed to compliance with each and every policy and that a lack of compliance with one, or more, individual policies alone does not, of itself lead to a conclusion that the application is a departure from the Plan. The Development Plan comprises the adopted City of Sunderland UDP (including Alteration No.2) following which account should be taken of the various national, regional and local policies outlined in this report.

#### **Location.**

The proposed development is located within the built up area of Sunderland, close to the City Centre, at the intersection of major radial routes north of the City centre. It is well served by numerous bus routes and by the Tyne and Wear Metro system, access to which would be improved as part of the proposed development. It is currently developed, although with a number of vacant buildings, and the proposal would slightly intensify that development by increasing the amount of floorspace on the site by some 295 sq m (gross external floorspace). It is within Flood Zone 1, which is the lowest flood risk rating provided by the Environment Agency. It is therefore considered to be consistent with UDP policies R1, R2, and EC3, Core Strategy policies CS1 (locational strategy) and CS16 (flooding) and consistent with the principles of sustainable development set out in PPS1.

#### **Uses**

The proposal is for a main town centre use (retail) in an out of centre location and therefore all the requirements of PPS4 apply in addition to policies in the UDP. The key retail policies in the UDP in respect of this application, namely Policies S1 and NA44 reflect and incorporate the sequential and impact tests for out of centre retail development contained in PPS4.

The latest revised Retail Assessment for the application, submitted in June 2010, replaces the earlier document which accompanied the original submission. The revised Retail Assessment has taken on board the findings of a recent (November 2008) household survey, undertaken on behalf of the City Council, to determine shopping patterns throughout the City as part of the Local Development Framework. The Retail Assessment also reflects updated population and retail expenditure figures.

The Council has appointed an independent firm of planning consultants, Roger Tym & Partners (RTP), to assess and review the Applicants Retail Assessment. RTP also undertook the Council's City-wide Retail Needs Assessment in September 2009 for the purposes of the emerging LDF. Appendix B1 to this report gives the conclusions of RTP on the earlier Retail Assessment and Appendix B2 provides their review of the latest Retail Assessment submitted with the revised application.

All the data inputs, e.g. shopping patterns, expenditure growth rates, population projections etc have been agreed by the Applicant and RTP.

The study area identified for the Applicant's Retail Assessment is based on the household survey zones (1,2,5,6 and 9) which cover the administrative area of the City east of the A19 together with Boldon in adjoining South Tyneside MBC. This catchment area is considered satisfactory and has been agreed by RTP. This area is realistic and well related to the size and function of the proposed development and takes account of competing centres.

The Applicant's Retail Assessment identifies existing shopping patterns and lists the most popular stores, by percentage of household expenditure, divided into convenience and comparison goods in each of the selected zones. It points out that 4 of the 7 most popular stores for convenience goods are located outside defined centres. It then proceeds to describe the methodology used in the Assessment and address policy issues and the tests set out in PPS4.

Applicants for retail developments outside established town centres no longer have to demonstrate a need for that development under the new PPS4. However, in order to satisfy local and national policies aimed at protecting the vitality and viability of existing centres and to demonstrate no harm to such centres, it is necessary to assess the likely amount of future retail expenditure available in the catchment area to support new development and the likely turnover of the proposed development. Forecasts have been made for the development up to the year 2016 in accordance with advice given in Policy EC 14.7 of PPS 4

The forecasts of population (a decline from 2008) and growth in expenditure adopted by the Applicant have been agreed with RTP and are considered reasonable as is the turnover estimate of the development. The Retail Assessment also suggests there is a qualitative need for the development. There is a significant outflow of expenditure from the residential estates north of the river and especially those in the north-west of the City, particularly to Boldon Colliery, beyond the City boundary. The development would therefore provide a main food shopping destination for many residents of north Sunderland which is closer and better served by public transport than Boldon Colliery. It would also provide greater choice in a particularly deprived area of the City as well as potentially contributing to reducing the outflow of comparison expenditure from the City.

Based on the forecasts there is an estimated surplus of convenience expenditure in 2016 of £58.84M and a surplus of £72.29M in comparison expenditure. Whereas in 2016 the convenience turnover of the development is estimated at £57M whilst its comparison turnover is estimated at £48.66M leaving a theoretical surplus of £1.84m and £23.63M in convenience and comparison expenditure after the opening of the development i.e. there is sufficient projected growth in expenditure within the catchment area to support the proposal. That remains the view of RTP despite the fact that the most recent estimates of expenditure growth for 2009 to 2015, published by Pitney Bowes in September 2010, show a slight reduction in annual growth of convenience goods expenditure from 0.6% to 0.4% per capita, per annum. These figures also show an increase in comparison goods expenditure from 2.9% to 3.8% per capita, per annum.

This, together with the consideration of the proposal in relation to policies in PPS4 will enable a judgement to be made on whether the proposal complies with the UDP.

#### PPS4 Policy EC10.2 Criteria d and e

These require an assessment of the impact of an application on the physical and economic regeneration in an area and on local employment. Regeneration is dealt with more fully in the next section of this report but, in summary, the proposal represents a significant private sector investment in a run-down site at an important gateway to the City. It is also highly likely to act as a catalyst to further investment in the area. It is estimated that it will generate up to 400 new jobs (full and part-time) compared to the existing 50 estimated to be on site at present. However, there is a need to take into account leakage and displacement in assessing the net job gain from the proposed development. As a consequence, RTP have advised that a net gain of up to 200 jobs (full time and part time) as a result of the development is a reasonable estimate.

#### PPS4 Policy EC15

In the case of a planning application for a main town centre use which is not in an existing centre but on an out of centre the applicant must demonstrate that there are no town centre sites or edge of centre sites to accommodate the proposed development. In addition, potential sites must be assessed for their availability, suitability and viability for the proposed development.

In this case, RTP agree that there is only one site in a sequentially preferable location suitable for a large retail use and that is Holmeside in the City centre. However, whilst this site is available, it is not of a sufficient size to accommodate a superstore of the same scale as this proposal, without the provision of a third access from Burdon Road, which is likely to render it unviable given the time and likely costs involved in securing the third access.

The applicant was asked to consider the size of foodstore that could be accommodated on Holmeside without a third access. The response suggests that the maximum store size, including a mezzanine, would be about 4,700 sq. m net trading area (in comparison to the application proposal of 8,400 sq m).

Further, the applicant has argued that a store of this size on Holmeside would not satisfy the established need for additional convenience provision for the north of the City as identified by the Sunderland Retail Needs Assessment 2009. It would not compete with the large stores elsewhere in the catchment area and would not successfully clawback the leaked expenditure currently lost from the Sunderland Area.

As a consequence, Holmeside does not represent a suitable or viable site for this particular development proposal, even if the superstore were to be disaggregated from the remainder of the development.

Sunderland Leisure Centre (in the town centre) and the former Vaux Brewery (potentially an edge of centre site), also identified by the applicant as part of the sequential test, are not available or suitable for a large floor plate retail use.

#### PPS4 Policy EC16

This sets out six impact tests which planning applications for town centre uses that are not in a centre must be assessed against.

- i) impact on existing, committed and planned public and private investment in centres.

No at risk committed expenditure has been identified. The only relevant planned expenditure relates to Sunderland arc and ONE North East's proposals for the Holmeside site. However, following the insolvency of the developer, Thornfield, the current development agreement is due to be terminated. The current development proposals are to be revisited before a new developer procurement process is undertaken. As a consequence there is no clear evidence that development proposals at SRP would have a significant adverse impact on prospective investment at Holmeside.

- ii) and iii) impact on town centre vitality and viability and on in-centre trade/ turnover and on trade in the wider area.

These two impact tests are closely related. The submitted Retail Assessment sets out the likely trade diversion from existing superstores, the city centre and other district (in particular Boldon and Doxford Park) and local centres (in particular Fulwell and Southwick). The Assessment concludes that there is no clear evidence that the proposal is likely to lead to significant adverse impacts on town centre vitality and viability and on in centre trade/turnover and on trade in the wider area. This conclusion is agreed by RTP.

- iv) impact on allocated sites outside town centres.

The only allocated site is a very small site of 1 ha at Hylton Lane/Washington Road and it is therefore considered that the proposal would not have a significant impact on this site.

- v) (if located on the edge of a centre) the scale of the proposal in relation to the centre.

As this is an out of centre proposal this criterion does not apply.

- v) Any other locally important impacts on centres.

Thus far, no locally important impacts have been identified through the Local Development Framework process so this criterion cannot be applied.

