

**At a meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 30TH JUNE, 2009 at
4.30 p.m.**

Present:-

Councillor E. Gibson in the Chair

Councillors Ball, Charlton, Copeland, M. Dixon, Ellis, Fletcher, M. Forbes, T. Martin, Miller, Morrissey, O'Connor, Scaplehorn, Tye, Wood and A. Wright.

Declarations of Interest

08/04691/FUL – Installation of a mezzanine floor to the existing store. ASDA Superstore, Leechmere Road, Sunderland.

Councillor Tye made an open declaration that he had not previously objected to the application as suggested in the main report but had only raised certain concerns for consideration by the Planning Officer and that he would be considering the application objectively with an open mind.

Councillor E. Gibson also made an open declaration that her husband as Ward Councillor had similarly not objected to the application but had only raised concerns for consideration by the Planning Officer and she remained impartial and would be considering the application objectively with an open mind.

Councillor Ball also made an open declaration that she had not pre-determined the application and she would be considering the application objectively with an open mind.

Apologies for Absence

Apologies for absence were received from Councillor P. Watson.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Director of Development and Regeneration submitted a report, supplementary report and circulatory report (copies circulated) relating to the South Sunderland Area, copies of which had also been forwarded to each Member of the Council, upon

applications made under the Town and Country Planning Acts and the Regulations made thereunder.

(For copy reports – see original minutes).

08/04691/FUL – Installation of a mezzanine floor to the existing store. ASDA Superstore, Leechmere Road, Sunderland

Councillor T. Martin welcomed the proposal that staff would use the North West Corner Car Park.

Councillor Tye commented that he had raised concerns at the previous meeting which he believed had still not been addressed and that while he understood restrictions could not be imposed in relation to the existing store development, he could not understand why ASDA would not work with the Council to seek to address the concerns he had previously outlined.

Councillor Tye added that he welcomed the principle of the development insofar as the additional jobs it would create but raised the following concerns:-

- How the potential on-street parking restrictions outside the store could be enforced after 6.00 p.m. when Parking Enforcement Officers did not work beyond that time?
- What was the percentage of vehicles, other than ASDA vehicles using the site?
- Had an independent traffic survey been undertaken to verify ASDA's findings?
- A vast amount of money had been spent on the construction of the Southern Radial Route which the applicant's delivery vehicles appear not to use, even though it provided a shorter route from the depot in Washnigton.

Mike Mattok, Technical Manager, Development Control advised that the potential on-street parking restrictions would remove the option of parking on the South side, which would result in people having to use the store's car park. Peak times for the car park finish between 5.00 and 6.00 p.m.

Councillor Wood commented that he understood Councillor Tye's points but welcomed the £20,000 from ASDA to be used as a contribution to the potential introduction of a parking control scheme on Leechmere Road, if issues were to arise.

Councillor Wood also commented that he believed the Travel Plan recommendation may help towards solving the current parking problems as similar Plans had been successful at Doxford Park but he was concerned that imposing waiting restrictions on one side of the road may transfer the problem to the other side and enquired if there were bus stop clearways.

Eric Henderson, Engineer advised that the street did not have bus stop clearways at the moment and but this would continue to be assessed as part of the Council's ongoing responsibilities as the traffic authority.

Councillor M. Forbes enquired if it were necessary for the £20,000 payment to be monitored over a four year period and would a two year period not be sufficient.

Mr. Henderson advised that it can take a significant period of time to implement proposed Traffic Regulation Orders and there was also a right of third party challenge to any Order so the period needed to be as long as possible to give the Council the flexibility to assess the situation and then commence the lengthy TRO process if necessary.

Councillor Miller enquired why the £20,000 could not be spent on solving the issue of parking measures now rather than Asda simply making a financial contribution and how would ASDA be able to monitor the efficient use of their delivery vehicles. He also enquired whether there was a need for this additional development.

Councillor Miller also referred to a previous report that claimed the proposal was not acceptable in highway terms and that there appeared to be nothing in this report to alter that decision.

Mr. Mattok commented that the new completed city-wide retail survey from RTP gave scope for additional convenience and comparison floorspace in the City over the next few years and it was considered that the proposed development would not adversely impact on the City Centre.

In relation to the parking, ASDA could not implement an on-street parking scheme themselves, as only the Council as traffic authority have the power to do this which is why the £20,000 payment was to be provided by ASDA for implementation if necessary.

Mr. Alistair Close, spokesperson for ASDA advised the Committee that the traffic survey was completed during the store's busiest nights of the week on the 14th and 15th May. Mr. Close stressed that these overnight deliveries had been for fresh produce only and there would be no food deliveries arising from the proposed mezzanine extension. The proposed development would lead to an additional five daytime deliveries could be expected through the week which had been verified by Environmental Health.

The movement of staff car parking to the North West corner of the site through the planning condition would free up an estimated 50 spaces, whilst ASDA are also prepared to enter into the Section 106 legal agreement proposed for a contribution to the costs of imposing on-street waiting restrictions outside the store.