It is therefore considered that the applicant has followed the sequential approach and demonstrated that there are no sequentially preferable sites for the development under Policy EC15 of PPS4. Further there is also no clear evidence that the proposal will have any significant adverse impacts in terms of any of the impacts referred to in Policies EC10.2 and 16 of PPS4

In terms of the proposed uses it is considered that the proposal satisfies the requirements of PPS4; complies with UDP Policies S1 and NA44, having satisfied the sequential test and there being no clear evidence of a significant adverse impact on the vitality and viability of other centres; complies with UDP policies EC1 and EC3 being in an area of economic and social deprivation and re-using already developed land; complies with Policies R1 and R2 being environmentally sustainable and using existing infrastructure and accords with the supporting text to emerging Core Strategy CS6 which provides for out of centre retail provision where there is a lack of such facilities and there are no sequentially preferable sites available. Further the application does not conflict to any material extent with other land use policies. (NB, The Applicant also refers to compliance with UDP Policy S5 but this no longer exists, not having been saved by a direction from the Secretary of State under the Planning and Compulsory Purchase Act).

Other relevant policies of the UDP will be referred to in the following sections of the report.

## **b) Regeneration Impact.**

Regeneration is a recurring theme of national and local policy. PPS1 encourages planning authorities to promote urban regeneration as part of their drive to ensure sustainable development and the development would go some way towards satisfying the Statement's aims relating to social progress and the maintenance of high and stable levels of economic growth and employment. PPS4 acknowledges that physical regeneration, growth in employment, economic growth and social inclusion are considerations that should be taken into account when assessing retail proposals. The report "Under-Served Markets: Retail and Regeneration" produced by the charity, Business in the Community, sponsored by the DCLG, highlights the importance of retailing as a regeneration tool in deprived areas by providing direct employment, additional investment, and changing peoples' perception of an area.

The Regional Economic Strategy aims to tackle worklessness and unemployment in a bid to improve economic activity.

The Community Strategy seeks to create a prosperous City and policies EC1 and EC3 of the UDP encourage developments targeted at areas of economic and social deprivation and which involve the re-use of previously developed land. The site of the application is largely occupied by buildings with little architectural merit, many of which are vacant and therefore do not provide employment and are also beginning to suffer from vandalism. In addition the development proposals will result in the physical regeneration of the SRP, which is beside a gateway approach to the city centre.

The Indices of Multiple Deprivation 2007 have been produced at Lower Super Output Area (LSOA) level which is generally smaller than wards. Of the 188 LSOAs in Sunderland, 4 of the 20 most deprived are within close proximity to the application site. They have some of the lowest levels of employment in Sunderland, high levels of poor health and high crime rates.

As explained above it is estimated that the development would generate a net gain of 200 full time and part time jobs. In addition further jobs will be created during the construction of the units. Increasing employment levels should increase local disposable income levels so providing greater opportunities for other local businesses. Completion of the development could also act as a catalyst for further regeneration in the area, notably north of Roker Avenue in accordance with UDP policies NA44 and NA48.

In addition, the applicant has agreed in principle to provide, via a planning obligation, a suite of employment and training measures to help local people, particularly those who have been unemployed for more than twelve months and individuals in receipt of income support and sickness related benefits to gain employment and training opportunities at the superstore when it has opened. This helps towards social regeneration. The applicant has also agreed to provide a permanent work of public art on site. to the value of £50,000 as part of the proposed development.

The development will also include significant road improvements to the existing Wheatsheaf gyratory system which will improve traffic movements over a wider



area and thereby contribute to regeneration. Thus, construction and completion of the development should have a significant positive impact on the regeneration of the local area.

### **c) Environmental Impact**

#### Townscape

There are no national or locally designated landscapes/townscapes in the immediate vicinity of the site. The existing retail units are single storey, approximately 7.5m in height with red and cream breeze blocks beneath grey metal cladding. The bowling alley/night club is on stilts with car parking beneath. It is constructed of facing brickwork and metal cladding and has a somewhat dated appearance. The car showroom is a three storey building with external cladding and large glazing panels. The McDonalds restaurant is a modern, low, single storey building of facing brickwork with extensive glazing to the front, northern, elevation. None of the buildings are considered to have any particular architectural merit.

To the west of the site are residential areas with a mixture of single and two storey terraced housing and with two multi-storey blocks. To the north are the modern Stadium of Light metro station and an area of car parking. To the east, beyond Portobello Lane, are a removal warehouse, one, two and three-storey dwellings and retail and trade units. To the south-east is the listed St Peters Church, whilst to the south is the small retail centre of Monkwearmouth. The Stadium of Light is some distance away to the south-west.

The Sunderland Central Urban Design Strategy SPD identifies the site as a key entrance and approach to the City Centre, although the site itself is outside the central area. Redevelopment of the site provides an opportunity to significantly enhance the townscape of this important gateway in accordance with UDP policy B2, providing design, detailing and materials are of the highest quality. Whilst the application is in outline with appearance as a reserved matter indicative designs are the subject of discussion below.

#### Renewable energy/sustainable construction

The application has been accompanied by a Sustainability Statement which notes the Government's policy on renewable energy, expressed in PPS22, requiring 10% of the development's energy supply to come from decentralised and renewable or low-carbon sources. This requirement is echoed in Core Strategy policy CS15.

The Statement sets out various means by which energy could be saved in the development and suggests that, from the information presently available, the buildings will achieve a BREEAM "Good" rating, as opposed to the "Very Good" rating required by policy CS15. It also proposes a feasibility study into the viability of on-site renewable energy once detailed building design has commenced. It is considered that these issues could be satisfactorily covered by a condition were Members minded to approve the application.

#### Archaeology.

There are no Scheduled Ancient Monuments within the site but part of the site is designated as an Area of Potential Archaeological Importance in the UDP as the medieval village of Monkwearmouth may extend into the southernmost part of the site. An archaeological desk-based assessment has been provided with the application in accordance with PPG16 and UDP policy B14. The assessment concludes that repeated and extensive construction activity as well as previous excavation and remediation works to remove contaminants will have severely impacted and truncated any archaeology. The proposed development will therefore not have any adverse affect on any archaeological remains and no further work is necessary.

Whilst accepting the majority of the report, the County Archaeologist is concerned that there may still be important remains in parts of the site, notably beneath the bowling alley and the car showroom which may warrant investigation, preservation or recording in accordance with policies B11 and 13 of the UDP. These concerns can be dealt with by way of conditions should Members be minded to approve the application.

### Geology and Hydrology

The Geo-Environmental desk study, submitted with the application, indicates made ground 1m to 2m thick covers the entire site with glacial deposits beneath.

The site is not within a groundwater protection area. It has no existing water courses and there is no history of flooding of any significance at the location. The site as existing is almost fully covered by impermeable surfaces and, as such, the permeability will not lessen as a result of the development. Northumbria Water Ltd has confirmed that, if the existing connections to the adopted sewers within the site are used and there is no increase in the discharge rate, NWL's consent is not required.

### Nature Conservation.

The majority of the site is extensively developed with buildings and hard standings with a small amount of landscaping at the edges and a number of immature trees scattered within the site. Given this situation, the presence of any protected species is highly unlikely and the site does not contain any of the vulnerable habitats described in "The validation of Planning Applications in Tyne and Wear 2008".

Details of the landscaping of the site as a reserved matter would be submitted at a later date but, from the information currently provided, there is the opportunity to improve the existing landscaping of the site.

### Noise/vibration.

#### Operational Noise

A consultant's noise assessment has been submitted with the application which considers the impacts of the proposed retail development. Potential noise associated with car parking, servicing yards and mechanical plant has also been assessed.

The assessment quantifies the existing ambient and baseline noise levels at identified noise receptor locations around the site both during the day and at

night. Four locations were selected as representative sites and a 3D acoustic model constructed to enable the prediction of noise incidence on nearby sensitive receptors as a function of noise generated by on site activities. The principal noise sources identified as requiring prediction were operational noise related to traffic movements and noise generated by fixed mechanical plant.

#### Plant Noise

As this is an outline application details of fixed noise generating plant, such as air conditioning and refrigeration, are not yet been known. Therefore appropriate noise emission limits could be conditioned to control noise generated by this aspect of the development.

#### Service Yard Noise and HGV access/Car Parks

The dominant noise source in the service yard areas will be HGV's and, associated purely with the store service yard area, additional daytime only van movements associated with the home delivery area.

During the night time period, due to the short assessment period noise levels are likely to be dominated by single HGV movement. Noise levels have been calculated using the acoustic model for both daytime and night time scenarios, using the 'Haul Road' methodology of BS5228. Operational on site noise has been assessed in line with the methodology of BS4142 which indicated that complaints as a result of such operations are unlikely both during the day and at night at all but 1 location. Good/reasonable internal conditions as detailed in the British Standard are demonstrated as being achievable in this context and indicates that the development would not result in a perceptible change in the existing  $L_{Aeq}$  noise levels inside the assessed residential receptors.

#### Traffic noise levels on surrounding routes

Traffic flow data for a number of road links surrounding the development site has been provided within the report in terms of 2 way 18-hour annual average weekly traffic both with and without the development.

The percentage increase in traffic on a number of most affected routes around the site have been calculated and presented within the report and used to predict the change in noise level as a result of traffic associated with the development. The typical change in noise level is less than +1dB. This is typically imperceptible to the human ear. An increase of 2.3 dB is predicted at Roker Avenue (east of junction with George Street North) but changes of up to + 3 dB are considered to be minor. Consequently, the majority of routes have been identified as having a negligible or minor impact due to changes in traffic noise levels on public highways.

#### Construction Noise

In view of the close proximity of the proposed development to nearby residential properties, on-site operations 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 shall be permitted to take place on Sundays and Bank Holidays at any time without the prior approval of the Council.

#### Air Quality

An air quality assessment has been produced for the development by consultants for the redesigned superstore and associated development. The results indicated

that it was unlikely that the Air Quality Objectives for both PM<sub>10</sub> and NO<sub>2</sub> at relevant receptors would be exceeded.

Dust from the construction phase could be controlled by way of a planning condition.

#### Contamination

The Applicant has submitted an assessment in respect of ground contamination. This is currently under review. Notwithstanding that, if planning permission is granted the situation could be controlled through standard planning conditions, one of which would require that no works other than site investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter.

#### Waste and Pollution.

The applicant has stated that a Waste Management Plan would be produced at reserved matters stage and this could be covered by a planning condition. The proposal does not include any manufacturing or industrial processes and therefore will produce no chemical pollution. Potential light pollution would be dealt with via an external lighting scheme as part of a reserved matters submission and, again, this could be dealt with by a planning condition. The applicant has also indicated an intention to provide recycling facilities on site.

#### **d) Traffic, Transport and Road Safety.**

Although the application is in outline only, Mountview Securities are seeking approval to the means of access to the development and have submitted a detailed Transport Assessment with the application.

The main vehicular access is proposed to be taken from Newcastle Road via a junction that will be significantly altered from the current position i.e. the Wheatsheaf gyratory system. It is intended that the current Newcastle Road/Southwick Road/Roker Avenue roundabout be converted into a signal controlled junction under a scheme prepared by the City Council to reduce traffic congestion and improve bus journey times. Implementation of the scheme would be funded by the developer but would be carried out by the Council.

If planning permission were to be granted the new buildings (as opposed to the retained buildings) would not be permitted to open prior to the completion of the highway works through the imposition of a Grampian planning condition.

Service vehicle access to the foodstore and the majority of the other retail units is proposed from Fulwell Road and the southern end of Portobello Lane with a pedestrian access at the northern end of Portobello Lane but which would also be capable of providing access for emergency vehicles.

Frequent bus services pass the site (some 47 in a typical weekday hour) with stops to the south, east and west. Provision would be made for a bus stop within the site should bus operators wish to make use of it. However, direct access for pedestrians from the relocated bus stops on Newcastle Road would need to be provided.

The Stadium of Light Metro Station adjoins the site approximately 130m from the proposed superstore entrance. It is proposed to provide a covered walkway to the southbound platform of the station. No additional covered link is suggested to the north bound platform, access to which from the east involves crossing the pedestrianised Portobello Lane overbridge. However, an additional pedestrian link, via stairs, would be provided to the Newcastle Road overbridge. It is also proposed to install a Real Time Passenger Information display within the store which would replicate the information displayed at the metro station.

Nexus have welcomed these improvements but would wish further consideration be given to improving access to the northbound platform and discussion with operators on the diversion of commercial bus services through the site.

A taxi drop-off/collection point adjacent to the travelator atrium, accessed from Newcastle Road and Roker Avenue, is proposed.

Directional signs in the vicinity of the site to guide cyclists to National Cycle Route 7 located 500m to the west of the site are proposed and secure cycle storage would be provided. This is to promote cycle accessibility.

In general the proposed access arrangements are considered satisfactory although there are some issues with the indicative internal layout, the pedestrian links into and across the site and the need for/ location of a pedestrian crossing on Roker Avenue which need to be resolved. However, these can be dealt with by a planning condition.

In terms of traffic, the Transport Assessment has demonstrated that the scheme would operate satisfactorily.

900 car parking spaces, including 45 disabled and 28 parent and child bays are proposed to serve the entire development. These would be located at ground floor level throughout the site, including beneath the superstore. This number is less than that permitted by PPG13 and is in accordance with UDP policy T21.

The applicant has accepted the need to produce a Travel Plan in accordance with guidance in PPG13 once the occupants of the development are known. This can be secured by a planning condition.

There are no highway safety issues with the proposal that cannot be addressed through the imposition of planning conditions. A section of Wearmouth Street will require stopping up through an order under Section 247 of the Town and Country Planning Act 1990.

Implementation of the proposals will require various traffic regulation orders which would be dealt with at detailed design stage.

#### **e) Design.**

The application is in outline with details of the design as a reserved matter. However, the applicant has submitted a Design and Access Statement which is intended to demonstrate the approach to the overall design of the development. This includes a description of the site's context, photographs of the existing buildings, design objectives and basic illustrative plans, elevations and sections to demonstrate the potential appearance of the development.

The main design objectives are said to be to provide a high quality store and layout that meets customer needs and accords with sustainable design principles; a contemporary attractive design with gateway features and to provide a range of uses that provide surveillance through the day and into the evening. A further key objective is to encourage the use of transport modes other than the private car.

A stated fundamental element of the design philosophy is to ensure that visitors to the site feel comfortable to walk in a safe and clean environment. By placing the majority of the car parking underneath the superstore, the aesthetics of the scheme are optimized and the visual dominance of the parking areas is reduced.

The major element of the scheme, the superstore, is proposed to be located towards the northern end of the site. It would be approximately 15.5m high 134m wide and 137m deep fronting onto Newcastle Road. It would be approximately the same height as the existing Bowling Alley, because of a reduction in ground levels, and set back farther from the road but with a significantly greater mass. It is intended to have a contemporary appearance including large areas of floor to ceiling glazing.

The block of 5 smaller units (including the retained unit) are to be located in the southern portion of the site. They would be single-storey buildings no more than 9m high and measuring approximately 103m by 36m. The retained Farmfoods/Blockbuster unit is 9m high and 28m by 21m in area.

It is intended to line stretches of the two major vehicle access routes through the site with semi mature specimen trees and to provide soft landscaping and further tree planting around the periphery of the site.

A visually attractive hard surfaced area is proposed adjacent to the superstore entrance within which it may be possible to incorporate feature paving, artwork and seating areas.

Given the prominent location of the scheme at a 'gateway' to the City and the scale of the development, it is essential that it presents attractive high quality architecture to the adjoining highways as required by UDP policy CN14 and promoted by PPS1. As well as the external frontages of all the proposed buildings, particular care will need to be taken with the southern elevation of the superstore which would overlook the main access to the site.

It is equally essential that a high quality palette of external materials is used throughout the scheme and that the opportunity is taken to incorporate significant elements of public art.

All elements of the design are reserved for further discussion and could be controlled through planning conditions.

#### **g) Deliverability.**

The likelihood of the scheme being delivered is relevant, particularly in the context of securing the potential regeneration benefits. The applicant, Mountview Securities owns the freehold interest in the site and is understood to be in advanced negotiations with its preferred operator for the superstore. In addition,

a number of existing businesses are understood to wish to remain on site and to occupy some of the smaller units. The Applicant is in discussions with those tenants of the Retail Park who may be displaced as a consequence of the development. One North East has already resolved in principle to use its CPO powers if necessary in respect of any outstanding interests to support the scheme in light of its regeneration and economic benefits.

In this context there would appear to be good reasons to believe that, were planning permission to be granted, the development would proceed. The applicant has suggested it would be delivered in one phase and be substantially complete and operational within 4 to 5 years.

### **PROPOSED SECTION 106 AGREEMENT**

It is proposed to address two policy issues relating to the development through a section 106 agreement.

The first relates to Policy EC10.2 (criteria e).of PPS4 which refers to the impact of the proposed development on local employment. It is considered that the development has the potential to positively impact on local employment and to secure this it is proposed to impose a planning obligation on the foodstore operator to provide employment and training opportunities to the most socially and economically disadvantaged in the local area, in particular those who have been unemployed for more than twelve months and individuals in receipt of income support and sickness related benefits.