Previously the delivery vehicles had sometimes only been packed three quarters full and ASDA would strive to use the vehicles more efficiently in the future to minimise the impact of store deliveries.

Mr. Close also commented that through their analysis, they had found the extension should result in a 4.5 percent increase in visits, which is not a significant increase and was deemed to be adequate by Officers of Development and Regeneration.

ASDA were agreeable to the condition of a travel plan and felt that it was an acceptable way forward.

Councillor Tye enquired as to why ASDA were not prepared to use the Southern Radial Route for any additional delivery vehicles and commented on the difficulty of enforcing the more efficient use of the delivery vehicles.

Mr. Close informed the Committee that the Washington Distribution Centre had advised that their current route was considered more efficient than the Southern Radial Route and that the HGV vehicles were not making significant movements in any event, which would not change with the extension.

Councillor T. Martin commented that he also could not understand why the Southern Radial Route was not used.

Councillor Miller commented that he did not consider how ASDA could adhere to their promise for more efficient use of delivery vehicles and that the staff parking in the North West corner also appeared unenforceable without some form of permit scheme.

Councillor Miller suggested that permits be given to staff so that they used the designated parking area.

Mr. Close advised that the points raised could be brought into the Travel Plan and enforced through the condition on the application.

Mr. Mattok informed the Committee of Condition Number 5 of the application which read:-

5. Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a management plan which identifies the relocation of staff parking to the north-west corner of the car park has been submitted to and approved in writing by the Local Planning Authority. The car park shall then be laid out in complete accordance with the agreed details and shall remain thereafter, in the interests of highway and pedestrian safety in accordance with Policy T14 of the UDP.

Councillor Miller commented that the Committee were not trying to cause problems for ASDA but he felt that there were issues with the development that needed to be addressed now as part of the consideration of the application and wanted to see staff permits for the car park.

Mr. Mattok advised that he could seek guidance on the issue.

Mr. Close commented that the issue could be addressed through the draft condition on this subject.

Mr. Mattok and Jonathan Rowson, Senior Solicitor advised that if Members were minded to go against Officer's recommendation, Members would be required to assist in defending their decision at appeal by giving evidence to the inquiry or hearing and the Council would be at risk of a costs award if the decision to refuse was considered unreasonable and the appeal was successful.

Mr. Mattok advised that in his professional view, there were no robust planning reasons to justify a refusal of the application.

Councillor Tye moved that the item be deferred to allow ASDA to work with the Council to seek to address the concerns he has identified.

Mr. Rowson advised that if the application were to be deferred, the Members would need to specify the reasons for the deferral and what additional information Members were requesting from the Applicant.

Councillor Miller seconded the motion to defer and commented that he wanted full clarification on the proposals for moving the existing staff parking provision and how ASDA intended to enforce these provisions.

Councillor Tye commented that he wanted clarification and justification on the routing of the additional service vehicles via Leechmere Road rather than the Southern Radial Route.

Accordingly the motion to defer the application was then put to the vote . 11 Members voted in favour of deferring the application with 5 voting against.

The motion to defer was therefore carried.

It was therefore:-

1. RESOLVED that:-

- (i) 08/04691/FUL – Installation of a mezzanine floor to the existing store – ASDA Superstore, Leechmere Road, Sunderland

The application be deferred so that the Applicant can produce the following additional information:-

- (a) full clarification as to how the proposal to move the staff parking provision at the store would be implemented and enforced.
- (b) clarification and justification for the routing of the additional service vehicles via Leechmere Road rather than the Southern Radial Route.

- (ii) 09/01165/VAR – Removal of Condition No. 11 of planning permission 06/03234/SUB for development of land to provide 19 dwelling houses with associated access, parking and landscaping (AMENDED DESCRIPTION 28.04.09) – Land to rear of Angram Drive, Sunderland

To either:-

- (i) Grant permission for the reasons set out in the report subject to the conditions set out therein and the completion of a Section 106 Agreement by 22nd July 2009, or such other date as agreed by the Director of Development and Regeneration; or
 - (ii) Refuse permission should the Section 106 Agreement not be completed by 22nd July 2009, or such other date as agreed by the Director of Development and Regeneration
- (iii) 09/01273/FUL – Redevelopment and extension to existing store, service area and adjacent retail units with associated works to car park and landscaping – Sainsburys, Silksworth Lane, Sunderland

The application be noted as withdrawn.

- (iv) 09/01749/LAP – Extension to existing tennis centre to provide play area – Silksworth Puma Tennis Centre, Silksworth Lane, Silksworth, Sunderland

The application be approved for the reasons set out in the supplementary report and subject to the two conditions contained therein.

Town and Country Planning Act 1990 – Appeals

The Director of Development and Regeneration submitted a report (copy circulated) concerning the above for the period 1st May to 31st May, 2009.

(For copy report – see original minutes).

2. RESOLVED that the report be received and noted.

(Signed) E. GIBSON,
Chairman.