The second is to require the developer to provide public art provision on site to the value of £50,000 as part of the proposed development in accordance with policy B20 of the UDP, which states that the City Council will encourage the provision of works of art, craft or decoration in major new developments.

### **Conclusions.**

The application involves the redevelopment of an existing out of centre retail park approximately 1km north of the City Centre with a large superstore, the retention and recladding of two existing retail units, the erection of 4 smaller retail units, and the retention of an existing drive through restaurant. The superstore component has a gross external floor area of 16,140 sq m and a net retail floor area of 8,378 sq m. The location is an existing retail park, with no restrictions on the balance of convenience or comparison goods which may be sold there and the net increase in retail floorspace on the site as a result of the proposal is only some 2,438 sq m. This comprises an increase in net convenience floorspace of 3,086 sq m and a decrease in net comparison floorspace of 648 sq m.

A detailed retail assessment of the proposal has been carried out, based on up to date household survey information and the most recently available estimates of population levels and expenditure patterns. This has been reviewed by specialist retail planning consultants RTP on behalf of the Council. The application has been assessed against the impacts set out in Policies EC10.2 and 16.1 as follows:-

1. The buildings should achieve BREEAM "Very Good" rating and this can be secured by condition.
2. The accessibility of the site is excellent and highway improvement measures to deal with any increased traffic are acknowledged and can be covered by condition.

3. The applicants intention is for high quality inclusive design as indicated in the Design and Access Statement and this can be secured through conditions.
4. There would be considerable economic and physical regeneration benefits.
5. The development would generate a net increase in employment of 200 full and part-time jobs.
6. There would be no substantial adverse impact on existing, committed and planned public and private investment in centres.
7. It has no substantial adverse impacts on town centre vitality and viability and on in-centre turnover and on trade in the wider area.
8. It has no substantial adverse impact on allocated sites outside town centres.
9. The scale of the proposal in relation to the centre (this criterion does not apply).
10. There are no other locally important impacts.

The application site is in a highly accessible location capable of being served by a wide range of transport modes. Major road improvements, to the Council's specification, are proposed as part of the development which will ensure no detrimental impacts on traffic or road safety.

Public transport will benefit from enhanced facilities for buses and taxis as well as from a direct pedestrian link to the southbound platform of the Stadium of Light metro station.

There are no environmental concerns in relation to the scheme which will result in improvements to the appearance of the area as well as bringing regeneration benefits in terms of increased employment and investment in a deprived area of the City.

Economic and public art benefits are to be secured by way of an agreement under Section 106 of the Town and Country planning Act 1990.

There are no planning policy objections to the application which has general public support with only one objection on behalf of a competing retailer alleging an overall failure to demonstrate compliance with previous PPS6. The PPS has been replaced with PPS4 since then and the size of the development has been reduced. At the date this report was published no further objections had been received from this source.

The proposals pass the sequential test contained in policy EC15 of PPS4 and there are no suitable, available and viable sites for this development proposal in the centre or on the edge of centre.

The proposals have been assessed in terms of the balancing of positive and negative impacts as required by Policy EC17.2 and the positive benefits in terms of employment and physical and social regeneration more than offset the any potential negative trade diversions.

In addition the proposals comply with policies in the UDP, particularly policies S1 and NA44.



Accordingly it is therefore recommended that the Committee indicates that it is minded to grant planning permission for the development subject to:- a) the conditions listed below and b) the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, for the following reasons.

- The proposal accords with UDP policy and in particular policies S1 and NA44
- It meets the requirements of PPS4 and
- It has no adverse environment impacts but
- would have significant regeneration benefits.

Given the scale of the development, it will be necessary to refer the application to the Secretary of State under the terms of the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993. The Secretary of State will then have 21 days in which to decide whether or not to call in the application.

**RECOMMENDATION: Minded to approve subject to the conditions outlined below and to the completion of an Agreement under Section 106 Town and Country Planning Act 1990 and that the application be referred to the Secretary of State**

Conditions:

**A) Implementation and Phasing**

1. Application for approval of the following reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this permission: Appearance, Scale, Landscaping. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the last of the reserved matters to be approved.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**B) Design**

2. The total net retail sales area of the entire Development hereby permitted shall not exceed 11,916 sqm including any mezzanines. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.
3. The total net retail sales area of the Superstore hereby permitted shall not exceed 8,378 sqm including any mezzanines. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.
4. The total net retail sales area of the Superstore hereby permitted shall not exceed 4,189 sqm net retail convenience floorspace and 4,189 sqm net retail comparison floorspace including all mezzanines. This is to safeguard the vitality and viability of the City Centre and other local centres in accordance with Government policy.

For the purposes of conditions 2, 3 and 4:

“the Superstore” means that part of the development comprising a food superstore of 16,140 sqm gross external area and 8,378 sqm net retail sales area.

“net retail sales area” means the sales area within a building (i.e. all internal areas accessible to the customer) but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts.

“comparison floorspace” means those parts of the net retail sales area used for the sale and display for sale of comparison goods.

“convenience floorspace” means those parts of the net retail sales area used for the sale and display for sale of convenience goods.

“comparison goods” means those categories of comparison goods as identified in the Appendix A to the PPS4 Practice Guidance (December 2009)

“convenience goods” means those categories of convenience goods as identified in Appendix A to the PPS4 Practice Guidance (December 2009).

5. Before the development hereby permitted is commenced, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:- the siting, design and external appearance of the buildings and the landscaping of the site; and the development shall be carried out as approved. This is to ensure a satisfactory form of development as the details submitted as part of the application are incomplete and for illustrative purposes only.
6. The development hereby approved shall be carried out in accordance with the following approved plans unless otherwise agreed by the Local Planning Authority.  
073023D 09 P2; 073023D 10 P3; 073023D 05 P3; 073023D 06 P3; 073023D 07 P3; 073023D 24 P4.
7. Before the development hereby permitted is commenced, a schedule and sample of all materials and finishes, including walls, roofs, doors, windows, rainwater goods, shall be 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, to secure a satisfactory form of external appearance to comply with policy B2 of the UDP.
8. Before the development hereby permitted is commenced, details of any floodlighting/ exterior lighting for the buildings shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved plans before the buildings within the relevant phase of the development to which the lighting relates are occupied, in order to ensure a satisfactory form of development and to comply with policies B2 and T8 of the UDP.
9. Before the development hereby permitted is commenced, details of all walls, fences or other means of boundary enclosure shall be submitted to

and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with approved details before the buildings within the relevant phase of the development to which the boundary treatment relates are occupied or otherwise in accordance with an agreed timetable, in the interest of visual amenity and to comply with policy B2 of the UDP.

10. All planting, seeding or turfing included in the approved details of landscaping for the development shall be carried out in the first planting season following the first occupation of any of the buildings within the relevant phase of the development to which the landscaping relates 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, in the interests of visual amenity and to comply with policies B2 and CN18 of the UDP.

**C) Sustainability**

11. Before the development of the superstore hereby permitted is commenced, a schedule demonstrating the means incorporated within the design of the proposals by which the development addresses the aims of Sustainable Development in accordance with the City Council's Charter 2000, shall be submitted to the Local Planning Authority for written approval and the approved measures shall thereafter be incorporated in the superstore, in order to ensure a satisfactory form of development and to comply with policy R1 of the UDP.
12. Before the development of the superstore hereby permitted is commenced, measures shall be submitted to and approved in writing by the Local Planning Authority to ensure that the superstore is designed to achieve high energy efficiency and minimise water and energy consumption and achieves BREEAM "very good" rating. The details approved shall thereafter be incorporated in the development in order to ensure an environmentally sustainable development in accordance with policy R1 of the UDP.
13. Before the development of the superstore hereby permitted is commenced, measures to ensure 10% (*or such other proportion as approved in writing by the Local Planning Authority*) of the store's energy requirements are produced from embedded renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to the occupation of the superstore and retained as operational thereafter unless otherwise agreed in writing by the Local Planning Authority in order to ensure an environmentally sustainable development in accordance with policy R1 of the UDP.

**D) Storage of Refuse**

14. Before the development hereby permitted is commenced, a plan showing the provision of adequate facilities for the storage and collection of refuse

including provision for onsite separation of items for recycling collection within the site shall be submitted to and approved in writing by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

**E) Highways and Transport**

15. Notwithstanding the plans hereby approved, details of the design of all roads, footways, footpaths and cycleways and a scheme for external lighting and street furniture (litter bins, seating, planters etc) shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site, in the interests of highway safety and to comply with policy T14 of the UDP. Thereafter, no part of the development hereby permitted shall be carried out or implemented other than in accordance with such agreed details.

16. The following highway improvements, in accordance with detailed designs to be submitted to and approved in writing by the Local Planning Authority shall be completed as part of the development. The superstore shall not be occupied until the said highway improvements have been completed in accordance with these approved details:-

(i) major improvements to the junction of Newcastle Road/Roker Avenue/Southwick Road

(ii) improvements to Roker Avenue east of its junction with George Street to its junction with Fulwell Road.

(vi) details of a signal controlled pedestrian crossing at Roker Avenue or full traffic lights incorporating pedestrian phases in the vicinity of Shore Street/George Street North.

(vii) ramped access from the site to the Stadium of Light Metro Station

(viii) notwithstanding the presently submitted details, bus stops, bus shelters and bus laybys adjacent to the site at Newcastle Rd and Roker Avenue

(ix) notwithstanding the presently submitted details, pedestrian routes from Newcastle Rd, Roker Avenue and Portobello Rd, including from any bus stops and pedestrian crossings located on these roads.

(x) notwithstanding the presently submitted details, provision of on-site vehicular circulation.

(xi) A scheme for the management of on site car parking.

Reason: In the interests of highway safety and in accordance with policy T14 of the UDP.

17. The superstore shall not be occupied until the pedestrian way linking the site with the Stadium of Light Metro Station as shown on the approved plans has been completed and made available to members of the public and shall remain available thereafter for public use, in accordance with policy T14 of the UDP.

18. Before the superstore hereby permitted is occupied, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented, in the interests of highway

safety and in accordance with policies T2 and T14 of the UDP.

**F) Parking and Servicing**

19. No building shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles, to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 and T22 of the UDP.
20. Before the foodstore development hereby permitted is commenced, details of the space and facilities for bicycle and motor cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be laid out in accordance with the approved details before any of the buildings are occupied and subsequently retained, in order to ensure that adequate provision is made for cycle and motor cycle parking and to comply with policies T14 and T22 of the UDP.
21. Before the foodstore development hereby permitted is commenced, details of the facilities to enable servicing of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details before any of the buildings are occupied and such facilities shall be retained and kept unobstructed at all times, in the interests of highway safety and to comply with policy T14 of the UDP.

**G) Scheme of Working**

22. Before the development hereby permitted is commenced a scheme of working shall be submitted to and agreed in writing by the Local Planning Authority; such scheme shall 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 be 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 policies EN1 and T14 of the UDP.
23. Before the development hereby permitted is commenced, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt or debris spreads on to the surrounding road network shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation and maintenance of a wheel cleaning facility on the site. All works and practices shall be implemented in accordance with the agreed details 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 EN1 and T14 of the UDP.
24. Before the development hereby permitted is commenced, arrangements for setting up appropriate systems for monitoring and controlling dust emission arising from construction work shall be submitted to and agreed

in writing by the Local Planning Authority and implemented thereafter, in the interest of amenity in accordance with policy EN1 of the UDP.

25. Before the development hereby permitted is commenced, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to ensure that smoke, dust or litter shall not be allowed to drift across the adjoining railway; that no crane jib shall swing suspended loads over the adjoining railway, without the prior approval in writing of the Local Planning Authority, and no illumination shall cast a glare over the adjoining railway and such a scheme shall be implemented thereafter during construction, in the interests of railway safety in compliance with policies EN1 and T14 of the UDP.

#### H) **Archaeology**

26. Before the construction of the development hereby permitted is commenced, a second phase of archaeological investigation shall take place in accordance with a programme of work to be agreed with the County Archaeologist, to permit the recording of any archaeological features exposed in accordance with policy B11 and B14 of the UDP.
27. Before any works are commenced on site, the County Archaeologist must be informed, in order that arrangements can be made for an archaeologist with a watching brief, to be present on site while foundation trenches are dug and overburden removed, in order that potential archaeological information can be recovered and to comply with policy B11 and B14 of the UDP.
28. The foodstore shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 24 has been submitted to and approved in writing by the Local Planning Authority to ensure that archaeological remains on site can be preserved wherever possible and recorded in accordance with PPS5 and UDP policy B14.

#### I) **Drainage**

29. Before the foodstore development hereby permitted is commenced, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until these facilities have been provided and installed in accordance with the approved details, to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
30. Prior to being discharged into any watercourse, surface water sewer or soakway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority before the relevant phase of the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the UDP.
31. None of the foodstore buildings shall be occupied until any existing sewers

which are to be abandoned have been grouted up or removed, in order to prevent drainage problems in the future in accordance with policy EN12 of the UDP.

## **J Land Contamination**

32. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. Reason: The information provided with the planning application indicates that the site has been subject to multiple potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies on the magnesian limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

33. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to multiple potentially contaminative landuses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

34. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out

until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

35. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

**E) Noise from Mechanical Plant**

36. Prior to the installation of any fixed mechanical plant at the site a detailed acoustic assessment of such plant must be submitted to and approved by the Local Planning Authority. The assessment shall examine noise levels generated by the plant, how these would affect adjacent residential amenity and specify, if shown to be necessary, details of noise reduction measures to ensure appropriate noise levels are achieved at adjacent dwellings. Any necessary noise reduction measures shall be installed, only in accordance with the approved details and prior to the occupation of any of the new buildings.

Reason: For the protection of residential amenity of dwellings adjacent to the site in accordance with Policy EN5 of the UDP.



## APPENDICES

### Appendix A1 Summary of Consultation Responses on the Original Application

#### a) Technical

##### 1, Government Office for the North East.

Whilst the Office is ready to advise on any specific questions of national [policy or process it would be inappropriate for us to comment on the application itself. This is because the Secretary of State has a quasi-judicial role in the planning process and we must not prejudice that position.

##### 2 Regional Development Agency One North East.

Site would benefit from a comprehensive redevelopment scheme and the Agency welcomes the initiative which has the potential to contribute to the regeneration of this area of Monkwearmouth to the benefit of the proposals currently being rolled out by Sunderland arc in the adjoining Central Sunderland area. However, the City Council must be satisfied that the proposal will not have a detrimental impact upon the vitality and viability of the city centre or other existing centres within the vicinity.

The agency requests the Council to encourage the developer to pursue the highest standards of quality; to require the developer provide details regarding the provision of renewable energy measures in the scheme and also to provide skills training.

##### 3. North East Assembly.

The site is already developed in an urban area with transport links located within the Tyne and Wear conurbation and is therefore consistent with RSS policies 4 and 6. However. RSS policy 25 directs the majority of new retail and leisure development to the defined urban centres of Newcastle and Sunderland and, since the site is outside these areas, the council need to be confident that the development would not compromise the vitality and viability of Sunderland city centre and other surrounding town centres.

The provision of only 927 parking spaces is within the guidelines set out in PPG 13 and reflects RSS objectives to reduce reliance on car travel.. It is also consistent with RSS policies 2,7,and 54 which seek to reduce the impact of travel demand although the design and layout of the scheme will need to provide safe and convenient pedestrian and cycle routes to existing public transport facilities. Inclusion of renewable energy generation methods are required by RSS policy 39 as is the promotion of energy efficiency measures which would assist meeting the objectives of RSS policies 3 (climate change) and 38 (reducing energy consumption).

The applicant does not mention the provision of Sustainable Drainage Systems which are encouraged by RSS policy 34 and therefore needs to justify why such measures are inappropriate for this development.

The local authority should be satisfied that the design and layout of the scheme contributes to sustainable communities in line with RSS policies 8 and 24 and should ensure that a travel plan as required by RSS policy 54 is provided.

The principle of the development in this location is in general conformity with the RSS. However, this is subject to the council being satisfied that its scale and nature is acceptable and that it will not adversely affect the vitality and viability of surrounding centres in line with RSS policies 9 and 25.

4. . English Heritage

Do not wish to offer any comments.

5. Tyne & Wear County Archaeologist

If the application is approved, requests a condition be imposed to require a programme of archaeological work to be carried out in accordance with a specification to be provided by the County Archaeologist prior to any works commencing.

6. CABE

Are unable to review the scheme due to lack of resources.

7 . Environment Agency

No objection to the development provided conditions are attached to any consent protecting controlled, ground and surface waters from any contamination. The Agency also notes that sustainable urban drainage systems should be adopted and that the development should incorporate sustainable construction and renewable energy generation principles.

8. Northumbrian Water.

Request a condition requiring details of the methods to be used to dispose of surface water to be agreed prior to development commencing. Also request a copy of the decision notice.

9. National Grid.

Have concluded that the development would pose a negligible risk to operational electricity and gas transmission networks.

10. Nexus

No objection in principle. However, would like to see a more direct access from platform 2 (northbound) of the adjoining Metro station being examined.

Methods of work need to be agreed to ensure that no danger is presented to the safe operation of the adjoining railway.

Nexus is not convinced that commercial bus operators will be willing to divert services through the site, other than those heading east onto Roker Avenue/Fulwell Road/Gladstone Street, and suggest further discussions with operators.

11. Coal Authority

No observations other than to provide the authority's standard advice that it is within a coal mining area with its associated hazards.

12 Sunderland arc.

The arc supports the outline proposals for the redevelopment of Sunderland Retail Park for the following reasons. The proposal is in broad accordance with the saved policies of the adopted UDP. The Sunderland Retail Needs Assessment 2009 identifies a need to improve the quantitative and qualitative convenience goods retail provision in this area and as an established retail site SRP is appropriate to meet much of this need. They agree with the overall conclusions of the sequential assessment and they acknowledge the employment benefits, the clawback of retail expenditure leakage from the north of the city and the promotion of economic and physical regeneration of the area. They consider that weight should be accorded to considerations contained in PPS4 relating to carbon footprint of the development, accessibility to and within the site, high quality inclusive design, the regeneration of an established retail park in a gateway location and the net employment benefits of the scheme.

13. Planning Implementation Manager.

Acknowledges the significant changes in scale, design and appearance of the amended scheme which now represents a scheme more in keeping with its context and therefore acceptable. Implementation Manager has commented on a number of design issues including amount of development and car parking, indicative layout and scale, but appreciates that this is an outline application and that many of these matters can be covered in the reserved matters or by specific conditions.

Further comments have been made on the access arrangements but these are covered in those from the Highways and Transportation Manager below.

14. Highways and Transportation Manager

The Transport Assessment has demonstrated that, subject to the resolution of a number of queries, the scheme would operate satisfactorily in conjunction with the proposed highway improvement scheme for the Wheatsheaf junction, however, the latter is outside the application redline and will need to be covered by a Grampian style condition, which would be finally discharged through an Agreement under section 278 of the Highways Act, requiring that the development not open until these and the proposed alterations to Roker Avenue have been completed. The queries referred to above have now partly been resolved to the extent that they could be covered by inclusion in the condition referred to above.

Traffic Regulation Orders will be required to stop up a length of Wearmouth Street within the site. Direct access from the proposed bus stops on Newcastle Road to the main entrance of the superstore also needs to be provided and these too could be covered by condition.

15 Director of Community and Cultural Services

The City has 4 continuous automatic air quality monitoring stations and 48 diffusion tubes located throughout the district, all of which measure nitrogen dioxide concentrations, whilst 2 of the automatic stations also measure PM10 levels. Data from these has been released to the applicant although, whilst 8 diffusion tubes are within 1km of the site, none are sufficiently close to provide specific local background monitoring data. The applicant has therefore used empirically derived national background estimates of air quality.

Sunderland has no air quality management areas and no areas likely to exceed air quality objective standards including the area around the site. All predicted 2011 background concentrations of NO<sub>x</sub>, NO<sub>2</sub> and PM10 without the development are below the objective limit of 40ug/m<sup>3</sup>, although these levels do not include concentrations from local sources of pollution. With the development in place, receptors (houses) on Roker Avenue are likely to experience an increase in PM10 and NO<sub>2</sub> concentrations although levels of air quality will remain satisfactory and below the annual mean objective of 40ug/m<sup>3</sup>. This is not considered to be a significant impact although mitigation measures will be required during the construction phase to ensure that PM10 emissions are minimised.

The City has 4 continuous automatic air quality monitoring stations and 48 diffusion tubes located throughout the district, all of which measure nitrogen dioxide concentrations, whilst 2 of the automatic stations also measure PM10 levels. Data from these has been released to the applicant although, whilst 8 diffusion tubes are within 1km of the site, none are sufficiently close to provide specific local background monitoring data. The applicant has therefore used empirically derived national background estimates of air quality.

Sunderland has no air quality management areas and no areas likely to exceed air quality objective standards including the area around the site. All predicted 2011 background concentrations of NO<sub>x</sub>, NO<sub>2</sub> and PM10 without the development are below the objective limit of 40ug/m<sup>3</sup>, although these levels do not include concentrations from local sources of pollution. With the development in place, receptors (houses) on Roker Avenue are likely to experience an increase in PM10 and NO<sub>2</sub> concentrations although levels of air quality will remain satisfactory and below the annual mean objective of 40ug/m<sup>3</sup>. This is not considered to be a significant impact although mitigation measures will be required during the construction phase to ensure that PM10 emissions are minimised.

The applicant carried out a baseline noise assessment at four locations within the study area and calculated future noise levels with the development in place at the 4 locations and at a further 8 representative receptor sites. At 9 of the locations, noise is predicted to decrease moderately but on Roker Avenue and the adjacent residential streets, minor increases in the region of 2.6dB are expected. That level is a minor change and will not be perceptible. It is also anticipated that noise levels are unlikely to rise above 68dB(A), the level specified under the Noise Insulation Regulations above which residents may be entitled to sound insulation. Potential noise levels predicted for the worst year in the first 15 years after opening as recommended in the Highways Agency's Design Manual for Roads and Bridges have not been provided.

There is potential for noise disturbance from the construction phase but this can be controlled via a condition as can potential vibration.

At this outline stage there are no details of air conditioning and refrigeration plant but this could be controlled by a suitable condition.

b) Neighbours and Others.

1. Mr B Price

Concerned that the relocation of bus stops either side of Newcastle Road outside the development may cause a traffic hazard. Buses will have to wait a long time to allow customers with large amounts of shopping to board and southbound sightlines are restricted because of the rail/Metro overbridge. Suggests bus stops should be within the development or in lay-byes.

Also concerned about the effect the development will have on local shops, particularly those in Sea Road, Fulwell and The Green, Southwick.

2. Mr G Lundle.

Requests more information on traffic generation and plans of access arrangements.

3. Peter Dunn & Co Solicitors on behalf of Messrs. Chapman and Ellen.

Clients are removal and storage contractors with premises in Portobello Lane and are concerned that, during the course of construction and, when opened, the development could obstruct their access. Not opposed in principle to the development but request a condition on any approval preventing access from the site onto Portobello Lane. Following the submission of the amended proposal a meeting was held with Messrs Chapman and Allen and providing HGV access to their property via Portobello Rd is maintained both during construction period and after the opening of the development to the public they have no objections to the proposal.

4. Peacock and Smith on behalf of Wm Morrison Supermarkets plc.

Peacock and Smith's objections to the original scheme were as follows.

Letter dated 3<sup>rd</sup> November 2008

Their clients operate an in centre store at Doxford Park and a further store at Ocean Park, Seaburn. Proposal is an out of centre application to which all the key tests of PPS 6 apply.

The Sunderland Retail Study 2006 identified a convenience capacity of 1177sqm net but that the commitment for additional floorspace at the Asda store in adjoining Boldon Colliery will result in an over-supply of floorspace through to 2016. Similarly, the Retail Study identifies an "overprovision" of out-of-centre retail floorspace of 4,750sqm. There is therefore no justification for the floorspace at the application site.

Concerned that the quantitative need assessment submitted by the applicant is flawed in that:-

a) the study area is unrealistic, extending far to the south of central Sunderland beyond a 15min drive time, but not to the north. It fails to include the area around Boldon Colliery from which, it is claimed, significant "claw-back" would occur.

b) it does not take account of draws upon expenditure generated within the study area by stores located outside that area e.g. Asda at Boldon Colliery, Asda and Sainsburys at Washington. Consider that an up-to-date household survey to better understand expenditure flows is essential.

c) it does not confirm the convenience and comparison elements of the superstore despite knowing the likely operator is Tesco whose company averages could have been used.

Consider that the qualitative need has been overstated. The Council's Retail Study only identifies the need for a small City Centre foodstore. The fact that there is a significant outflow of expenditure from the north-west of the City does not justify the provision of a major new foodstore on the application site. Morrisons at Ocean Park helps to meet main shopping needs of this part of the City. The provision of a wide range of goods typically found in a Tesco Extra store would be unlikely to assist the attraction of new retailers to the City Centre or to strengthen its relative position.

Consider that, at 12,260sqm net, the scale of the superstore will considerably exceed that of other foodstores in the region. Asda is the largest locally at 9,397 sqm. It is out of scale particularly in view of the limited need for additional foodstore development in the Sunderland catchment.

The sequential test is largely academic as there is no need for this store. Mountview could redevelop the Retail Park without the superstore which could be considered for the council's preferred location for retail development, Holmeside. The retail impact assessment provides very little analysis as to how the proposed development will affect the health of the City Centre and other defined centres. The 2001 household survey is out of date and should be repeated. The estimated trade diversion from the City Centre of £15.8 million will lead to a material loss of activity in the centre. The trade diversion from Doxford Park, Boldon Colliery and Washington will represent a significant loss of activity to these centres whilst the application scheme is unlikely to materially reduce non-food shopping trips to Newcastle or the Metro Centre.

Consider that the application should be refused.

Letter dated 27<sup>th</sup> April 2009

There is no need for a superstore of the scale proposed by Mountview and it would have a detrimental impact on the health of the City Centre and district centres in the area. Therefore the application should be refused.

The only quantitative and qualitative deficiency identified by the Council's retail study is for a small foodstore in the City Centre. It is well known that Tesco operates a number of smaller format stores that could remedy this need. Such a facility would be more likely to fit onto a site in or on the edge of the City Centre and generate activity and other investor interest in the centre. Indeed it could kick start developer interest in an extension to the existing shopping centre.

## **Appendix A2 Summary of Consultation Responses on the Amended Application**

a) Technical

1. Government Office for the North East.  
No further comments

2. Regional Development Agency One North East.

Site would benefit from a comprehensive redevelopment scheme and the Agency welcomes the initiative which has the potential to contribute to the regeneration of this area of Monkwearmouth to the benefit of the proposals currently being rolled out by Sunderland arc in the adjoining Central Sunderland area.

However, the City Council must be satisfied that the proposal will not have a detrimental impact upon the vitality and viability of the city centre or other existing centres within the vicinity.

The agency requests the Council to encourage the developer to pursue the highest standards of quality; to require the developer provide details regarding the provision of renewable energy measures in the scheme and also to provide skills training.

3. North East Assembly.

4. English Heritage

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

5. Tyne & Wear County Archaeologist

If the application is approved, requests a condition be imposed to require a programme of archaeological work to be carried out in accordance with a specification to be provided by the County Archaeologist prior to any works commencing.

6. CABE

No further comments

7. Environment Agency

No objection to the development provided conditions are attached to any consent protecting controlled, ground and surface waters from any contamination. The Agency also notes that sustainable urban drainage systems should be adopted and that the development should incorporate sustainable construction and renewable energy generation principles.

8. Northumbrian Water.

Request a condition requiring details of the methods to be used to dispose of surface water to be agreed prior to development commencing. Also request a copy of the decision notice.

9. National Grid.

Have concluded that the development would pose a negligible risk to operational electricity and gas transmission networks.

10. Nexus  
No further comment

11. Coal Authority

No observations other than to provide the authority's standard advice that it is within a coal mining area with its associated hazards.

12. Sunderland Arc

The arc supports the outline proposals for the redevelopment of Sunderland Retail Park for the following reasons. The proposal is in broad accordance with the saved policies of the adopted UDP. The Sunderland Retail Needs Assessment 2009 identifies a need to improve the quantitative and qualitative convenience goods retail provision in this area and as an established retail site SRP is appropriate to meet much of this need. They agree with the overall conclusions of the sequential assessment and they acknowledge the employment benefits, the clawback of retail expenditure leakage from the north of the city and the promotion of economic and physical regeneration of the area. They consider that weight should be accorded to considerations contained in PPS4 relating to carbon footprint of the development, accessibility to and within the site, high quality inclusive design, the regeneration of an established retail park in a gateway location and the net employment benefits of the scheme.

13. Planning Implementation Manager.

Acknowledges the significant changes in scale, design and appearance of the amended scheme which now represents a scheme more in keeping with its context and therefore acceptable. Implementation Manager has commented on a number of design issues including amount of development and car parking, indicative layout and scale, but appreciates that this is an outline application and that many of these matters can be covered in the reserved matters or by specific conditions.

Further comments have been made on the access arrangements but these are covered in those from the Highways and Transportation Manager below.

14. Highways and Transportation Manager

The Transport Assessment has demonstrated that, subject to the resolution of a number of queries, the scheme would operate satisfactorily in conjunction with the proposed highway improvement scheme for the Wearsheaf junction, however, the latter is outside the application redline and will need to be covered by a Grampian style condition, which would be finally discharged through an Agreement under section 278 of the Highways Act, requiring that the development not open until these and the proposed alterations to Roker Avenue have been completed. The queries referred to above have now partly been



resolved to the extent that they could be covered by inclusion in the condition referred to above.

Traffic Regulation Orders will be required to stop up a length of Wearmouth Street within the site. Direct access from the proposed bus stops on Newcastle Road to the main entrance of the superstore also needs to be provided and these too could be covered by condition.

#### 15. Director of Community and Cultural Services Operational Noise

A consultant's noise assessment has been submitted with the application which considers the impacts of the proposed retail development. Potential noise associated with car parking, servicing yards and mechanical plant has also been assessed.

The assessment quantifies the existing ambient and baseline noise levels at identified noise receptor locations around the site both during the day and at night. Four locations were selected as representative sites and a 3D acoustic model constructed to enable the prediction of noise incidence on nearby sensitive receptors as a function of noise generated by on site activities. The principal noise sources identified as requiring prediction were operational noise related to traffic movements and noise generated by fixed mechanical plant.

#### Plant Noise

As this is an outline application details of fixed noise generating plant, such as air conditioning and refrigeration, are not yet been known. Therefore appropriate noise emission limits could be conditioned to control noise generated by this aspect of the development.

#### Service Yard Noise and HGV access/Car Parks

The dominant noise source in the service yard areas will be HGV's and, associated purely with the store service yard area, additional daytime only van movements associated with the home delivery area.

During the night time period, due to the short assessment period noise levels are likely to be dominated by single HGV movement. Noise levels have been calculated using the acoustic model for both daytime and night time scenarios, using the 'Haul Road' methodology of BS5228. Operational on site noise has been assessed in line with the methodology of BS4142 which indicated that complaints as a result of such operations are unlikely both during the day and at night at all but 1 location. Good/reasonable internal conditions as detailed in the British Standard are demonstrated as being achievable in this context and indicates that the development would not result in a perceptible change in the existing  $L_{Aeq}$  noise levels inside the assessed residential receptors.

#### Traffic noise levels on surrounding routes

Traffic flow data for a number of road links surrounding the development site has been provided within the report in terms of 2 way 18-hour annual average weekly traffic both with and without the development.

The percentage increase in traffic on a number of most affected routes around the site have been calculated and presented within the report and used to predict the change in noise level as a result of traffic associated with the development. The typical change in noise level is less than +1dB. This is typically

imperceptible to the human ear. An increase of 2.3 dB is predicted at Roker Avenue (east of junction with George Street North) but changes of up to + 3 dB are considered to be minor. Consequently, the majority of routes have been identified as having a negligible or minor impact due to changes in traffic noise levels on public highways.

#### Construction Noise

In view of the close proximity of the proposed development to nearby residential properties, on-site operations 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 shall be permitted to take place on Sundays and Bank Holidays at any time without the prior approval of the Council.

#### Air Quality

An air quality assessment has been produced for the development by consultants for the redesigned superstore and associated development. The results indicated that it was unlikely that the Air Quality Objectives for both PM<sub>10</sub> and NO<sub>2</sub> at relevant receptors would be exceeded.

Dust from the construction phase could be controlled by way of a planning condition as could the operation of the proposed petrol filling station (If it is deemed necessary to use a condition for this purpose) which will be regulated under the provisions of the Pollution Prevention and Control Act 1999.

#### Contamination

The Applicant has submitted an assessment in respect of ground contamination. This is currently under review. Notwithstanding that, if planning permission is granted the situation could be controlled through standard planning conditions, one of which would require that no works other than site investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter.

- b) Neighbours and Others
- 1. Mr B Price

Concerned that the relocation of bus stops either side of Newcastle Road outside the development may cause a traffic hazard. Buses will have to wait a long time to allow customers with large amounts of shopping to board and southbound sightlines are restricted because of the rail/Metro overbridge. Suggests bus stops should be within the development or in lay-byes.

Also concerned about the effect the development will have on local shops, particularly those in Sea Road, Fulwell and The Green, Southwick.

- 2. Mr G Lundle.

Requests more information on traffic generation and plans of access arrangements.

- 3. Peter Dunn & Co Solicitors on behalf of Messrs. Chapman and Ellen.

Clients are removal and storage contractors with premises in Portobello Lane and are concerned that, during the course of construction and, when opened, the

development could obstruct their access. Not opposed in principle to the development but request a condition on any approval preventing access from the site onto Portobello Lane. Following the submission of the amended proposal a meeting was held with Messrs Chapman and Allen and providing HGV access to their property via Portobello Rd is maintained both during construction period and after the opening of the development to the public they have no objections to the proposal.

4. Peacock and Smith on Behalf of Morrisons.  
No representation received on revised application.

## Appendix B1 Report of Consultants Engaged by the Council on the Original Application

# 6 OVERALL CONCLUSIONS AND RECOMMENDATION

## Retail Policy Aspects of the Development Plan

### Conclusion in Relation to the RSS

6.1 Despite its 'out-of-centre' location, the application proposal is in broad accord with the locational strategy of the RSS (Policy 6) and with the sequential approach (Policy 4). There is a degree of conflict with Policy 25, given the availability of a sequentially preferable site at Holmeside in Sunderland city centre, but overall we consider that there is broad compliance with the RSS component of the development plan when it is considered as a whole.

### Conclusion in Relation to the UDP's Retail Policies

6.2 The existence of Holmeside means that there is some degree of conflict, also, with Policy S1 of the UDP. Nevertheless, it is clear that the land use policies for the area covered by the Monkwearmouth inset plan envisage major change, including significant new commercial and residential developments; the location is highly accessible, it forms an important gateway and already enjoys a comparatively strong retail emphasis.

6.3 Thus, given the provisions of the Rochdale judgment referred to in the introduction to Section 3, a partial breach of Policy S1 does not prevent the City Council from reaching a conclusion that the application is in accord with the UDP when it is considered as a whole. Moreover, the UDP gives strong emphasis to urban regeneration and the re-use and enhancement of previously developed sites, particularly in areas such as Monkwearmouth

### The PPS6 Tests

6.4 Paragraph 3.5 of PPS6 states that '...as a general rule the development should satisfy all these considerations [the five key tests]. In making their decision local planning authorities should also consider relevant local issues and other material considerations.' (our emphasis). Thus, the phrase 'as a general rule' means that there will be circumstances where material considerations are given such weight as to overcome the failure of one or more of the key tests in PPS6.

Sunderland City Council

Redevelopment of Sunderland Retail Park (ref: 08/03338/OUT) - Review of the Applicant's Retail Assessment

Roger Tym & Partners

M9307, April 2009 – FINAL

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### Need

6.5 We consider that a significant quantitative retail need will arise by 2013 and that the Sunderland Retail Park is an appropriate established retail location for meeting some of this need. There is, however, a case for the City Council to seek to negotiate with the applicant on a reduction in the size of the food superstore element of the application, given that the projected turnover in the convenience goods sector exceeds the surplus capacity, and given the opportunity to meet some of the need at Holmeside.

6.6 We accept, also, that there is a qualitative need to improve the provision of convenience goods shopping for the residents of North Sunderland (Zones 1 and 2). We recognise, also, the qualitative benefits that would arise from the improvement in convenience goods provision for the deprived residential areas that are in close proximity to the Retail Park. Similarly, we accept that there is a qualitative need to redevelop the existing retail park, to improve its environment and visual appearance and to improve pedestrian linkages to the Metro Station. Thus, we accept that there are qualitative factors which weigh in favour of the application proposal.

### Scale

6.7 Given the 'out-of-centre' location of the application proposal and the quantum and

scale of development which already exists at the Sunderland Retail Park, we consider that the application raises no issue in relation to the PPS6 test of scale.

### Sequential Approach

6.8 We conclude that the food superstore element of the application for Sunderland Retail Park could be accommodated as part of a mixed-use scheme at Holmeside, if the operator displays the flexibility required by PPS6. As a consequence, there is a technical failure of the sequential test. Nevertheless, we consider that such a failure should not be determinative in this case because of the qualitative need to redevelop the established Sunderland Retail Park, for which the foodstore element will provide much of the funding.

### Impact

6.9 Our overall conclusion in relation to impact is that there is unlikely to be significant material harm to any centre within the terms of the factors set out in paragraph 3.22 of PSS6. Nevertheless, it is important for the City Council to protect the Holmeside investment opportunity in the city centre and to protect the nearby local and district centres. Such considerations represent good reasons for the Council to seek to

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negotiate some reduction in the food superstore component of the application. The impact on the J Sainsbury store in Fulwell, at 9.2 per cent, is potentially damaging to its anchor role in that centre. The Council should also be concerned to protect the independent traders in the City Centre, given the recent rise in vacancies associated with the recession.

### Accessibility

6.10 We conclude that the application proposal is accessible by a choice of means of transport and on foot, so that this aspect of the PPS6 accessibility test is met.

However, we are not instructed in relation to impact on travel demand.

### Material Considerations

6.11 In our assessment, the material considerations identified in paragraph 2.51 of PPS6, to which significant weight should be given are:

- i) the regeneration of an established retail park in a key gateway location that is in need of functional, physical and environmental improvements;
- ii) the contribution of the application to the Government's social inclusion agenda by improving the provision and choice of convenience goods shopping in close proximity to high density, deprived, residential areas; and
- iii) the net employment impact of the application proposal, taking account of displacement, and the provision of jobs in a sector that offers relatively easy entry to those suffering from worklessness.

### Recommendation

6.12 There is some degree of conflict with the retail aspects of the development plan and with the sequential test. There is also likely to be insufficient quantitative need to support the full quantum of floorspace proposed at the Sunderland Retail Park and we are concerned with the size of the food superstore component. We are also concerned about the need to protect the investment opportunity at Holmeside and to reduce the risk of harm to independent traders in the City Centre and in the nearby district and local centres.

6.13 Nevertheless, we consider that the regeneration policy aspects of the development plan weigh in favour of the redevelopment of the Sunderland Retail Park, and we recommend that the City Council indicates its support for the principle of the application scheme. However, for the reasons set out in Paragraph 6.12, we consider that the Council should seek to negotiate with the applicant to reduce the size of the food superstore component of the application.

## Appendix B2 Report of Consultants Engaged by the Council on the Amended Application

### 5 CONCLUSIONS AND RECOMMENDATIONS

#### *The Requirements of PPS4*

**Policy EC17 of PPS4 sets out the Government’s guidelines for considering planning applications for town centre uses. Paragraph EC17.1 explains that applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused planning permission where:**

- a) the applicant has not demonstrated compliance with the requirements of the sequential approach (Policy EC15); or
- b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in Policies EC10.2 and EC16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments (our emphasis).

**Where no significant adverse impacts have been identified under Policies EC10.2 and EC16.1, Policy EC17.2 of PPS4 advises that planning applications should be determined by taking account of:**

- a) the positive and negative impacts of the proposal in terms of Policies EC10.2 and 16.1, and any other material considerations; and
- b) the likely cumulative effect of recent permissions, developments under construction and completed developments.

**Finally, Policy EC17.3 states that, ‘*judgements about the extent and significance of any impacts should be informed by the development plan*’. Policy EC17.3 also notes that recent local assessments of the health of town centres and any other published local information are also relevant. I confirm that I have taken full account of the development plan (as explained in Section 3 of my Proof), and my assessment of the application scheme has also been informed by my recent health checks of the centres in the catchment area and also other relevant local documents.**

#### *RTP Assessment*

**We consider that the applicant has followed the sequential approach, and that there is no sequentially preferable opportunity which meets the ‘available’, ‘suitable’ and ‘viable’ tests, even allowing for the flexibility required by Policy EC15.1.d. As a consequence, we consider that the applicant has demonstrated compliance with the sequential approach.**

**Similarly, we consider that there is no clear evidence that the proposal is likely to lead to any significant adverse impacts in terms of the tests set out in Policies EC10.2 and EC16.1.**

**Thus, given these conclusions, the decision maker has to enter the balancing exercise required by Policy EC17.2. In our assessment, the positive regeneration and employment impacts, and the substantial private investment levered by the application proposal more than offset the negative trade diversion impacts. In coming to this conclusion, we have taken account of the health of Sunderland City Centre, and other vitality and viability indicators, as required by Policy EC17.3.**

### ***Recommendations***

From the perspective of retail and regeneration policies, we recommend that the Council supports the application in principle. There will need for conditions which control the total sales area of the retail park (including any mezzanine floorspace), the total sales area of the food superstore component (including any mezzanine floorspace), and the total sales areas devoted to comparison and convenience goods within the food superstore (again including any mezzanine floorspace).

We also recommend that the Council engages with the applicant, and seeks to persuade it to operate the food superstore as one of its regeneration stores, which will encourage, by condition or legal agreement, the take-up of the job opportunities by those most socially and economically disadvantaged in the local area.



# APPENDIX 3 PROPOSED SITE LAYOUT

